

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: October 6, 2015

TO: Theodore Lipscomb Sr., Chairman, Milwaukee County Board of Supervisors

FROM: Paul Bargren, Corporation Counsel
Mark A. Grady, Deputy Corporation Counsel *MAG*

SUBJECT: Request for approval of a resolution approving a settlement in *District Council 48, AFSME v. Milwaukee County*, Case No. 14-CV-340 (E.D. Wis. federal court)

We request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a resolution approving a settlement agreement.

AFSCME District Council 48 (DC48) filed suit on behalf of some of its members who had been custodial workers in the courthouse complex and who were laid off following adoption of the 2010 budget. DC48 alleges that in 2009 and 2010 the County violated the rights of approximately 25 custodial workers by laying them off due to their exercise of their right to freedom of association, essentially arguing that the County laid them off because of their union status and activities. DC48 also alleged that the County refused to properly recall them or rehire them and refused to provide them positive references or provided false references.

During pre-trial discovery, DC48 has not provided any specifics to support its allegations. The County can demonstrate that layoffs were contemplated during this time period for a variety of positions, both union represented positions and nonrepresented positions.

The parties recently engaged in settlement discussions. As a result of those discussions, DC48 and the County have tentatively reached an agreement. DC48 has indicated that at this point there are nine (9) individuals who are affected. The agreement provides that in the event those nine individuals seek application for hire for a custodial position at the Milwaukee County courthouse complex on or before January 1, 2017, those individuals will automatically be granted an interview, assuming they meet the minimum qualifications for the position. It also provides that each of those individuals will be provided with a neutral letter of reference from

the County. Last, the agreement provides that with respect to those individuals, if a prospective employer seeks employment verification or other information from the County, the County will refer those requests to its contracted employment and income verification service with Equifax Workforce Solutions, "the Work Number," for response. That service will confirm dates of employment, position(s) held, and last rate of pay and provide no further information. The agreement does not include any payment to any party or attorney.

Note that this lawsuit was brought by the union and not by the individual workers. It is the union that has engaged in settlement discussions and which has decided to settle the lawsuit on these terms.

Outside counsel and our office recommend approval of the settlement.

cc: Kelly Bablitch
Raisa Koltun
Shanin Brown
Erica Hayden