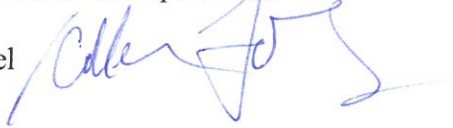


**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: October 8, 2014

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Colleen Foley, Deputy Corporation Counsel 

SUBJECT: Chantel Dawson Discrimination Claims:

- Wisconsin Department of Workforce Development- Equal Rights Division, charge number CR201300818
- United States Equal Employment Opportunity Commission, charge number 26G201300646C

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement to be paid by the Wisconsin County Mutual Insurance Company in the amount of one thousand dollars (\$1,000.00) to Ms. Dawson and her attorney, Rettko Law Offices. Settlement terms also include Ms. Dawson's reinstatement to Milwaukee County's Job Accommodation/Relocation Assistance Program for a period of six (6) months. Ms. Dawson filed an employment discrimination complaint with the Wisconsin Department of Workforce Development, Equal Rights Division, concurrently filed with the United States Equal Employment Opportunity Commission, regarding her former employment with the Milwaukee County Behavioral Health Division (BHD).

Ms. Dawson worked as a licensed practical nurse (LPN) at BHD from October 20, 2008 until her resignation on June 1, 2012. Due to an on-the-job injury, she took a medical leave of absence from October 2010 through October 2011, extended for an additional six (6) months to April 2012. From October 27, 2011 through April 27, 2012, she enrolled in the Milwaukee County Job Accommodation/Relocation Assistance Program. Her tenure in that program coincided with the MECA/MiLES circuit court litigation, which began on September 30, 2011 and essentially concluded on May 24, 2012.

The MECA/MiLES litigation involved the State of Wisconsin's absorption of two (2) Milwaukee County programs, effective January 1, 2012: 1) the Milwaukee Enrollment Services (MiLES) program by the Wisconsin Department of Health Services (DHS), and; 2) the Milwaukee Early Care Administration (MECA) by the State Department of Children and Families (DCF). Following circuit court decisions in favor of AFSCME, the County Board adopted by Resolution 12-329 on May 24, 2012. The resolution required that the County provide layoff and recall rights to approximately 300 MECA/MiLES employees and pay related attorney's fees.

So, although Ms. Dawson had successfully tested for an available BHD part-time unit clerk position on March 21, 2012 while in the Job Accommodation/Relocation Assistance Program, that position was reserved for MECA/MiLES candidates. Ms. Dawson's tenure in the program ended on April 27, 2012. Since she could no longer perform the essential functions of her LPN

position (as documented by her treating physician and throughout the course of her worker's compensation claim and settlement), BHD filed written charges for her discharge with the Personnel Review Board (PRB) on May 31, 2012 for violation of Civil Service Rule VII, Section 4(t), failure or inability to perform the duties of the assigned position. Ms. Dawson voluntarily resigned on June 1, 2012, which she later claimed involved coercion. Due to the timing of that decision, the PRB never provided her with a copy of the written charges against her.

The circumstances peculiar to Ms. Dawson's tenure in the Job Accommodation/Relocation Assistance Program deprived her of a true opportunity to participate in that program. Additional issues concerning notice of rights, along with a potential back wages claim, justify the \$1,000 settlement and six (6) month reinstatement in the Job Accommodation/Relocation Assistance Program.