

Local

Hearing set in BMCC lawsuit

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Hudson, who is represented by attorney Thomas F. Spaulding of Portland firm Spaulding & Potter LLP, filed the lawsuit on November 4, 2016, about three weeks after a Baker County Commission work session was held, on Wednesday, October 12, 2016, during which BMCC budget and service issues were discussed, with, among others, BMCC President Camille (Cam) Preus, members of the Baker School District 5J, and Pine Eagle Charter School District Superintendent Cammie DeCastro (as detailed in the Friday, October 14, 2016 issue of *The Baker County Press*).

Hudson brought these issues to the County Commission's attention during its regular session, on Wednesday, September 21, 2016 (as detailed in the Friday, September 23, 2016, and Friday, September 30, 2016 issues of *The Baker County Press*). Hudson was employed by BMCC from June 5, 2006, through July 30, 2015. According to her complaint, her title was changed from AVP to Director in September 2014, along with similar changes to the titles of two other BMCC employees in their mid-sixties, part of Hudson's claim of age discrimination.

Hudson claims, prior to being terminated, she disclosed and/or reported to senior BMCC officials the following: gross mismanagement of college funds, to the disadvantage of BMCC's Baker County and other remote site campuses; unequal distribution of grant funding; lack of quality facilities; inequity in distribution of Associated Student Government (ASG) fees; mismanagement in faculty budget; and

manipulation to qualify for federal aid, all of which she "...reasonably believed...was evidence of violation of state, federal or local law, rule or regulation."

Hudson claims that, on July 30, 2015, "...citing pretextual reasoning, Defendant BMCC issued Plaintiff a letter of dismissal, and told Plaintiff to resign or she would be fired. Plaintiff resigned." She sent a letter, dated January 30, 2016, to BMCC, and, according to her complaint, she "...provided timely notice of claim to Defendant BMCC under ORS 30.275."

BMCC, represented by attorney Karen M. Vickers (among others listed), of Portland firm Mersereau Shannon LLP, admits that Hudson had sent a letter dated January 30, 2016, but denies the rest of the foregoing allegations.

On March 25, 2016, Hudson submitted a complaint to the Oregon Bureau of Labor and Industries (BOLI), alleging whistleblowing violations, and age discrimination, among other claims. On August 10, 2016, BOLI issued a Notice of Right to File a Civil Suit within 90 days, or by November 8, 2016, and Hudson claims the filing of the lawsuit was timely commenced before that date (the lawsuit was filed on November 4, 2016).

BMCC admits that the complaint to BOLI was submitted, on the date Hudson specified, and that BOLI issued a Notice of Right to File a Civil Suit, on August 10, 2016, "...on the basis that it did not find sufficient evidence to continue its investigation..." BMCC denies that the filing of the lawsuit was timely commenced.

According to BMCC's answer, it lists the following, among other potential

defenses: Failure to State a Claim; Oregon Tort Claims Act; Legitimate Non-Discriminatory Reasons; Failure to Mitigate; and Statute of Limitations.

On December 30, 2016, as part of the lawsuit, Hudson had sent a Request For Admissions to BMCC, with seven requests, and BMCC responded on January 25, 2017, with the following:

Hudson's Request No. 1: "Aside from Peggy Hudson, BMCC has not disciplined any other employee for falsifying a time sheet." BMCC: "Object to this request, on the basis it is an incorrect statement of fact. Plaintiff was not disciplined for falsifying a times sheet, but rather, because she instructed an employee to falsify a time sheet."

Request No. 2: "Aside from Peggy Hudson, BMCC has not disciplined any other employee for disregard of proper budgeting." BMCC: "Admit, with the caveat that other employees have been verbally counseled for going over budget, but have corrected the problems."

Request No. 3: "Aside from Peggy Hudson, BMCC has not disciplined any other employee for violating BMCC's procedures regarding proper use of Electronics Information Resources (EIR)." BMCC: "At this time, BMCC is unaware of any other employee being reprimanded for violating procedures for proper use of Electronics Information Resources (EIR)."

Request No. 4: "Aside from Peggy Hudson, BMCC has not disciplined any other employee for scheduling part-time employees in violation of the Faculty Collective Bargaining Agreement." BMCC: "Admit, with the caveat that no other BMCC director used adjunct em-

ployees over the hours set by the Faculty Collective Bargaining Agreement."

Request No. 5: "During all or some of the period of Peggy Hudson's employment, BMCC had set a goal to increase its overall percentage of Hispanic students to 25%." BMCC: "Admit that BMCC wanted to apply for Developing Hispanic Services Institutions Program grants, and enrollment of 25% Hispanic students was required to apply."

Request No. 6: "During all or some of the period of Peggy Hudson's employment, BMCC received more in ASG fees paid by Baker County students, than BMCC returned to the Baker facility." BMCC: "Admit that Baker County received the ASG funds requested, but that amount may not have totaled all ASG fees paid by Baker County."

Request No. 7: "During all or some of the period of Peggy Hudson's employment, Baker County was not the only BMCC facility to run a deficit." BMCC: "Admit, however, Baker County was the only program to continually run a deficit during Plaintiff's employment."

Hudson's claim amount includes \$138,225.28 for back pay, from August 1, 2015, through June 30, 2017; \$50,000 in lost benefits, for the same period; and \$275,000 in compensatory damages, for future monetary losses, mental and emotional harm, pain, humiliation, suffering, inconvenience, loss of enjoyment of life, damage to reputation, and other non-monetary losses.

The pre-trial hearing is set for Thursday, May 25, 2016, 8:30 a.m., in Baker County Circuit Court, with Judge Greg Baxter presiding.

City goals

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Other tasks still needing to be achieved were staffing concerns in both the Police and Fire Departments. Chief Lohner said he thought he is currently adequately staffed but could benefit from an additional officer. Fire Chief Wills feels completely opposite, stating he is understaffed by about three full-time staff.

At the goal-setting session last year, Council felt adding a task to this Goal of exploring the Railroad quiet zone was worthwhile. At least one City Council meeting addressed this concern and took public testimony. After researching options, it was found to be financially unrealistic to pursue and was removed from the list.

The last task for this goal was to identify street funding option, which Michelle Owen said is challenging but ongoing.

Council found that there would be value to enhancing an Economic Development plan. Robin Nudd was hired in September of 2016 to take on the challenges of reviewing and evaluating the program. In the coming year, Council expects to see strides toward improvements to current programs by evaluating options for a City-focused economic development and finding resources available to improve that plan.

Nudd is currently working with the Main Street USA program, although just forming the beginning stages she expects the program to be successful. This will also remain as an ongoing Council goal.

Implementing an asset maintenance schedule will be an ongoing goal.

The City is constantly on top of inventory, inventory needs and prioritizing those needs. However, funding can be challenging and will be continually sought after. Council did not have any luck in involving the citizens. One task under this goal was to improve the audio/visual system in Council Chambers. That was not accomplished and will therefore stay on the list.

Council also wanted to encourage better communication with boards and commissions. In the past year, more of them are presenting to council than they were. Council identified a new task for this goal by realizing the need to improve recruitment for boards and commissions. There are several vacancies on several different boards and commissions.

Maintaining and enhancing water security is an ongoing goal for this Council. Fuel reduction in the watershed is a big concern that needs to be seriously focused upon. Improving communications with all entities to keep focus on what is at stake will continue to be ongoing. Establishing a water rate structure that will not burden the community yet provide adequate funding to support an aging infrastructure is also ongoing.

Exploring e-billing was completed and the City is planning to launch that as an option soon and the City within the last year has switched to billing monthly for water.

Owen is pursuing ground water options that could provide safe drinking water and that will continue. This Council intend to promote government integrity by taking advantage of opportunities for education and training.

City Manager Fred Warner even talked about some training sessions available by video. He suggested that perhaps all council could take advantage of these videos. He also spoke of regional meetings that could be taken advantage of also.

The Council wants to promote effective budget management. Tasks that are constantly ongoing are evaluation of contracts and MOUs for cost savings, always being on the lookout for way to improve, including review of capital plans and requiring cost effective budgets.

Other new goals added included exploring a 911/EMS/fire special district, coordinating efforts to help support local businesses remain vital and to welcome new businesses, explore marketing options for Baker County/Baker City possibly by video and to re-explore a plan to move to LED lighting.

Overall, it was evident that strides have been made in achieving previous goals but many are the types of goals that are longer-term goals and will be ongoing for some time.

OTEC scholarship winners announced

Oregon Trail Electric Cooperative (OTEC) is pleased to announce the winners of the 2017 OTEC Scholarship Awards.

Baker County Recipients: Thomas Dunn, Tyrel Everson, Allisyn Ferdig, Kourtney Lehman, Kimberly Nelson, Hollis Robb, Erik Ruby, Ryan Schwin.

Grant County Recipients: Hannah Brandsma, Jessica Carter, James Clay Johnson, Jamie Waltenburg.

Harney County Recipients: Mason Dahl, Gabrielle Gibbon, Jackson Thein, Jacob White.

Union County Recipients: Isaac Colton, Emily Faulk, Heather Keniry, Caitlyn Robinson, Abby Tescher, Hannah Wilhelm, Lena Johnson, Riley Merrigan, Hailey Patterson, Margaret Sheehy.

Since the launch of the scholarship program, in 2000, OTEC has awarded 401 scholarships to local youth with a total over-all investment of approximately \$1,159,000. Each student will receive a scholarship of \$5,000.

Said OTEC's General Manager Les Penning. "This scholarship award, funded by interest from unclaimed capital credits, represents OTEC's commitment to community. It is one of our fundamental values and operating principles and our scholarship program is an incredibly rewarding way to see this value integrated into the future of our communities."

Applications for 2018 scholarships will be made available online starting November 2017. For more information please visit: www.otecc.com.

Community Connection offers chronic disease workshop

BY SAMANTHA O'CONNOR
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Community Connection of Northeast Oregon is offering a free six week Chronic Disease Self-Management Living Well Workshop every Wednesday until May 17th.

The first workshop was held April 12th and will continue at Community Connection on 2810 Cedar Street.

If people are unable to make it to the first workshop, they are able to attend the second and will be given the materials needed for the rest of the workshops.

The workshops will focus on the self-management of chronic diseases such as chronic pain, diabetes, depression, asthma, and other physical and mental health conditions.

The workshops are taught by Rochelle Hamilton, Executive Assistant at Community Connection of Northeast Oregon.

The workshops will help people of all ages learn techniques to deal with problems including fatigue and pain.

All participants receive a free "Living a Healthy Life with Chronic Conditions" book.

"We talk about medications, we do decision-making, action-planning is every week," explained Hamilton. "We go over breathing techniques, understanding our emotions because a lot of times when you have a chronic condition your emotions are all over the place."

"We do problem solving weeks two through six. We use your mind, sleep, communication—we work on better communication because a lot of times when you have a chronic illness, you don't communicate what you really need and you just assume people know what you are going to need and you don't—healthy eating and weight management, and then

working with your health care professionals."

At the end of each workshop, participants will work on action planning, where they set a goal they want to accomplish that week.

The plans include what action people are going to do, how much they will do, when they will do it, and how often or how many days a week they will do it. The action could include going on short walks every week or read for a certain amount of time, and other specific actions that work according to their lives.

Participants are given an Action Plan Form where they write down what they will do, how confident they are from zero to 10, and a week day check off list.

Beginning in the second session, participants will give action plan feedback to discuss problems they met that week and brainstorm ideas on what they can do in the future to avoid or fix those prob-

lems.

"We want them to have a confidence level of a seven or more," said Hamilton. "Because if you don't feel confident that you're going to get it done, you're probably not going to get it done, because in your mind you've already stated; 'Oh, it's about a two that I can get this done.'"

"And then we discuss what are barriers that you think are going to happen to keep you from doing it. A lot of people say they are going to walk and then, 'Well, it depends on what the weather is,' well have a backup plan; go walk at Walmart if the weather is bad, park further out in the parking lot than closer so you have to spend that time walking in."

The workshops also discuss breathing, preventing complications, stress management, relaxation techniques, monitoring blood sugar, depression, positive thinking, sick days, and future plans.

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