

## LRB-FISCAL REVIEW SECTION ANALYSIS

JUDICIARY AND LEGISLATION COMMITTEE

ITEM 2, FILE # 020421

JULY 9, 2002

MARK A. RAMION

File # 020421 is a resolution to authorize settlement of the disability charge entitled Michael R. Daniels v. City of Milwaukee, *et al*, EEOC Charge No. 26GA01278, EDR Case No. CR200001917.

### **Background**

This resolution authorizes settlement of disability charge entitled Michael R. Daniels v. City of Milwaukee, *et al*, EEOC Charge No. 26GA01278, EDR Case No. CR200001917.

### **Discussion**

1. This resolution authorizes a private settlement between the charging party and the City of Milwaukee where the charging party claimed discrimination based upon refusal to provide reasonable accommodation for disability in October 1999.
2. The claimant was employed as a Sanitation Supervisor for the Department of Public Works, Sanitation Division. He alleged that he was forced to resign his employment in October 1999. He subsequently applied for and received disability pension.
3. The parties involved have agreed to a private settlement representing attorney's fees, reinstatement to employment and former position with DPW-Sanitation, restoration of pension contributions and pension service credit and reimbursement of disability pension allowance to the Employee's Retirement System (ERS).
4. This resolution represents final settlement of this case in which the claimant will waive and release any and all claims against the City of Milwaukee and its departments, including all claims for back pay and compensatory damages.

### **Fiscal Impact**

1. The total amount of this resolution is approximately (pending interest calculation) \$91,070.00 from the following accounts:
  - Salary and Wages, DPW –Operations-Sanitation - **\$7,870** + interest for pension service credit.
  - Damages and Claims - **\$28,000** for attorney's fees and costs.
  - Damages and Claims - **\$55,200** + interest for ERS reimbursement

2. On July 1, 2002, the Damages and Claims Special Purpose Account had a balance of \$909,719.87, excluding encumbrances. Upon approval of this resolution and File # 020419 under consideration at this meeting, this account will have a 2002 balance of \$130,233.67.

**Further Information**

The City Attorney reports in a June 19, 2002 letter to the Common Council that the 2002 Damages and Claims Special Purpose Account will have an approximate foreseeable shortfall of \$778,573.

On July 11, 2002, the Finance and Personnel Committee will consider File # 020405, a resolution authorizing an appropriation of \$800,000 from the Common Council Contingent Fund to the Damages and Claims Special Purpose Account.

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