



Legislation Details (With Text)

File #: 100138 **Version:** 0
Type: Resolution **Status:** Passed
File created: 5/25/2010 **In control:** JUDICIARY & LEGISLATION COMMITTEE
On agenda: **Final action:** 6/15/2010

Effective date:

Title: Resolution to authorize settlement of wage, penalties and attorney’s fees claims made by Philip Sliwinski in Sliwinski v. City of Milwaukee.

Sponsors: THE CHAIR

Indexes: CLAIMS PAYMENT

Attachments: 1. City Attorney Letter, 2. Fiscal Note, 3. Hearing Notice Sent

Date	Ver.	Action By	Action	Result	Tally
5/25/2010	0	COMMON COUNCIL	ASSIGNED TO		
6/2/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/2/2010	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
6/7/2010	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:1
6/15/2010	0	COMMON COUNCIL	ADOPTED	Pass	13:1
6/24/2010	0	MAYOR	SIGNED		

100138
ORIGINAL

THE CHAIR

Resolution to authorize settlement of wage, penalties and attorney’s fees claims made by Philip Sliwinski in *Sliwinski v. City of Milwaukee*.

This resolution authorizes settlement of wage, penalties and attorney’s fees claims made by Philip Sliwinski in *Sliwinski v. City of Milwaukee*, Case No. 07-CV-013074 in the amount of \$75,000.00 which represents payments for penalties, or “increased wages,” under the Wisconsin wage claim statute as well as attorney’s fees from October 24, 2005 until the day he was restored to the payroll, September 12, 2008.

Whereas, Philip Sliwinski filed an action under the Wisconsin wage claim statute seeking wages and penalties or “increased wages” for the period of time from October 24, 2005 until the day he was restored to the payroll, September 12, 2008, along with attorney’s fees and costs; and

Whereas, The City of Milwaukee has previously paid Philip Sliwinski as a result of a separate mandamus action the salary and benefits for the aforementioned period of time; and

Whereas, The Wisconsin Court of Appeals has nonetheless held that Philip Sliwinski may maintain an action under the Wisconsin wage claim statute for penalties or “increased wages” for the aforementioned period of time together with attorney’s fees and costs; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it is expeditious and just to settle this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officers be and hereby are authorized and directed to issue a City check in the amount of \$25,373.15, payable to Philip T. Sliwinski and the Trust Account of Cermele & Associates, S.C. which represents attorney's fees and costs, upon receipt of a release of claims, approved as to form and execution by the City Attorney, and that these funds shall be charged to the Damages and Claims Fund, Account No. 0001 1490 S118 006300; and, be it

Further Resolved, That the City of Milwaukee Police Department be and hereby is authorized and directed to approve a payroll payment in the amount of \$49,626.85 payable to Philip T. Sliwinski, which represents penalties or "increased wages" under the Wisconsin wage claim statute, upon receipt of a release of claims, approved as to form and execution by the City Attorney.

City Attorney
JAS

1032-2007-2795:157185