

**INTEROFFICE COMMUNICATION
COUNTY OF MILWAUKEE**

DATE: November 18, 2013

TO: Marina Dimitrijevic, Chairwoman, County Board of Supervisors

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

SUBJECT: Denise McCaskill v. Milwaukee County
ERD Case No. 201300361
EEOC Charge No. 26G201300497C

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 \$24,000.00. Wisconsin County Mutual Insurance Corporation will pay the \$24,000.00 sum and apply it to Milwaukee County's deductible. The defense of this complaint has been handled by Attorney Oyvind Wistrom of Lindner & Marsack, through an assignment by the Mutual.

Ms. McCaskill has worked for the Employees Retirement System of Milwaukee County since 2005. She alleged in her complaint that on April 13, 2012, former Chairman Holloway sexually harassed her in his office while she was there to provide paperwork related to his retirement. Mr. Holloway denies any inappropriate actions. After an investigation, the Equal Rights Division found probable cause to believe that the law was violated and ordered that a hearing was required in order for an administrative law judge to determine credibility and potential violations. The parties were preparing to schedule discovery, including depositions, when settlement discussions began.

Ms. McCaskill cannot claim compensatory damages such as emotional distress in the state Equal Rights Division case. However, those damages can be claimed in a federal court action and such an action is threatened. Ms. McCaskill claims such damages, as well as medical expenses. The proposed settlement covers all damages and all forms of litigation that could arise out of this incident.

The proposed settlement provides that Ms. McCaskill will receive \$16,000.00 and her attorneys, Hawks Quindel S.C., will receive \$8,000.00, for a total of \$24,000.00. The Wisconsin County Mutual will make these payments and apply them to the County's deductible.

Memo to Marina Dimitrijevic

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

cc: Kelly Bablitch
Amber Moreen
Alexis Gassenhuber
Jessica Janz-McKnight
Raisa Koltun

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A RESOLUTION

WHEREAS Denise McCaskill has worked for the Employees Retirement System since 2005; and

WHEREAS Denise McCaskill claimed that she was sexually harassed on April 13, 2012; and

WHEREAS Denise McCaskill filed a complaint with the State Equal Rights Division and U.S. Equal Opportunity Commission and threatened to file a lawsuit in the U.S. District Court; and

WHEREAS the Equal Rights Division has found probable cause to believe that a violation of the law occurred and a hearing has been ordered on the complaint; and

WHEREAS Denise McCaskill alleges she has suffered, among other things, emotional distress and has incurred medical expenses; and

WHEREAS the parties engaged in settlement discussions and have reached a tentative settlement agreement; and

WHEREAS the tentative settlement agreement provides for a dismissal of all complaints and a release of all claims against Milwaukee County in return for payments by Wisconsin County Mutual Insurance Corporation to Denise McCaskill in the amount of \$16,000.00 and to her attorneys, Hawks Quindel S.C. in the amount of 8,000.00; and

WHEREAS the Office of Corporation Counsel recommends this settlement; and

WHEREAS the Committee on Judiciary, Safety and General Services approved this settlement at its meeting on December 5, 2013 by a vote of ____;

NOW, THEREFORE, BE IT RESOLVED, that Milwaukee County approves the payments by the Wisconsin County Mutual Insurance Corporation to Denise McCaskill in the amount of \$16,000.00 and to Hawks Quindel S.C. in the amount of \$8,000.00, in return for a dismissal of the pending complaints and a release of all claims against the County.

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: November 18, 2013

Original Fiscal Note

Substitute Fiscal Note

SUBJECT: A resolution approving a settlement in McCaskill v. Milwaukee County, ERD Case No. 2013000361.

FISCAL EFFECT:

- | | |
|---|--|
| <input type="checkbox"/> No Direct County Fiscal Impact | <input type="checkbox"/> Increase Capital Expenditures |
| <input type="checkbox"/> Existing Staff Time Required | <input type="checkbox"/> Decrease Capital Expenditures |
| X Increase Operating Expenditures
(If checked, check one of two boxes below) | <input type="checkbox"/> Increase Capital Revenues |
| X Absorbed Within Agency's Budget | <input type="checkbox"/> Decrease Capital Revenues |
| <input type="checkbox"/> Not Absorbed Within Agency's Budget | |
| <input type="checkbox"/> Decrease Operating Expenditures | <input type="checkbox"/> Use of contingent funds |
| <input type="checkbox"/> Increase Operating Revenues | |
| <input type="checkbox"/> Decrease Operating Revenues | |

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	24,000	
	Revenue		
	Net Cost	24,000	
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

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 authorizes the Wisconsin County Mutual Insurance Corporation to pay \$24,000 in total, with \$16,000 to Denise McCaskill and \$8000 to her attorneys, Hawks Quindel S.C., in return for a release of all claims and a dismissal of the complaint. The payment will be applied to the County's deductible.

Department/Prepared By Mark A. Grady, Deputy Corporation Counsel

Authorized Signature Mark A. Grady

Did DAS-Fiscal Staff Review? Yes No

Did CBDP Review?² Yes No Not Required

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.

² Community Business Development Partners' review is required on all professional service and public work construction contracts.