

**FINANCIAL IMPACT STATEMENT
For Council Action Items**

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Becky Chiao		2. Telephone Number 503-826-2124		3. Bureau/Office/Department OMF/Risk Management		
4a. To be filed (date) April 14, 2011		4b. Calendar (Check One) Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> 4/5ths <input type="checkbox"/>			5. Date Submitted to FPD Budget Analyst April 6, 2011	

1) **Legislation Title:** *Pay Claim of Russ Gilbert, involving Bureau of Transportation.

2) **Purpose of the Proposed Legislation:** This ordinance will close OMF Risk Management File No. G2009-8010-01 for a total of \$50,000.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.

This legislation will have no impact on City revenue.

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)

Cost to the City is \$50,000. The source of funding is the City's Insurance and Claims Fund and PBOT payroll account. All cost of the settlement is in the current fiscal year.

Staffing Requirements:

5) **Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.)**

No.

6) **Will positions be created or eliminated in future years as a result of this legislation?**

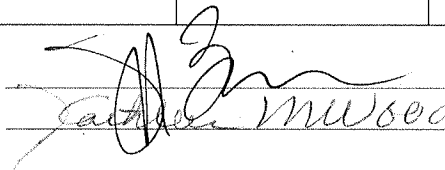
No.

Complete the following section only if an amendment to the budget is proposed.

7) Change in Appropriations (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.)

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

Jeff Baer, Director, BIBS
Kate Wood, Risk Manager





CITY OF PORTLAND, OREGON

Office of Management and Finance Risk Management Services

Sam Adams, Mayor
Kate Wood, Risk Manager
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DATE: March 25, 2011
TO: Mayor Sam Adams
FROM: Becky Chiao
503-826-2124

FOR MAYOR'S OFFICE USE ONLY

Reviewed by Bureau Liaison _____

RE: *Pay Claim of Russ Gilbert, involving Bureau of Transportation (emergency)

1. INTENDED THURSDAY FILING DATE: April 14, 2011
2. REQUESTED COUNCIL AGENDA DATE: April 20, 2011
3. CONTACT NAME & NUMBER: Becky Chiao, 503-826-2124
4. PLACE ON: CONSENT REGULAR
5. BUDGET IMPACT STATEMENT ATTACHED: Y N N/A
6. (3) ORIGINAL COPIES OF CONTRACTS APPROVED AS TO FORM BY CITY ATTORNEY ATTACHED: Yes No N/A

7. BACKGROUND/ANALYSIS

Russ Gilbert was a long-time employee with the Maintenance Bureau who is now retired after being placed on medical lay off status. He disputed the application of certain HR Administrative Rules regarding sick leave and FMLA. At one point, time charged as sick time was reversed and taken as vacation leave, against Mr. Gilbert's will. This settlement would repay Mr. Gilbert for that lost vacation time, an additional one month's salary as penalty wages provided by Oregon statutes and part of his attorney's fees for a total settlement of \$50,000.

This represents a compromise with Mr. Gilbert who brought a lawsuit against the city for more than \$1 million arguing that he was entitled to cash out his remaining accumulated sick leave upon retirement and that he had been retaliated against and forced into early retirement.

8. FINANCIAL IMPACT

Approval of the settlement would result in a payment of \$14,250 from the liability fund and a payroll payment from PBOT in the gross amount of \$35,750.

9. RECOMMENDATION/ACTION REQUESTED

Approve settlement of Russ Gilbert's claim in the sum of \$50,000.