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January 23, 2013

To the Honorable Judiciary and Legislation
Committee of the Common Council
of the City of Milwaukee
City Hall, Room 205

Re: Substitute resolution to approve settlement in the matter of
John G. Tranetzki v. City of Milwaukee, Equal Rights
Division of the State of Wisconsin Department of Workforce
Development, Equal Employment Opportunity Commission
Common Council File No. 121344

Dear Council Members:

Enclosed please find a substitute resolution to approve the settlement agreement in the matter of *Tranetzki v. City of Milwaukee*, which settles cases that are pending before the Equal Rights Division for the State of Wisconsin (ERD) and the United States Equal Employment Opportunity Commission (EEOC). We are recommending approval of this settlement agreement. Copies of the settlement agreement, resolution, and fiscal impact statement are enclosed.

Mr. Tranetzki filed complaints with the ERD and EEOC alleging discrimination on the basis of age in the terms and conditions of his employment and in the elimination of his position of Network Administrator in the Health Department in the 2010 city budget. After the elimination of the Network Administrator position, Mr. Tranetzki was placed in the position of Environmental Health Specialist I and has been working in that position since December 27, 2009. The difference in the annual salaries between the two positions is approximately \$30,500.00. A hearing before an Administrative Law Judge of the ERD was held in April, 2012. A preliminary decision was issued by the Administrative Law Judge on October 31, 2012 finding that the city had discriminated against Mr. Tranetzki and awarding Mr. Tranetzki back pay (the difference in salary between the Network

Administrator position and the Environmental Health Specialist I position) from December 27, 2009 until reinstatement in the Network Administrator position or a comparable position, attorneys' fees and costs, and reinstatement in the Network Administrator position or a comparable position.

This settlement agreement resolves all of Mr. Tranetzki's claims for damages, with no admission of liability, before the ERD preliminary decision becomes final. Under the terms of the settlement agreement, Mr. Tranetzki will retire as of February 20, 2013 eliminating the necessity for the city to reinstate Mr. Tranetzki.

This matter is scheduled for your consideration at your January 28, 2013 committee meeting in closed session for the purpose of conferring with the City Attorney pursuant to Wis. Stat. § 19.85(1)(g), followed by open session for action as part of the regular agenda.

Very truly yours,

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

GFL:RMK:wt

Enclosures

c: James Owczarski, City Clerk

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