

**LRB-FISCAL REVIEW SECTION ANALYSIS**

**FINANCE AND PERSONNEL COMMITTEE**

**ITEM 1, FILE # 020378**

**JULY 11, 2002**

**MARK A. RAMION**

File # 020378 is a resolution approving settlement in the action entitled Bradley DeBraska, et al. v. City of Milwaukee, U.S. District Court Case No. 96-C-402, and authorizing expenditure of funds from the Damages and Claims Special Purpose Account for implementing the settlement terms.

**Background**

1. This resolution approves the settlement of the case entitled Bradley DeBraska, *et al.* v. City of Milwaukee, U.S. District Court Case No. 96-C-402, regarding whether the prevailing system in effect with the Milwaukee Police Department (MPD) for affording police officers access to their accrued compensatory overtime complied with applicable requirements imposed by the Fair Labor Standards Act (FSLA).
2. The U.S. District Court issued a decision that the prevailing system was not in compliance.

**Discussion**

1. The terms of the settlement provide for the following:
  - Payment of a stipulated amount to certain police officers (\$10.00 each)
  - Payment by the city to counsel for the plaintiffs of a stipulated amount representing attorney's fees (representing less than 50% of the total attorney's fees)
  - Certain revisions to the provisions of the collective bargaining agreement between the city and the Milwaukee Police Association pertaining to overtime benefits.
2. The City Attorney has determined that further pursuit in defense of the city's position regarding the issue of compensatory time off would contain difficulties and uncertainties.
3. This settlement also includes dismissal of the pending case with prejudice and a waiver and release of any additional claims by the plaintiffs.

## Fiscal Impact

1. The total amount of this resolution is \$226,291.50, to be expended from the Damages and Claims Special Purpose Account.
2. The total expenditure includes an amount **not to exceed \$10,000** for payments to eligible current and former police officers. **\$216,291.50** of this expenditure is for attorney's fees, costs and expenses of counsel for the plaintiffs.
3. If this resolution is approved, and based upon resolutions considered at the Judiciary and Legislation Committee, the 2002 Damages and Claims Special Purpose Account, funded at \$2,000,000, will have a negative balance.
4. The City Attorney reports that the 2002 Damages and Claims Special Purpose Account's foreseeable shortfall will be approximately \$778,573.
5. The Finance and Personnel Committee will consider Item 15, File # 020405, a resolution authorizing an appropriation of \$800,000 from the Common Council Contingent Fund to the Damages and Claims Special Purpose Account at today's meeting.

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LRB-Fiscal Review Section  
July 10, 2002

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