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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

**ROBIN MORRISON**, an individual,  
  
Plaintiff,  
  
v.  
  
**PORTLAND PUBLIC SCHOOLS**, a  
government entity,  
  
Defendant.

) Case No.:  
)  
) **COMPLAINT**  
)  
) UNLAWFUL DISCRIMINATION ON THE  
) BASIS OF DISABILITY, ORS 659A.103 *et seq.*;  
) UNLAWFUL RETALIATION FOR REPORTING  
) DISCRIMINATION, ORS 659A.030(1)(f)  
)  
) NOT SUBJECT TO MANDATORY  
) ARBITRATION  
)  
) JURY TRIAL REQUESTED  
)  
) AMOUNT OF PRAYER: \$545,833.33  
)  
) FILING FEE: \$560.00 - ORS 21.160(1)(c)  
)

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Plaintiff alleges:

**INTRODUCTION**

1.

This is an action for disability discrimination and retaliation. Plaintiff Robin Morrison has been an employee of Defendant Portland Public Schools for more than thirty years. Ms. Morrison has served as both a teacher and an administrator during that time. After suffering symptoms attributed to her diagnosis of major depressive disorder and general anxiety disorder and needing a medical leave, Ms. Morrison took a year leave of absence to work overseas. Upon returning from that approved leave, despite having abundant job openings, the District has failed to place Ms. Morrison in a position. Ms. Morrison has been discriminated against for her

1 disabilities and retaliated against for pursuing her rights to be free from discrimination and to  
2 obtain reasonable accommodation for her disabilities.

3 **PARTIES & JURISDICTION**

4 2.

5 Plaintiff Robin Morrison (“Plaintiff”) is a resident of Portland, Multnomah County,  
6 Oregon. Plaintiff was employed by Defendant Portland Public Schools at all material times.

7 3.

8 Defendant Portland Public Schools (“Defendant”) is a local government entity charged  
9 with administering school system within the City of Portland.

10 4.

11 The Circuit Court of Oregon for Multnomah County has jurisdiction over this matter and  
12 over Defendant because Defendant is a local government entity located in Multnomah County,  
13 and the events of this action occurred in Multnomah County.

14 **FACTS**

15 5.

16 Plaintiff began working for Defendant in August 1988. Plaintiff successfully worked for  
17 Defendant through most of the next 30 years, earning promotions and advancements. Plaintiff’s  
18 last job classification is that of administrator. She is well qualified for both teaching and  
19 administrative positions.

20 6.

21 In early 2015, while Plaintiff was the Principal of Buckman Elementary School, she was  
22 diagnosed with major depressive disorder and general anxiety disorder.

23 7.

24 Shortly after the diagnosis, Plaintiff informed Defendant of her condition, and the need to  
25 take medical leave. Plaintiff’s doctor prescribed twelve weeks of leave.

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8.

Plaintiff's supervisor at the time, Larry Dashiell, told Plaintiff that her leave was too long because he needed Plaintiff to complete evaluations. Mr. Dashiell did not offer Plaintiff additionally time to complete the evaluations.

9.

Under pressure from her supervisor, Plaintiff took only five weeks of medical leave, considerably short of the twelve her doctor prescribed.

10.

When Plaintiff returned to work, Mr. Dashiell immediately placed her on administrative leave, asserting that staff and parents had complained about her. Plaintiff had not been informed of these complaints prior to this point. Plaintiff felt that Mr. Dashiell was displeased that she took medical leave at the time.

11.

The confrontation with Mr. Dashiell aggravated Plaintiff's condition, and she went on medical leave until December 2015.

12.

In December 2015, Plaintiff's doctor releases her back to work on a restricted basis. Plaintiff was not to return as a full principal, but would be able to work in a wide range of positions for which she was qualified.

13.

During Plaintiff's leave, Defendant had removed her from her principal position at Buckman Elementary School.

14.

Once medically cleared to return to work, Plaintiff requested defendant accommodate her medical needs. Plaintiff met with Defendant's human resources in January 2016 to participate in the interactive process for disability required by law.

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15.

By March 2016, Defendant had failed to find a position for Plaintiff. Plaintiff took an opportunity to work overseas, requesting leave from Defendant. Defendant approved the leave of absence through July of 2017. When Defendant approved this leave of absence, it told Plaintiff that she would be able to use the internal hiring process and retain her priority within Defendant’s system.

16.

Plaintiff applied for an extension of her leave in January 2017 so that she could continue teaching overseas for another year. Plaintiff was aware that Defendant customarily granted leaves of absence for two years.

17.

Unfortunately, in February 2017, Plaintiff suffered a severe ear infection. The infection required Plaintiff to return to Portland. Plaintiff informed Defendant she would be cancelling her leave request for the 2017-2018 school year and returning to work with Defendant.

18.

In March 2017, one of Defendant’s human resources (“HR”) employees told Plaintiff that Defendant would process the leave change and Plaintiff’s return to work. The HR employee told Plaintiff that Defendant would be in contact with her soon.

19.

On March 21, 2017, Plaintiff emailed the HR employee to inquire about the status of her return. The HR employee informed Plaintiff that another HR employee would be her contact for the process.

20.

On April 25, 2017, Plaintiff had not heard from the designated contact. Therefore, she emailed the contact about her process of return. The HR contact did not response to Plaintiff for nearly another month.

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21.

On May 1, 2017, still having heard nothing, Plaintiff contacted Sean Murray, Defendant's Chief Human Resources Officer at the time. Mr. Murray replied the next day, stating that Plaintiff would have to go through external hiring process. That information was contrary to what Defendant had informed Plaintiff when she took her leave of absence.

22.

On May 23, 2017, the designated HR contact replied to Plaintiff's April 25, 2017 email, stating there were no updates and that he would update Plaintiff soon. He never contacted Plaintiff after that email.

23.

On June 6, 2017, Plaintiff's legal counsel sent Defendant a letter reporting Plaintiff's concerns about disability discrimination, retaliation and requesting that the interactive process required by law continue.

24.

On July 7, 2017, through counsel, Defendant informed Plaintiff that it would work with Plaintiff to find a position.

25.

Defendant did not hire Plaintiff for any positions she applied to, nor did Defendant contact her about any placement accommodations. Contrary to Defendant's previous statements, Plaintiff was again told she would have to apply as a new hire.

26.

On information and belief, for the 2017-2018 school year, Defendant hired at least fifty employees for administrative positions that would have been suitable for Plaintiff.

27.

On information and belief, Defendant has accommodated other employee's medical and disability needs.

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28.

On information and belief, Defendant has found equivalent positions for employees that return from leaves of absence.

**FIRST CLAIM FOR RELIEF**

**(Unlawful Discrimination on the Basis of Disability – ORS § 659A.103 *et seq.*)**

29.

Plaintiff realleges all relevant paragraphs herein.

30.

Plaintiff is a person with a disability as defined in ORS 659A.104.

31.

Defendant is an employer subject to ORS § 659A.103 *et seq.* because it has more than 6 employees.

32.

Plaintiff informed Defendant of her disabilities and her need for accommodation.

33.

Plaintiff could perform the duties of several positions available with Defendant, with or without further accommodation from Defendant.

34.

Plaintiff repeatedly attempted to participate in the interactive process to obtain accommodation for her disabilities.

35.

Defendant failed to complete the interactive process and provide reasonable accommodations for Plaintiff’s disabilities.

36.

Defendant had positions that Plaintiff was qualified for and were available. Defendant did not place Plaintiff in any of those positions.

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37.

Defendant discriminated against Plaintiff on the basis of her disabilities.

38.

Because of Defendant’s discrimination, Plaintiff suffered economic damages in the form of lost wages and benefits, including lost future earnings in an amount to be proven at trial. These damages are alleged to be continuing at the rate of approximately \$9,166.67 in salary, plus benefits, per month. As of the date of filing, Plaintiff’s economic damages are approximately \$45,833.33, plus benefits.

39.

Because of Defendant’s discrimination, Plaintiff suffered non-economic damages in the form of emotional distress, mental anguish, loss of reputation, and stress, in an amount to be proven at trial. These damages are alleged to be \$500,000.00.

40.

Plaintiff is entitled to reinstatement in a suitable position, with back wages, pursuant to ORS 659A.885. Plaintiff intended to work with Defendant until age 65 and is entitled to front pay, plus benefits, if reinstatement is impracticable.

41.

Pursuant to ORS 659A.885 and ORS 20.107, Plaintiff is entitled to reasonable attorney fees, costs, and disbursements.

42.

Pursuant to ORS 82.010, Plaintiff is entitled to pre and post-judgment interest in the amount of nine percent (9%) per annum.

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1 **SECOND CLAIM FOR RELIEF**

2 **(Unlawful Retaliation regarding Discrimination – ORS § 659A.030(1)(f))**

3 43.

4 Plaintiff realleges all relevant paragraphs herein.

5 44.

6 Upon Plaintiff's return from her leave overseas, Defendant retaliated against Plaintiff for  
7 her requests to accommodate her disabilities. Defendant refused to place Plaintiff in available  
8 positions for which she was qualified.

9 45.

10 Defendant's retaliation resulted in Plaintiff not having a position for the 2017–2018  
11 school year.

12 46.

13 Because of Defendant's retaliation, Plaintiff suffered economic damages in the form of  
14 lost wages and benefits, including lost future earnings in an amount to be proven at trial. These  
15 damages are alleged to be continuing at the rate of approximately \$9,166.67 in salary, plus  
16 benefits, per month. As of the date of filing, Plaintiff's economic damages are approximately  
17 \$45,833.33, plus benefits.

18 47.

19 Because of Defendant's retaliation, Plaintiff suffered non-economic damages in the form  
20 of emotional distress, mental anguish, loss of reputation, and stress, in an amount to be proven at  
21 trial. These damages are alleged to be \$500,000.00.

22 48.

23 Plaintiff is entitled to reinstatement in a suitable position, with back wages, pursuant to  
24 ORS 659A.885. Plaintiff intended to work with Defendant until age 65 and is entitled to front  
25 pay, plus benefits, if reinstatement is impracticable.

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49.

Pursuant to ORS 659A.885 and ORS 20.107, Plaintiff is entitled to reasonable attorney fees, costs, and disbursements.

50.

Pursuant to ORS 82.010, Plaintiff is entitled to pre and post-judgment interest in the amount of nine percent (9%) per annum.

**JURY DEMAND**

Plaintiff demands a jury trial for this action pursuant to ORS 659A.885(3)(b).

WHEREFORE, Plaintiff prays for the relief as set forth in this Complaint, together with such other relief that the Court finds just and equitable.

DATED this 8th day of January, 2018.

GRIGGS LAW GROUP P.C.

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