

January 20, 2005

05-048

AUTHORITY TO REQUEST ASSISTANCE FROM THE  
OREGON SCHOOL BOARDS ASSOCIATION LEGAL  
ASSISTANCE TRUST

PREPARED BY: Jerry Donnelly, Director of Human Resources

APPROVED BY: Randy McEwen, Vice President, Administrative Services  
Dr. Preston Pulliams, District President

REPORT: Portland Community College has been named as a defendant in a case involving an employee allegedly harmed by changes made by the 2003 Oregon Legislature to the Public Employee's Retirement System (PERS). The employee is suing Portland Community College alleging injury in changing the employee's status as a PERS Tier 1/Tier 2 member to a member of the Oregon Public Service Retirement Plan on the basis of the provisions commonly referred to as "Break-in Service." The employee is one of several employees suing their respective employers and PERS over the implementation of this break-in-service provision, which is a part of the recent "PERS reform" legislation.

RECOMMENDATION: That the Portland Community College Board of Directors request assistance from the Oregon School Boards Association Legal Assistance Trust to assist Portland Community College with the costs of litigation.

Director Germond moved for approval of Resolutions 05-043 through 05-050 by consent agenda and it passed unanimously.