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(ITEM) From Corporation Counsel, recommending back wages payment in the amount of \$15,000 to Wilfredo Rivera, a payment of \$6,500 by the Wisconsin County Mutual Insurance Corporation to The Previant Law Firm S.C. for attorneys' fees, and the promotion of Mr. Rivera and his assignment to a vacant Technical Specialist Level IV position at Step 1 of the pay range in settlement of *Wilfredo Rivera v. Milwaukee County*, Eastern District Case No. 13-CV-1156, by recommending adoption of the following:

A RESOLUTION

WHEREAS, in October 2001, Wilfredo Rivera was hired by Milwaukee County at General Mitchell International Airport as a Technical Specialist Level II; and

WHEREAS, in 2011, Mr. Rivera applied for a promotion to a vacant Technical Specialist Level IV position; and

WHEREAS, the interview panel was composed of the Accounting Manager (since retired) and two private individuals; and

WHEREAS, Mr. Rivera is a Hispanic male, all three of the interview panelists were white males, and another County employee who was a white male was promoted to the Technical Specialist Level IV position; and

WHEREAS, Mr. Rivera alleges that he was more qualified than the promoted employee, that the Accounting Manager subsequently did not distinguish between the promoted white male and Mr. Rivera with respect to the duties that he gave them, and that Mr. Rivera performed the same duties as the promoted Technical Specialist Level IV employee for less pay; and

WHEREAS, Mr. Rivera alleges that his non-promotion and his subsequent supervision by the Accounting Manager was based on illegal discrimination; and

WHEREAS, Mr. Rivera claims lost wages, including overtime, for the three years since not being promoted totaling approximately \$65,000 and further claims attorneys' fees against Milwaukee County as a portion of his recovery, currently alleged to be approximately \$10,000; and

WHEREAS, Milwaukee County's counsel negotiated a settlement with Rivera and his counsel for a payment by Milwaukee County of back wages to Mr. Rivera in the amount of \$15,000, a payment by the Wisconsin County Mutual to Mr. Rivera's attorneys, The Previant Law Firm S.C., of fees in the amount of \$6,500, and the promotion of Mr. Rivera and his assignment to a vacant Technical Specialist Level IV position at Step 1 of the pay range; now, therefore,

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BE IT RESOLVED, that the Milwaukee County Board of Supervisors approves a settlement with Wilfredo Rivera which includes a payment by Milwaukee County to Mr. Rivera of back wages in the amount of \$15,000, a payment by the Wisconsin County Mutual to Mr. Rivera's attorneys, The Previant Law Firm S.C., of fees in the amount of \$6,500, and the promotion of Mr. Rivera and his assignment to a vacant Technical Specialist Level IV position at Step 1 of the pay range in return for a full release of all claims by Mr. Rivera and the dismissal of the pending action.

ag
07/07/2014
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