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April 21, 2015

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

Re: Resolution authorizing settlement of claims in the lawsuit entitled  
*Tania M. McCarthy v. City of Milwaukee*, ERD No. CR201301500,  
EEOC No. 26G201301005C

Dear Council Members:

Enclosed please find a proposed resolution to authorize the settlement of claims in the above captioned lawsuit. Please introduced this resolution and refer it to the Committee on Judiciary and Legislation for discussion in closed session, followed by open session for the committee to take appropriate action, with the following recommendation.

Tania McCarthy claimed to have been subjected to race and age discrimination when she was not hired to the position of Health Care Access Assistant II in two separate rounds of interviews with the Health Department, after she had been ranked number one after initial testing by the Department of Employee Relations.

Ms. McCarthy's complaint was initially dismissed by the Equal Rights Division investigator on September 27, 2013; however, Ms. McCarthy appealed and a hearing on the issue of probable cause was conducted. On October 31, 2014, the administrative law judge issued his decision and order finding that there was not probable cause to believe that Ms. McCarthy was subjected to age discrimination, but that there was probable cause to believe that she was subjected to race discrimination.

The matter was set for a hearing on the merits on April 2, 2015, but it was postponed based upon Ms. McCarthy's agreement to settle all of her claims, in



To the Honorable Common Council

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both the state and federal forums, for a payment of \$16,500. Because settlement in this matter is deemed expeditious, we recommend payment of the proposed settlement amount.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



ROBIN A. PEDERSON  
Assistant City Attorney

Enclosures

1084-2013-1690:214744



# City of Milwaukee Fiscal Impact Statement

Date 4/21/2015 File Number 150065 ☒ Original ☐ Substitute

A Subject Settlement of discrimination claims made by Tania McCarthy in a case entitled Tania M. McCarthy v. City of Milwaukee

B Submitted By (Name/Title/Dept./Ext.) Robin Pederson/Assistant City Attorney/Office of the City Attorney/2633

- C This File
- ☒ Increases or decreases previously authorized expenditures.
  - ☐ Suspends expenditure authority.
  - ☐ Increases or decreases city services.
  - ☐ Authorizes a department to administer a program affecting the city's fiscal liability.
  - ☐ Increases or decreases revenue.
  - ☐ Requests an amendment to the salary or positions ordinance.
  - ☐ Authorizes borrowing and related debt service.
  - ☐ Authorizes contingent borrowing (authority only).
  - ☐ Authorizes the expenditure of funds not authorized in adopted City Budget.

- D Charge To
- ☐ Department Account
  - ☐ Capital Projects Fund
  - ☐ Debt Service
  - ☒ Other (Specify) Damages and Claims Fund
  - ☐ Contingent Fund
  - ☐ Special Purpose Accounts
  - ☐ Grant & Aid Accounts

Purpose	Specify Type/Use	Expenditure	Revenue
Salaries/Wages		\$0.00	\$0.00
		\$0.00	\$0.00
Supplies/Materials		\$0.00	\$0.00
		\$0.00	\$0.00
Equipment		\$0.00	\$0.00
		\$0.00	\$0.00
Services		\$0.00	\$0.00
		\$0.00	\$0.00
Other	Payment of Settlement	\$16,500.00	\$0.00
		\$0.00	\$0.00
TOTALS		\$16,500.00	\$ 0.00

**F**

Assumptions used in arriving at fiscal estimate. Terms of the settlement agreement \_\_\_\_\_

**G**

For expenditures and revenues which will occur on an annual basis over several years check the appropriate box below and then list each item and dollar amount separately.

☐ 1-3 Years      ☐ 3-5 Years☐ 1-3 Years      ☐ 3-5 Years☐ 1-3 Years      ☐ 3-5 Years**H**

List any costs not included in Sections D and E above. \_\_\_\_\_

**I**

Additional information. \_\_\_\_\_

**J**This Note      ☒ Was requested by committee chair.