


**INTEROFFICE COMMUNICATION  
COUNTY OF MILWAUKEE**

DATE: October 8, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

FROM: Molly J. Zillig, Principal Assistant Corporation Counsel 

SUBJECT: *Tony Stokes v. Milwaukee County*  
ERD Case No. CR201300608

I request that this matter be referred to the Committee on Judiciary, Safety and General Services for approval of a settlement. I request authority to settle this case for the total sum of \$2,500.00, which will be paid by Wisconsin County Mutual Insurance Corporation.

This case involves a complaint filed with the Department of Workforce Development-Equal Rights Division (the "ERD") on March 15, 2013, following a denial of leave requested under the Wisconsin Family and Medical Leave Act ("WFMLA"). On January 26, 2013, Tony Stokes requested eight (8) hours of leave for his own serious health condition. Risk Management requested a certification from Mr. Stokes' physician. After receipt of the certification, Risk Management requested clarification information from Mr. Stokes' physician. The physician was unable to provide the specific information requested; however, the sought information was, more likely than not, noncompulsory. Mr. Stokes' request for leave was denied on February 20, 2013. Subsequently, he requested Risk Management reconsider its denial, but his request was denied again on March 7, 2013.

Although the requested date subject to this WFMLA complaint was ultimately approved, the ERD found probable cause to believe that Milwaukee County may have violated the WFMLA when it twice denied Mr. Stokes' request for leave and requested information outside of the required certifications. The case was referred to an Administrative Law Judge ("ALJ") to ultimately decide the case. If the ALJ decides that a violation of the WFMLA occurred, attorneys' fees may be awarded.

Prior to the hearing before the ALJ, the parties engaged in discovery and discussed settlement options. The parties ultimately reached a settlement of the claimed attorneys' fees. The settlement provides that the Wisconsin County Mutual

Insurance Corporation will pay \$2,500.00 to Mr. Stokes' attorneys, Consumer & Employment Law Center of Wisconsin, S.C. In return, Mr. Stokes will withdraw his complaint with the ERD and provide Milwaukee County with a full and complete release from any liability. The release will cover any possible federal court litigation as well as state or administrative action. The settlement payment will be applied to the County's deductible with the County Mutual.

Corporation Counsel and the Wisconsin County Mutual recommend this settlement for approval.

cc: Amber Moreen  
Kelly Bablitch  
Alexis Gassenhuber  
Stephen Cady  
Raisa Koltun