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191621

Emergency Ordinance

*Authorize Settlement Agreement with Portland Fire Fighters' Association, International Association of Fire Fighters Local 43 and Robert Bedgood to settle a grievance and employment lawsuit involving Portland Fire & Rescue for \$220,450

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The City terminated Robert Bedgood on April 10, 2023.
2. Robert Bedgood, through attorney Gabriel Watson, has filed a lawsuit against the City alleging claims including employment discrimination, breach of contract, and negligence involving Portland Fire & Rescue on June 1, 2023.
3. Portland Fire Fighters' Association ("PFFA") filed a grievance on April 20, 2023, alleging the termination of Robert Bedgood was without just cause in violation of Article 26 and Article 13 of the previous CBA. The City denied the grievance. PFFA submitted the grievance to arbitration.
4. It is in the City's best interest to resolve the grievance prior to arbitration, and the resolution of the grievance should include a global resolution of all disputes between the parties, i.e., inclusive of Bedgood's lawsuit.
5. The parties tentatively agreed to resolve the grievance and lawsuit on the following terms:
 - A. City shall pay Robert Bedgood a total sum of \$220,450.08 payable as taxable lost wages, less lawful deductions.
 - B. City shall make a \$5,000.00 contribution to Robert Bedgood's VEBA account upon his June 2024 retirement.

Introduced by

[Mayor Ted Wheeler](#)

Bureau

[City Attorney](#)

Contact

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Deputy City Attorney

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

February 14, 2024

Time Requested

15 minutes

- C. City shall reinstate Robert Bedgood as Fire Captain in name only, from the date this Ordinance is passed through June 10, 2024 and report Bedgood's effective amended service dates to FPDR through his June 2024 retirement, I.e., as though the April 2023 termination did not occur.
- D. City shall pay Bedgood administrative leave from January 31, 2024 through his retirement, on or before June 10, 2024.
- E. City shall reinstate Bedgood's lost PTO accruals as recited in the settlement agreement.
- F. Robert Bedgood shall retire no later than June 10, 2024.
- G. PFFA will withdraw the grievance with prejudice.
- H. Robert Bedgood will release all claims against the City.
- I. The parties agree the settlement is non-precedent setting and no party will use this settlement as a basis for future settlements.


6. The City Attorney's Office and Risk Management Services recommend the lawsuit be compromised as part of the global settlement described in the Settlement Agreement attached as Exhibit A.

NOW, THEREFORE, the Council directs:

- A. The City Council approves the Settlement Agreement attached to this ordinance as Exhibit A, as well as payment of the monies and implementation of other terms referenced therein.
- B. The Mayor and Auditor are hereby authorized to draw and deliver a payroll check for wages from Portland Fire & Rescue in the gross amount of \$220,450.08, less deductions withheld, made payable to McKean Smith Trust Account.
- C. Payroll will execute a payment authorization in the amount set forth in sub-paragraph (B) above.

Section 2. The Council declares that an emergency exists in order to avoid undue and costly delay in settling this grievance and employment lawsuit; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2024/settlement-agreement-signed-by-bg-and-pffa.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2024/settlement-agreement-signed-by-bg-and-pffa.pdf) 722.2 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
February 14, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

This Ordinance settles a labor grievance and an employment lawsuit brought by Robert Bedgood, resulting from his employment with Portland Fire & Rescue.

Financial and Budgetary Impacts

This legislation will have no impact on City revenue.

Total cost to the City to settle the lawsuit is \$220,000. The source of funding is the City's Insurance and Claims Fund and Portland Fire & Rescue. All cost of the settlement is in the current fiscal year. This Ordinance does not amend the budget.

Community Impacts and Community Involvement

This Ordinance settles a labor grievance and employment lawsuit resulting from Robert Bedgood's employment with Portland Fire & Rescue. No public involvement or input was sought regarding this Ordinance. The City Attorney's Office and Risk Management have concluded that it is not appropriate to have public involvement in settlement negotiations regarding tort claims or lawsuits against the City.

No future public involvement is anticipated or necessary. Approval by City Council of this Ordinance will fully settle a grievance as well as a tort claim against the City of Portland.

100% Renewable Goal

This legislation will have no impact on City energy use.

Budget Office Financial Impact Analysis

This settlement will have a total cost to the City of \$220,000 from the City's Insurance and Claims Fund and Portland Fire & Rescue. All cost of the settlement is in the current fiscal year.

Agenda Items

141 Regular Agenda in [February 14, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/2/14)
(<https://www.portland.gov/council/agenda/2024/2/14>)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Absent

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea