



Legislation Details (With Text)

File #: 0284-2011 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 2/10/2011 **In control:** Public Safety & Judiciary Committee
On agenda: 2/28/2011 **Final action:** 3/2/2011

Title: To authorize and direct the City Attorney to pay the settlement amount to Howard M. Chrysler in the case of Howard M. Chrysler v. City of Columbus, Department of Public Utilities, pending before the United States District Court, Case No. 2:10 CV 400; and Howard M. Chrysler v. City of Columbus, et al., pending before the Court of Common Pleas, Case No. 10 CV 016932, in the amount of seventy-two thousand Dollars (\$72,000.00) and declare an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|------------------------------------|--------|
| 3/2/2011 | 1 | MAYOR | Signed | |
| 3/2/2011 | 1 | CITY CLERK | Attest | |
| 2/28/2011 | 1 | COUNCIL PRESIDENT | Signed | |
| 2/28/2011 | 1 | Columbus City Council | Approved | Pass |
| 2/18/2011 | 1 | CITY ATTORNEY | Reviewed and Approved | |
| 2/18/2011 | 1 | Atty Drafter | Sent to Clerk's Office for Council | |
| 2/17/2011 | 1 | Finance Reviewer | Reviewed and Approved | |
| 2/17/2011 | 1 | FINANCE DIRECTOR | Reviewed and Approved | |
| 2/17/2011 | 1 | Atty Drafter | Sent for Approval | |
| 2/17/2011 | 1 | CITY AUDITOR | Reviewed and Approved | |
| 2/17/2011 | 1 | CITY AUDITOR | Reviewed and Approved | |
| 2/17/2011 | 1 | Utilities Drafter | Sent for Approval | |
| 2/16/2011 | 1 | Finance Reviewer | Reviewed and Approved | |
| 2/16/2011 | 1 | Finance Reviewer | Reviewed and Approved | |
| 2/15/2011 | 1 | Atty Drafter | Sent for Approval | |
| 2/15/2011 | 1 | Utilities Drafter | Sent for Approval | |
| 2/15/2011 | 1 | Utilities Reviewer | Sent for Approval | |
| 2/15/2011 | 1 | UTILITIES DIRECTOR | Reviewed and Approved | |
| 2/15/2011 | 1 | Utilities Drafter | Sent for Approval | |
| 2/14/2011 | 1 | Utilities Drafter | Sent for Approval | |
| 2/14/2011 | 1 | Utilities Reviewer | Reviewed and Approved | |

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|-----------|---|--------------|-------------------|
| 2/14/2011 | 1 | Atty Drafter | Sent for Approval |
| 2/10/2011 | 1 | Atty Drafter | Sent for Approval |

Background

This ordinance is submitted to settle the lawsuits known as *Howard M. Chrysler v. City of Columbus, Department of Public Utilities*, pending before the United States District Court, Case No. 2:10 CV 400; and *Howard M. Chrysler v. City of Columbus, et al.*, pending before the Court of Common Pleas, Case No. 10 CV 016932, in the amount of seventy-two thousand and No/100 Dollars (\$72,000.00). Mr. Chrysler is a former employee of the Department of Public Utilities. His employment was terminated on December 7, 2009, for violating the City's Central Work Rules. Mr. Chrysler challenged his termination and filed an interference claim in the United States District Court under the Family and Medical Leave Act and an unemployment compensation appeal with the Court of Common Pleas.

Fiscal Impact

Funds were not specifically budgeted for this settlement; however sufficient monies are available in the appropriate account to pay the amount of this claim.

To authorize and direct the City Attorney to pay the settlement amount to Howard M. Chrysler in the case of *Howard M. Chrysler v. City of Columbus, Department of Public Utilities*, pending before the United States District Court, Case No. 2:10 CV 400; and *Howard M. Chrysler v. City of Columbus, et al.*, pending before the Court of Common Pleas, Case No. 10 CV 016932, in the amount of seventy-two thousand Dollars (\$72,000.00) and declare an emergency.

WHEREAS, on December 7, 2009, Mr. Chrysler was terminated from his employment because he was absent without leave for five consecutive working days in violation of the City's Central Work Rules; and

WHEREAS, Mr. Chrysler filed a complaint in the United States Direct Court alleging the City interfered with his rights under the Family and Medical Leave Act when it denied him leave, and terminated him for taking leave despite having timely turned in the required medical certification substantiating his need for leave under the Family and Medical Leave Act; and Mr. Chrysler filed an appeal of his unemployment compensation claim in the Court of Common Pleas; and

WHEREAS, following the evaluation of Mr. Chrysler's claims in the course of litigation, the parties reached an agreement to settle this matter. Due to dispute of this claim and the risks and uncertainties associated with continued litigation and trial, the settlement amount was deemed acceptable by the City of Columbus, along with dismissal of the lawsuits with prejudice and a release of the City of Columbus and its employees from further liability. It is in the best interests of the City to settle this case for a total of \$72,000.00; and

WHEREAS, sufficient funds are available within the Department of Public Utilities citywide account to cover this settlement; and

WHEREAS, an emergency exists in the usual daily operations of the City, in order to expedite the settlement of this matter, and otherwise for the preservation of the public health, safety, and welfare,

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

Section 1. That the City Attorney be and hereby is authorized and directed to settle all claims against the City of Columbus, its officers, agents and employees in the lawsuit of *Howard M. Chrysler v. City of Columbus, Department of Public Utilities*, pending before the United States District Court, Case No. 2:10 CV 400; and *Howard M. Chrysler v. City of Columbus, et al.*, pending before the Court of Common Pleas, Case No. 10 CV 016932, by payment of \$72,000.00 as a reasonable and fair amount, and in the best interests of the City of Columbus.

Section 2. That the City Auditor be and is hereby authorized and directed to transfer the sum of \$72,000.00 within the Department of Public Utilities, Division of Power and Water, Electricity Operating Fund 550, Dept./Div. No. 60-07 from OCA code 606715, Object Level One 01, Object Level Three 1101, to OCA code 600700, Object Level One 05, Object Level Three 5573, the sum of \$72,000.00.

Section 3. That for purposes of paying this settlement, there be and hereby is authorized to be expended by the City of Columbus, from the Department of Public Utilities, Division of Power and Water, Electricity Operating Fund 550, Dept./Div. No. 60-07, OCA Code 600700, Object Level One 05, Object Level Three 5573, in the amount of \$72,000.00.

Section 4. That the City Auditor be and is hereby authorized to draw three warrants upon the City Treasurer upon receipt of a voucher and a release approved by the City Attorney; one in the amount of \$21,600.00 and made payable to Howard M. Chrysler; another in the amount of \$21,600.00 also made payable to Howard M. Chrysler and the last in the amount of \$28,800.00 and made payable to Marshall and Morrow, LLC, counsel for Howard M. Chrysler.

Section 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.