City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1544-2013, **Version:** 1

This ordinance is submitted to settle the lawsuit known as *Patrick W. Jones v. City of Columbus, Department of Technology*, pending before the United States District Court, Southern District of Ohio, Case No. 2:11 CV 778; and *Columbus Municipal Association of Government Employee's/ Communications Workers of America, Local 4502 ("CMAGE") v. City of Columbus, Department of Technology*, grievance numbers 0008-2012 and 0009-2012, pending before a duly appointed arbitrator, in the amount of One Hundred and Fifty Thousand Dollars ($150,000.00). Mr. Jones is a former employee of the Department of Technology. His employment was terminated on March 2, 2012, for violating the City's Central Work Rules. Mr. Jones challenged his termination and filed race discrimination claims under Title VII and R. C. 4112; and retaliation claims under Title VII and R.C. 4112; additionally, his union, CMAGE, filed grievances on his behalf. Upon evaluation of Mr. Jones' claims, it is the recommendation of the City Attorney that it is in the best interest of the City of Columbus to settle this matter for One Hundred and Fifty Thousand Dollars ($150,000.00).

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.

Emergency Designation: This ordinance is being submitted as an emergency measure in order to expedite the settlement process so that Plaintiff can be paid in a timely manner.

To authorize and direct the City Attorney to settle the case of *Patrick W. Jones v. City of Columbus, Department of Technology*, pending before the United States District Court, Southern District, Eastern Division and the related union grievances in the amount of $150,000.00; and to declare an emergency. ($150,000.00)

WHEREAS, the lawsuit captioned *Patrick W. Jones v. City of Columbus, Department of Technology*, pending before the United States District Court, Case No. 2:11 CV 778 and *CMAGE/CWA, Local 4502 v. City of Columbus, Department of Technology*, grievance numbers 0008-2012 and 0009-2012 in which Mr. Jones alleged the City discriminated against him based on his race when he was disciplined and subsequently terminated. Mr. Jones further alleged the City retaliated against him when it issued discipline against Mr. Jones and terminated his employment. Additionally, on behalf of Mr. Jones, his union filed a grievance challenging his termination; and

WHEREAS, following the evaluation of Mr. Jones' claims and due to dispute of these claims and the risks and uncertainties associated with continued litigation and trial, the parties agreed to settle this matter for a total of One Hundred and Fifty Thousand Dollars ($150,000.00); and

WHEREAS, it is in the best interests of the City to settle this case; and

WHEREAS, an emergency exists in the usual daily operations of the City, in order to expedite the settlement of this matter so that Mr. Jones is timely paid, and otherwise for the preservation of the public health, safety, and welfare; now, therefore,

BE IT ORDAINED 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 *Patrick W. Jones v. City of Columbus, Department of*

Technology, pending before the United States District Court, Case No. 2:11 CV 778; and *CMAGE/CWA, Local 4502 v. City of Columbus, Department of Technology*, pending before a duly appointed arbitrator, grievance numbers 0008-2012 and 0009-2012, by payment of One Hundred and Fifty Thousand Dollars ($150,000.00) 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 appropriations in the amount of $150,000.00 within the Department of Technology, Operating Fund 514, Dept./Div. No. 47-01 from OCA code 470369, Object Level One 01, Object Level 3 1101, to OCA code 470369, Object Level One 05, Object Level Three 5573.

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 Technology Operating Fund 514, Dept./Div. No. 47-01-07, OCA Code 470369, Object Level One 01, Object Level Three 5573, in the amount of $150,000.00.

Section 4. That the City Auditor be and is hereby authorized to draw two warrants upon the City Treasurer upon receipt of a voucher and a release approved by the City Attorney; one in the amount of $40,000.00 and made payable to Kemp, Schaeffer & Rowe Co., LPA; and another in the amount of $110,000.00 made payable to Patrick Wade Jones.

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.