

## LRB – FISCAL REVIEW SECTION ANALYSIS

September 14, 2001 AGENDA

ITEM 3, FILE 010531

JUDICIARY & LEGISLATION COMMITTEE

THERESA GABRIEL

File #010531 is a resolution authorizing settlement of the lawsuit entitled Dean Monfre v. City of Milwaukee, Case Number 01-CV-001701.

### Background and Discussion

1. In September 1999, Dean Monfre, a painter in the Facilities Management Section of DPW-Buildings and Fleet Division, filed a workers' compensation claim regarding an injury to his neck from lifting a ladder.
2. Mr. Monfre collected injury pay before the Workers' Compensation Section of the Department of Employee Relations obtained a second doctor's opinion.
3. Based on the second doctor's opinion, Worker's Compensation Section denied liability for Mr. Monfre's injury.
4. The City of Milwaukee withheld wages and other benefits because Mr. Monfre was overpaid injury pay benefits.
5. Attorney Lynne Zuehlsdorf-Mack represented Mr. Monfre in his lawsuit which claims that the City of Milwaukee illegally withheld his wages and benefits in violation of s.109.03(5) Wis. Stats.
6. Specifically, Mr. Monfre and his attorney maintained that deductions from his paycheck to reimburse the City of Milwaukee for the injury pay he received in error were illegal.
7. The City of Milwaukee and Mr. Monfre have agreed to settle this lawsuit.
8. In consideration of a mutual release, the City of Milwaukee has agreed to pay back pay to Mr. Monfre and to pay fees and costs to Mr. Monfre's attorney, Ms. Zuehlsdorf-Mack.

### Fiscal Impact

The resolution authorizes the expenditure of \$4500 from Department Salary Account #0001 6001010-5455. \$4500 is the total of \$2,050 payable to Attorney Lynne Zuehlsdorf-Mack for attorney fees and costs and \$2,450 payable to Dean Monfre in full and final settlement of this lawsuit.

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