

LRB – FISCAL REVIEW SECTION ANALYSIS
MARCH 14, 2001 AGENDA

ITEM 14, FILE 001557
ITEM 15, FILE 001558

FINANCE & PERSONNEL COMMITTEE

Hattie E. Billingsley

These two resolutions pertain to the retention of consulting and expert assistance in the case of DeBraska et al v. City of Milwaukee, U.S. District Court, Eastern District of Wisconsin, Case No. 96-C-402. File No. 001557 is a resolution appropriating funds from the Outside Counsel/Expert Witness Fund for the purpose of retaining experts and outside legal counsel in this case. File No. 001558 is a resolution authorizing the engagement of a consultant to assist in the compilation of records pertaining to police officer compensatory time off in conjunction with the above litigation.

Background

1. The Outside Counsel/Expert Witness Fund SPA covers the cost of hiring expert witnesses and outside counsel in legal cases. Funds are approved on a case by case basis and appropriated to a sub-account under City Attorney's expenditure authority by Council resolution. The City Attorney's office tracks costs for each case.

Discussion

1. The MPA, along with numerous police officers brought suit against the City in April 1996 alleging the City had failed to comply with the requirements of the Fair Labor Standards Act (FLSA) in respect as to how the MPD administered police officer access to earned and accrued compensatory time off (CTO) balances. In September 2000 the Court ruled that the MPD failed to comply with FLSA requirements and ordered further proceeding as to the damages and/or remedies to which the MPA may be entitled from the City. This matter was referred to the Wisconsin Employment Relations Commission (WERC) for mediation in February with a target completion date of July 1, 2001.
2. To date \$8,000 has been appropriated for expert witness fees for this case (File #970119). The remaining balance in the appropriation is \$61. The City Attorney is requesting \$8,000 for the purpose of continuing funding for expert witness fees for this case. The City Attorney has retained Seyfarth Shaw for this purpose.
3. The City Attorney's staff will also need to provide the WERC mediator with CTO records for pay period 8 of 1993 through the present time. Currently the city departments contacted by the City Attorney's staff have not been able to provide the necessary records, and it is not certain they will be able to provide the necessary records in a timely and acceptable format. The City Attorney's Office, in conjunction with Mr. Randy Gschwind of DOA's ITMD, has determined the best method to obtain the records in a format which will be most acceptable to the mediator would be to engage an outside consultant to assist in the compilation, summarization and presentation of the City's records pertaining to police officers CTO accrual, usage and balances from pay period 8 of 1993 to the present time.
4. The estimated cost for a consultant to provide this service is \$15,000 to \$25,000. The City Attorney would use funds budgeted in the Outside Counsel/Expert Witness Fund SPA for this purpose.

Fiscal Impact

1. The current balance in the Outside Counsel/Expert Witness Fund is \$500,000. There are sufficient funds currently available in this account to provide the requested funds of \$8,000 and \$25,000.

Other Information

1. The Committee will consider one other request to allocate funds of \$10,000 from the Outside Counsel/Expert Witness Fund SPA, at this meeting.

Cc: Marianne C. Walsh
Grant Langley
Laura Engan
W. Martin Morics

Prepared by Hattie E. Billingsley
LRB – Fiscal Review
March 12, 2001