From Assistant Corporation Counsel, Office of Corporation Counsel, recommending payment in the amount of $55,000 by the Wisconsin Mutual Insurance Corporation, on behalf of Milwaukee County, to pay attorney's fees; and in the amount of $69,500 to be paid by the 2017 salary budget of the Sheriff's Office for back wages, to settle the matter of *Louvenia Wilson v. County of Milwaukee,* ERD Case No. CR201400520, EEOC Case No. 26G201400573C, by recommending adoption of the following:

A RESOLUTION

WHEREAS, Louvenia Wilson (Wilson) worked as a Corrections Officer for the Milwaukee County Sheriff's Office (MSCO); and

WHEREAS, Wilson was injured in the course and scope of her employment when an inmate kicked her in the left knee, which led to her physician imposing permanent restrictions; and

WHEREAS, Wilson was referred to Milwaukee County's (the County) Job Relocation Program (Program) but was not placed in another County job, and was ultimately terminated by the Personnel Review Board for her failure to report to fitness for duty; and

WHEREAS, Wilson alleges that she suffered discrimination based on her race in that she was required to test for positions while participating in the Program, while a white female comparator was not required to do so; and

WHEREAS, Wilson alleges that she suffered discrimination based on her disability in that she was ultimately terminated from the MCSO for failing to report for fitness for duty; and

WHEREAS, Wilson alleges that the County denied her a reasonable accommodation of her disability under the Wisconsin Fair Employment Act; and

WHEREAS, an initial hearing on the issue of probable cause resulted in a favorable ruling for the County; and

WHEREAS, Wilson appealed this decision to the Labor and Industry Review Commission, which ultimately found in Wilson's favor, and remanded the matter back to the Equal Rights Division for a hearing on the merits; and

WHEREAS, the risk of continuing the litigation and substantially increasing the exposure to attorneys' fees for Wilson, in addition to the continuing defense counsel fees, and the potential for additional back wages, outweighs the advantages of a hearing on the merits with an appeal likely from the losing party; and

47 WHEREAS, since 2014, the parties have extensively litigated this matter; and
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49 WHEREAS, negotiations between the County by the Office of Corporation
50 Counsel (OCC), and Attorney Aaron DeKosky of Padway & Padway, Ltd., who
51 represents Wilson in the discrimination lawsuit, resulted in a settlement prior to the
52 hearing on the merits scheduled in the matter; and
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54 WHEREAS, the tentative settlement agreement provides for a release of all of
55 Wilson's claims against the County and a dismissal of the pending litigation in return for
56 a payment from the MCSO's 2017 Salary Budget in the amount of $69,500 to Wilson;
57 and
58
59 WHEREAS, a payment from the Wisconsin County Mutual Insurance
60 Corporation, on behalf of the County in the amount of $55,500 to Padway & Padway,
61 Ltd.; and
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63 WHEREAS, Assistant Corporation Counsel, OCC, recommends this settlement;
64 and
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66 WHEREAS, the Committee on Judiciary, Safety, and General Services at its
67 meeting of October 19, 2017, recommended adoption of File No. 17-679 (vote 4-0);
68 now, therefore,
69
70 BE IT RESOLVED, the Milwaukee County Board of Supervisors approves the
71 payment from the Milwaukee County Sheriff's Office's 2017 Salary Budget in the
72 amount of $69,500 to Ms. Louvenia Wilson, and $55,500 by the Wisconsin County
73 Mutual Insurance Corporation, on behalf of Milwaukee County, to Padway & Padway,
74 Ltd., for attorney's fees in exchange for a dismissal of her suit.
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