

August 30, 2004

The Honorable Common Council  
Of the City of Milwaukee  
City Hall – Room 205

Re: Resolution to authorize settlement of a pending administrative proceeding entitled *Sharon Probst v. City of Milwaukee*, Department of Public Works, EEOC Charge No. 260-2004-01919 and ERD Case No. CR200400739; and another administrative proceeding that was threatened but unfiled

Dear Council Member:

Enclosed please find a resolution authorizing settlement of the above captioned litigation and threatened litigation.

On January 23, 2004 Sharon Probst filed a charge of discrimination based on age, disability and retaliation with regard to disciplinary suspensions (EEOC Charge No. 260-2004-01919C) against the City of Milwaukee and Milwaukee Department of Public Works. The parties agreed to mediate the aforementioned charge under the auspices of the United States Equal Employment Opportunity Commission. However, before the ultimate date set for mediation arrived Ms. Probst became involved in a further misconduct matter and as a result she was discharged. When the parties assembled at the appointed time and place for mediation for the pending charge of discrimination, Ms. Probst, through counsel announced the intention to file a new charge of discrimination based upon age, disability and retaliation growing out of the transaction resulting in her discharge.

Ms. Probst suffers from a bipolar disorder, she is over 40 years of age and she has filed prior charges with the EEOC under fair employment laws. She is a member of a protected class under the Age Discrimination in Employment Act of 1967, as amended and the Americans With Disabilities Act of 1990, as amended. Further, she is a member of more than one protected class under Title VII of the Civil Rights Act of 1964, as

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amended. All of Ms. Probst's misconduct involved disturbances affecting co-employees and members of the public.

In consideration of the payment to Ms. Probst of the gross sum of \$33,869.34, which is equal to Ms. Probst's salary for one year and two weeks, she agrees to withdraw her charge of discrimination already filed in two forums; and she will forebear from filing a new charge growing out of her discharge, or any new charges growing out of the pending charge. The pending charge with EEOC, Charge No. 260-A40-1919 is cross-filed with the State of Wisconsin Equal Rights Division as ERD Case No. CR200400739. By terms of this agreement the claims in both forums are to be withdrawn

The parties have entered into a settlement through the EEOC in order to avoid further litigation. Under the terms of the settlement, Sharon Probst will receive a total of \$33,869.34 to cover any and all claims that could have been brought, including back pay, compensatory damages, lost benefits, reinstatement, attorney fees, and costs. There is no admission of liability.

The City Attorney believes settlement is in the best interests of the City and therefore recommends settlement of the pending administrative proceedings in two forums and the threatened additional administrative proceeding.

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

Very truly yours,

GRANT F. LANGLEY  
City Attorney

LEONARD A. TOKUS  
Assistant City Attorney

GFL:LAT:enm  
Enclosure  
1047-2004-274/82116