

Concerning Judiciary & Legislation Item No. 6:

021794

DPW



Department of Public Works

Mariano A. Schifalacqua  
Commissioner of Public Works

James P. Purko  
Director of Operations

April 14, 2003

Alderman Michael S. D'Amato, Chair  
Judiciary and Legislation Committee  
City Hall, Room 205

Dear Alderman D'Amato:

Your April 9, 2003 letter requested that I review the circumstances leading up to the pending \$290,000 payment to Steven Lemery resulting from his EEOC claim against the City and the Department of Public Works (DPW).

Mr. Lemery was placed on administrative leave by DPW on April 16, 1998 because of his inability to perform the essential functions of his classification, Bridge Laborer II, due to medical restriction. This action was not a unilateral decision of the DPW; in fact, it occurred only after extensive consultation with the appropriate City agencies including the Milwaukee Health Department, Department of Employee Relations and the City Attorney's Office. The Milwaukee Health Department arranged an independent medical evaluation and a fitness for duty evaluation for Mr. Lemery in 1998. Both of these evaluations concluded that Mr. Lemery could not perform the essential duties of a Bridge Laborer II.

In conclusion, I believe Mr. Lemery's situation was handled in accord with existing City policies. Unfortunately, a difference of medical opinion existed between the City medical staff and Mr. Lemery's personal physician and the City was unsuccessful defending Mr. Lemery's claim in the State judicial system.

Sincerely,

Mariano A. Schifalacqua  
Commissioner of Public Works

MAS:JPP:dr