

June 18, 2002

Honorable Common Council
Of the City of Milwaukee
City Hall—Room 205

Re: Resolution to authorize settlement of disability discrimination charge entitled Michael R. Daniels v. City of Milwaukee, et al, EEOC Charge No. 26GA01278, ERD No. CR200001917.

Dear Council Members:

Enclosed please find a resolution authorizing the private settlement between Mr. Michael R. Daniels and the City of Milwaukee regarding the above captioned discrimination charges.

Mr. Daniels was employed as a Sanitation Supervisor for the Department of Public Works, Sanitation Division. In May 2000, he filed charges at the Equal Rights Division for the State of Wisconsin, and the Equal Employment Opportunity Commission alleging disability discrimination and failure to provide reasonable accommodation. He alleged that he was forced to quit his employment in October 1999 and subsequently applied for and received disability pension.

The parties now desire to enter into a private settlement in order to avoid further litigation, including claims under the Americans with Disabilities Act, as well as further administrative claims.

Under the terms of the settlement, Mr. Daniels will be reinstated to his position of Sanitation Supervisor. As a result of his returning to payroll, and under the terms of Charter

Ordinance 36-07.3, Mr. Daniels will also be restored membership in the Employee Retirement System under his prior pension number, and his disability retirement allowance will cease. The settlement provides that the City shall reimburse the ERS the sums Mr. Daniels received in disability allowance, and shall make the required pension contributions to restore the pension service credit Mr. Daniels would have earned had he not been separated from payroll in October, 1999. Further, the lump sum payment Mr. Daniels received upon retirement will be reimbursed, with Mr. Daniels and the City each paying one half of that amount.

In addition to the foregoing, Mr. Daniels will be reimbursed \$28,000 that he has paid in attorneys' fees and costs. In return, Mr. Daniels waives and releases any and all claims against the City and its departments, including all claims for back pay and compensatory damages.

The City Attorney believes settlement is in the best interest of the City and therefore recommends settlement of this lawsuit.

The City Attorney requests that the Committee to which this matter is referred convene in closed session for purposes of discussing the terms of this settlement, and the underlying litigation.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
Assistant City Attorney

MRH/mrh
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cc (w/enc): Thomas E. Hayes
Dan M. Thomas