


**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: June 22, 2018

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

FROM: Colleen Foley, Deputy Corporation Counsel 

SUBJECT: *Jacquelyn Boyd v. Milwaukee County*, ERD Case Nos.:
CR201501158, CR201600709, CR201701334

This matter is submitted as an informational report to the Committee on Judiciary, Safety and General Services. Specifically, the Wisconsin County Mutual Insurance Corporation (WCMIC) approved settlement of this litigation after consultation with outside counsel Aaron Graff of Mallory and Zimmerman and the Office of Corporation Counsel, as well as Airport Director Brian Dranzik. The total sum of the settlement approved by the WCMIC claims committee is \$176,000, inclusive of attorney's fees and costs.

There were three claims asserted by Ms. Boyd, a Landside Operations Coordinator at General Mitchell International Airport. Two matters were before the State Department of Workforce Development, Equal Rights Division (ERD) and the third before the United States Equal Employment Opportunity Commission (EEOC). Here is a summation of those matters.

Boyd I: Ms. Boyd alleged race and sex discrimination from approximately 2010 to 2015 by her now-retired supervisor, Holly Ricks. The ERD Administrative Law Judge (ALJ) found in Ms. Boyd's favor and ruled that sex discrimination had occurred. The matter was pending before the ALJ on Ms. Boyd's attorneys' fee petitions, asserting \$178,000 in fees. As noted above, this settlement inclusive of attorney's fees is \$176,000. Damages were otherwise limited before the ERD. However, once that process concluded, Ms. Boyd had the opportunity to pursue the same claims in the federal system where additional attorney's fees and compensatory damages were still available. Again, the WCMIC settlement now resolves all matters before both the ERD and EEOC on these claims.

Boyd II: Ms. Boyd had also alleged several forms of additional sex and race discrimination along with retaliation stemming from a late performance review in

2015, denial of entry into the LEAD promotional program, and the inadvertent destruction of some of Ms. Boyd's personal items stored at work.

Boyd III: Boyd III alleged sex and race discrimination and retaliation arising out of a final warning issued to Ms. Boyd by the same supervisor from a scheduling issue in early 2017. Shortly before Boyd II went to an ERD hearing, Plaintiff dismissed her claims in Boyd II and III before the ERD and transferred them to the EEOC for investigation and, eventually, a federal lawsuit. After transferring to the EEOC, the EEOC requested on-site investigations into the claims, which resulted in the parties exploring settlement options. The Boyd II and III claims had been pending in the federal system with potential attorney's fees, backpay, and compensatory damages for emotional distress and pain and suffering, but are now resolved by this settlement.

Additionally, the parties participated in a May 8, 2018 EEOC mediation, including WCMIC claims manager Brian Knee, outside counsel Aaron Graf, Milwaukee County Airport Director Brian Dranzik, and myself on behalf of the Office of Corporation Counsel. Thereafter, the parties reached the stated settlement totaling \$176,000 and including:

1. A \$45,000 payout from Milwaukee County to Ms. Boyd in exchange for her immediate resignation and agreement not to seek re-employment.
2. WCMIC's payment of \$131,000 towards attorney's fees.
3. Approximately 6 weeks of paid leave through the July 26, 2018 Milwaukee County Board of Supervisors meeting.
4. Neutral reference through the County's already-existing neutral reference system.
5. Expungement of any and all disciplines from her personnel file.

These claims fall under the WCMIC policy issued to Milwaukee County for the 2011 policy year with an accompanying \$1,500,000 million aggregate deductible. Milwaukee County has paid \$1,200,795.07 toward that aggregate amount for that policy year, therefore is responsible for payment of the full settlement amount in this matter.

cc: Kelly Bablitch
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