



Legislation Text

File #: 1315-2022, **Version:** 1

Background

This ordinance is submitted to settle the actions known as *In re: Jermaine Hilton*, Grievance Nos. 13-2021, 14-2021, 15-2021, 16-2021, and 17-2021 brought by the Communication Workers of America, Local 4502 ("CWA") and pending before an arbitrator in the amount of thirty thousand dollars (\$30,000.00) less applicable withholdings, and as otherwise provided for in the settlement agreement.

Jermaine Hilton was employed by the Department of Public Service as a Street Cleaning/Maintenance Supervisor from December 2016 through May 2021. Mr. Hilton's employment ended after a series of alleged incidents over the course of 2019-2021. Mr. Hilton was alleged to have engaged in conduct including falsifying Summer 2019 time-keeping records, missing work without sufficient leave balances to cover the time away, allowing "480 employees" to work outside of the permitted parameters, and failing to comply with the Department's call-off policy.

In July 2021, the City and CWA took grievances over Mr. Hilton's first three disciplinary actions to arbitration. The arbitrator upheld two of the disciplinary instances, but vacated the third. Arbitration on the final five disciplinary instances remained. This settlement agreement would resolve all pending matters.

Fiscal Impact

Funds were not specifically budgeted for this settlement; however, sufficient monies are available within the 2022 Street Construction Maintenance and Repair Fund budget to pay the amount of this claim.

To authorize the City Attorney to settle the matters of *In re: Jermaine Hilton*, Grievance Nos. 13-2021, 14-2021, 15-2021, 16-2021, and 17-2021 brought by the Communication Workers of America, Local 4502 ("CWA") and pending before an arbitrator; to authorize the expenditure of up to \$30,000.00 from the Street Construction Maintenance and Repair Fund in payment of the settlement; and to declare an emergency. (\$30,000.00)

WHEREAS, in May 2021, Mr. Hilton's employment with the Department of Public Service ended following a series of alleged incidents over the course of 2019-2021;

WHEREAS, the CWA grieved a number of associated disciplinary actions; and

WHEREAS, in July 2021, an arbitrator upheld two of the disciplinary instances, but vacated the third, leaving the final five disciplinary instances remaining; and

WHEREAS, following the evaluation of claims and the risk of continued litigation of the claims against the City of Columbus, a settlement in the amount of thirty thousand dollars (\$30,000.00) in back wages, less applicable withholding, to be paid by the City, was deemed acceptable by the City of Columbus, Department of Public Service, along with the dismissal of all matters with prejudice, and a release of the City of Columbus and its employees from any further liability; and

WHEREAS, sufficient funds are available within the 2022 Street Construction Maintenance and Repair Fund budget to

pay the amount of this claim; and

WHEREAS, an emergency exists in the usual daily operations of the Department of Public Service, in that it is necessary for this ordinance to be effective immediately in order for the parties to effectuate the settlement, which is in the best interest of the City of Columbus, and to pay the agreed to sum without delay; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the City Attorney be and is hereby authorized to settle all claims against the City of Columbus, its officers, agents and employees in the matters of *In re: Jermaine Hilton*, Grievance Nos. 13-2021, 14-2021, 15-2021, 16-2021, and 17-2021 brought by the CWA and pending before an arbitrator by payment of thirty thousand dollars (\$30,000.00)) less applicable withholdings, as a reasonable and fair amount, and as being in the best interest of the City of Columbus.

Section 2. That the expenditure of up to \$30,000.00, or so much thereof as may be needed, pursuant to the action authorized in SECTION 1, is hereby authorized to be expended by the Department of Public Service.

Section 3. That for the purpose of paying the back pay associated with this settlement, there be and hereby is authorized to be expended by the City of Columbus, from the Department of Public Service Street Construction Maintenance and Repair Fund Budget, the sum of \$30,000.00, or so much thereof as may be needed, per the accounting codes in the attachment to this ordinance.

Section 4. That for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force after passage and approval by the Mayor, or 10 days after passage if the Mayor neither vetoes nor approves the same.