



Legislation Text

File #: 981036, Version: 1

981036

SUBSTITUTE 1

THE CHAIR

Substitute resolution authorizing payment of judgment in the case entitled Robert Pasko, et al. v. City of Milwaukee, et al., Court of Appeals No. 97-2135

-Analysis-

This resolution authorizes payment of the judgment and other matters appurtenant thereto in Robert Pasko, et al. v. City of Milwaukee, et al., Court of Appeals No. 97-2135. The final judgment entered in favor of plaintiffs in the trial court amounts to the sum of \$149,297.21, including court costs, plus costs on appeal, and interest payable on the judgment through the date of payment.

Whereas, The 23 named plaintiffs filed an action in the Circuit Court of Milwaukee County against the City of Milwaukee, the City of Milwaukee Police Department and others; and

Whereas, The action was based upon a breach of contract claim relating to a construction of the 1991-1992 collective bargaining agreement between the City of Milwaukee and the Milwaukee Police Association and the controversy related to the provision in the contract that required the plaintiff police officers to be paid at the rate prescribed by the contract for the position of Police Alarm Operators for the time spent performing the duties of Police Alarm Operators; and

Whereas, The trial judge ruled in favor of plaintiffs on a motion for summary judgment and ultimately entered a final judgment in favor of plaintiffs in the sum of \$149,297.21, including costs (a copy of which is appended to the file as Exhibit 1) and the defendants appealed the judgment to the Court of Appeals of the State of Wisconsin; and

Whereas, On October 6, 1998, the Court of Appeals of the State of Wisconsin issued a decision affirming the judgment (a copy of which is appended to the file as Exhibit 2); and

Whereas, The appeals have been pursued and lost, and the amount of the judgment must be paid in the amount of \$3,086.06, which represents court costs; \$146,211.15 which represents back pay owed to the plaintiffs named in the complaint during the period the collective bargaining agreement was in effect, from which all appropriate payroll deductions will be made, including state and federal taxes and city pension contributions; \$71.50 which represents costs on appeal; and interest payable on the judgment through the date of payment; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it expeditious and just to pay this judgment, and 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 pay to the persons named in the judgment appended to the file (Exhibit 1) the sum in the first column set forth next to the name of each, that represents back pay to be funded from the Police Salary Department Wage Account (Account No. 01-331-6000); and, be it

Further Resolved, That court costs, the interest on the judgment through the date of payment, and costs on appeal referred to in (Exhibit 3) be funded from the Damages and Claims Fund (Account No. 01-013-8001) and check be made payable to the trust account of Attorney John Fuchs upon receipt of a satisfaction, approved as to form and execution by the City Attorney; and be it

Further Resolved, That the Common Council of the City of Milwaukee approves the expenditure of funds by the proper City Officers of the specific amounts necessary to satisfy the judgment and matters appurtenant thereto as provided in Common Council File No. 981036; and, be it

Further Resolved, That the appropriate City officials are hereby authorized and directed to execute all instruments and documents and to take any other actions as may be necessary to implement the provisions of this Resolution.

City Atty.

lat:wt

11/5/98

15445