

**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: October 12, 2015

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

FROM: Paul Bargren, Corporation Counsel  
Timothy R. Karaskiewicz, Assistant Corporation Counsel

SUBJECT: *Michael J. Vlach vs. County of Milwaukee*  
ERD Case No. CR201400041 (January 14, 2014)  
EEOC Case No. 26G201400375C  
ERD Case No. CR201403732 (July 16, 2015)  
EEOC Case No. 26G201400375C

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. We request authority to settle for the total sum of \$7,000.00; \$5,000.00 of which will be paid by The Wisconsin County Mutual and \$2,000.00 of which will be paid by General Mitchell International Airport revenues.

These cases involve complaints filed with the Wisconsin Department of Workforce Development Equal Rights Division (ERD) on January 14, 2014 and July 16, 2015, and dual-filed with the federal Equal Employment Opportunity Commission (EEOC). Mr. Vlach was employed as a maintenance worker at General Mitchell International Airport (GMIA). Mr. Vlach alleges harassment and discrimination based on 1) his disabilities (blindness in one eye and depression, 2) certain instances of harassment (constituting a hostile work environment), and 3) disparate treatment resulting from disciplinary action taken against him (and less severe discipline administered to two comparators). The specific allegations contained in the Complaints rely on an incident that occurred on 4.13.12 that led to the imposition of discipline on 4.16.12 and a second suspension imposed in March 2013 that resulted from an incident that took place earlier that month. In both of these instances Mr. Vlach alleges that the disciplinary action he received was harsher than that taken against two other employees. Finally, Mr. Vlach alleges that he was harassed (because of his blindness) by his supervisor, two fellow employees, and an individual who is not a County employee. Mr. Vlach alleges that he had his family physician send a letter to Milwaukee County sometime in 2013 explaining the severity of the harassment, but that his supervisor did nothing and that the harassment continued.

After completing its investigation, the ERD found probable cause to believe that Milwaukee County may have violated the Wisconsin Fair Employment Law, sec. 111.31-111.395, Stats., by refusing to reasonably accommodate a disability; and by terminating the employment of Mr. Vlach because of disability. The case was referred to an Administrative Law Judge for formal hearing to ultimately decide the case. The hearing was scheduled for October 26 - 30, 2015. Mr. Vlach is represented by counsel. We estimated that the hearing in this matter would require five (5) full days and the presence of fourteen (14) County witnesses. In addition, Mr. Vlach is a volatile person and we had anticipated requesting the presence of a Sheriff's Deputy in the hearing room for the duration of the hearing in order to protect against any adverse interaction between Mr. Vlach and his former co-workers. Thus, the amount of the settlement in this case represents a reasonable compromise and prevents the prolonged disruption of airport maintenance operations for the duration of the hearing and avoids any further incidents between Mr. Vlach and his co-workers and supervisors. Accordingly, the Office of the Corporation Counsel recommends this settlement for approval.

The Milwaukee County Corporation Counsel's Office negotiated a settlement with Mr. Vlach's attorneys, Alan C. Olson & Associates, S.C. The Corporation Counsel's Office recommends a total payment of \$7,000.00 to Michael Vlach to settle his claims - of which \$2,000.00 represents 2013 back pay and \$5,000.00 represents attorneys fees. There is no tax levy impact because the settlement will be paid by The Wisconsin County Mutual and from airport revenues. The settlement checks for \$5,000.00 and \$2,000.00 should be made payable to "Alan C. Olson & Associates, S.C. Client Trust Account and Michael Vlach" (Tax Identification No. 39-1691437).



Timothy R. Karaskiewicz  
Assistant Corporation Counsel

cc: Kelly Bablitch  
Raisa Koltun  
Erica Hayden  
Shanin Brown