ADDITIONAL ITEM FROM THE COMMITTEE ON JUDICIARY SAFETY AND GENERAL SERVICES (Item 93)
[Supervisors Harris, Schmitt, Johnson, Broderick, Sanfelippo and Borkowski (Chair)]

(File No. 12-1018)
From Corporation Counsel, recommending payment of attorney's fees in the amount of $70,587 to Kraemer and Attorney Tricia Knight and Horizons Law Group and payment of back wages in the amount of $8,698.25 to Kraemer in the matter of Kenneth Kraemer v. Milwaukee County, ERD Case No. CR200800323.

RECOMMENDATION: Adoption of a resolution approving the said request. (COPIES DISTRIBUTED) (VOTE 7-0)

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(ITEM 93) From Corporation Counsel, recommending payment of attorney's fees in the amount of $70,587 to Kraemer and Attorney Tricia Knight and Horizons Law Group and payment of back wages in the amount of $8,698.25 to Kraemer in the matter of Kenneth Kraemer v. Milwaukee County, ERD Case No. CR200800323, by recommending adoption of the following:

A RESOLUTION

WHEREAS, Kenneth J. Kraemer (hereinafter "Kraemer") filed a complaint with the State of Wisconsin Equal Rights Division, Case No. CR200800323, against Milwaukee County; and

WHEREAS, the complaint alleged that Milwaukee County discriminated against Kraemer based upon his arrest record, within the meaning of the Wisconsin Fair Employment Act; and

WHEREAS, on October 11, 2012, the State of Wisconsin Labor and Industry Review Commission found that Milwaukee County discriminated against Kraemer based upon his arrest record when it suspended his employment, but that Milwaukee County did not discriminate against Kraemer when it discharged him; and

WHEREAS, the Commission denied Kraemer's request for an award of attorneys' fees in the amount of $130,740, but ordered that Milwaukee County pay Kraemer's reasonable attorney fees incurred in pursuing this matter in the total amount of $70,587, with $53,526 of that amount payable jointly to Kraemer and Attorney Tricia Knight and $17,061 of that amount payable jointly to Kraemer and Horizons Law Group, LLC.; and

WHEREAS, the Commission ordered that Milwaukee County pay Kraemer wages for his unlawful suspension from February 27, 2007, through April 2, 2007, the day on which he was notified of his discharge, totaling $8,698.25, but the Commission declined to grant Kraemer's request for reinstatement to his County position and declined to order payment of back wages for the period between Kraemer's discharge on April 2, 2007 and its decision on October 11, 2012; and

WHEREAS, Kraemer has filed a *pro se* petition for review of the Commission's decision and order in Milwaukee County Circuit Court and Milwaukee County filed a cross-appeal of the Commission's decision; and

WHEREAS, the Office of Corporation Counsel and retained counsel for the County, Al Levy of Lindner & Marsack S.C., recommend that the Commission's order be paid as ordered and that Milwaukee County seek the circuit court's affirmation of the Commission order and its dismissal of Kraemer's petition for review; now, therefore,

BE IT RESOLVED, that Milwaukee County approves the payment of a total of seventy thousand, five hundred eighty-seven dollars ($70,587) to Kraemer and Attorney Tricia Knight and Horizons Law Group, LLC., with fifty-three thousand, five hundred twenty-six dollars ($53,526) payable jointly to Kraemer and Attorney Knight and seventeen thousand, sixty-one dollars ($17,061) payable jointly to Kramer and Horizons Law Group, LLC., and approves a payment to Kraemer in the amount of eight thousand six hundred ninety-eight dollars and twenty-five cents ($8,698.25) for back wages; and

BE IT FURTHER RESOLVED, that Milwaukee County shall seek the circuit court's affirmation of the decision and order of the Commission and its dismissal of Kraemer's petition for review.

jmj
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MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: December 18, 2012

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: An authorization to pay attorneys' fees and back pay awarded in the matter of *Kenneth Kraemer v. Milwaukee County,* Equal Rights Division Case No. CR200800323.

FISCAL EFFECT:

X No Direct County Fiscal Impact

☐ Existing Staff Time Required

Increase Operating Expenditures
(If checked, check one of two boxes below)

Absorbed Within Agency's Budget

☐ Not Absorbed Within Agency's Budget

☐ Decrease Operating Expenditures

☐ Increase Operating Revenues

☐ Decrease Operating Revenues

☐ Increase Capital Expenditures

☐ Decrease Capital Expenditures

☐ Increase Capital Revenues

☐ Decrease Capital Revenues

☐ Use of contingent funds

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	$8698.25	0
	Revenue	$8698.25	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.[1] If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Approval of this resolution will result in a charge being applied to Milwaukee County's deductible with the Wisconsin County Mutual Insurance Corporation in the amount of $70,587.00 and will result in a payment of back wages of $8698.25 from the Airport budget ,with no tax levy impact.

Department/Prepared By Corporation Counsel

Authorized Signature Mark C. Grady

Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

[1] If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.