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(ITEM) From Corporation Counsel, requesting authorization to approve a settlement agreement in the matter of District Council 48, American Federation of State, County, and Municipal Employees v. Milwaukee County, Case No. 14-CV-340, which provides for an automatic interview for a custodial position at the Milwaukee County Courthouse Complex assuming minimum qualifications are met and if applying on or before January 1, 2017, a neutral letter of reference from Milwaukee County, and referral to Equifax Workforce Solutions for prospective employers to verify dates of employment, position(s) held, and the last rate of pay, by recommending adoption of the following:

A RESOLUTION

WHEREAS, the 2010 Adopted Budget eliminated certain Milwaukee County (the County) custodial worker positions, resulting in the layoff at the end of 2009 of approximately 25 employees represented by District Council 48 of the American Federation of State, County, and Municipal Employees (DC48); and

WHEREAS, DC48 filed suit in federal court against the County alleging that they were laid off due to their exercise of their right to freedom of association, their union status and activities, and that the County refused to properly recall them or rehire them and refused to provide them positive references or provided false references; and

WHEREAS, the County denies the allegations; and

WHEREAS, the parties have engaged in settlement discussions resulting in a tentative settlement agreement; and

WHEREAS, as part of the settlement negotiations, DC48 seeks relief for nine of the laid off individuals; and

WHEREAS, the settlement agreement provides that in the event any of 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; and

WHEREAS, the settlement agreement further provides that each of those individuals will be provided with a neutral letter of reference from the County; and

WHEREAS, the settlement agreement further 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

46 response and that service will confirm dates of employment, position(s) held, and last
47 rate of pay and provide no further information; and

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49 WHEREAS, the settlement agreement does not include any payment to any
50 party or attorney; and

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52 WHEREAS, the Office of Corporation Counsel and the County's outside counsel
53 with Lindner & Marsack S.C., recommend approval of this settlement; and

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55 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
56 meeting of October 22, 2015, recommended REJECTION of this resolution due to a
57 failed motion to recommend adoption (vote 2-4); now, therefore,

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59 BE IT RESOLVED, Milwaukee County approves a settlement of all claims
60 alleged by District Council 48 in the litigation, on the terms set forth above, in return for
61 a dismissal of the pending litigation and a full release by District Council 48.

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