

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: March 12, 2012

TO: Lee Holloway, Chairman, County Board of Supervisors

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

SUBJECT: MilES and MECA layoff and recall rights; lawsuit resolution

Please refer the attached resolution to the Committee on Judiciary, Safety and General Services for its special meeting on March 14, 2012.

As noted in the resolution, the circuit court has entered an injunction requiring Milwaukee County to provide layoff and recall rights to approximately 300 employees who previously worked in the Miles and MECA programs that were absorbed into state operations. Milwaukee County has exhausted any legal avenues at this time to overturn this injunction. Litigating this matter for an extended period of time, without a change in the decision, will result in extreme administrative difficulty in providing the layoff and recall rights at some future time. Additional litigation, if unsuccessful, will also increase the potential liability to Milwaukee County for backpay and other costs, including potential attorneys' fees. Settlement is recommended at this time. If approved, the parties anticipate entering a stipulated order in the circuit court that provides the layoff and recall rights. Such an order will result in, among other things, bumping of some current employees, the recall to vacant positions of other affected employees and possible backpay for some of the employees. Approval may be sought at a later date for a possible attorneys' fees payment to AFSCME's counsel.

Attachments

cc(w/att.): County Executive Chris Abele
Carol Mueller
Janelle Jensen