

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

July 9, 2009

Honorable Common Council
Of the City of Milwaukee
City Hall—Room 205

Re: Proposed Settlement of *Milwaukee Police Association, et al. v.*
City of Milwaukee
Case No. 07-CV-004479;

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary and Legislation with the following recommendation.

Philip Sliwinski has been employed as a detective in the Milwaukee Police Department. In November 2002, he was discharged from the Milwaukee Police Department. He appealed his discharge and in March 2004, the Milwaukee Fire and Police Commission heard his appeal. It upheld his discharge. He then sought review in the courts. In January 2006, the Wisconsin Court of Appeals concluded that the Commission had improperly excluded certain evidence from the hearing and ordered a new hearing.

Since that time, and while awaiting a rehearing, Sliwinski filed the above-noted lawsuit seeking an order that the City return him to the payroll and restore his benefits until the time that the rehearing takes place. On September 11, 2007, the Milwaukee County Circuit Court initially denied the request for such an order. Upon appeal, however, the Wisconsin Court of Appeals on June 17, 2008 reversed and ordered pay and benefits for Sliwinski. Upon remand, the circuit court on September 18, 2008 first ordered Sliwinski to be provided his pay and benefits going forward and he was actually returned to the payroll on September 12, 2008. On June 15, 2009, the circuit court entered a further order requiring the city to pay Sliwinski his pay and benefits for the period of time from March 18, 2004 to September 12, 2008. In the meantime, fire and police commission conducted the rehearing and on April 22, 2009, reversed the decision to discharge Sliwinski altogether.

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In compliance with the circuit court order of June 15, the police department has issued a payroll check to Sliwinski for his pay from March 2004 until September 2008. Pursuant to this order, however, the city must still pay Sliwinski the amounts he paid for health and dental insurance during that time period as well as interest at the statutorily-prescribed rates. The total of these amounts is \$54,431.86.

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this proposed settlement amount and have enclosed an appropriate resolution for your convenience.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

GFL:JAS

Encls.

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