Request for City Council Committee Action
From the City Attorney's Office

Date: June 19, 2009
To: Ways & Means/Budget Committee
Referral to:

Subject: *Laurence Stewart v. City of Minneapolis*
Court File No.: A4166-EM-RP

Recommendation: That the City Council approve the settlement of this case by payment of $10,000.00 payable to Laurence Stewart and his attorney, Albert Goins, from Fund/Org. 06900 1500100 145675 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

Previous Directives:

Prepared by: C. Lynne Fundingsland Phone: (612) 673-3339

Approved by: Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact (Check those that apply)

___ No financial impact (If checked, go directly to Background/Supporting Information).
___ Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
___ Action provides increased revenue for appropriation increase.
___ Action requires use of contingency or reserves.
___ Business Plan: ____ Action is within the plan. _____ Action requires a change to plan.
_X_ Other financial impact (Explain): 06900 1500100 145675
___Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact
Neighborhood Notification
City Goal(s):
Comprehensive Plan
Zoning Code
Other

Background/Supporting Information

Mr. Stewart began employment with the City of Minneapolis in May of 2003, as a Mechanic in the Fleet Services Division of the Minneapolis Department of Public Works, a position he still holds. On March 2, 2004, Stewart filed a Charge of Discrimination with the Minneapolis Department of Civil Rights alleging discrimination based on race, retaliation, and a hostile work environment. Mr. Stewart alleged that the job duties for his position had been changed from those performed by the person previously in the position, who was a white male. Stewart also complained that his computer and telephone had been taken away from his work area, and that he was not allowed to tow vehicles as people previously holding the position had. Stewart alleged that he had difficulties working with some of his co-workers, and stated it was because he was the only black male in the area. On one occasion, Stewart alleges he was verbally threatened by a co-worker, and that this co-worker was not adequately disciplined for his behavior.

The City, in its response to Mr. Stewart's Charge of Discrimination, proffered several reasons for the change in Mr. Stewart's duties, as well as the fact that the computer and the phone were removed from his work area. Respondent City stated that all of these changes had been done for legitimate business reasons which were non-discriminatory. Regarding the behavior of the co-worker, the City stated that the co-worker had been reprimanded for his behavior toward Mr. Stewart, and that it was sufficient discipline for the matter.

After a lengthy investigation, the Department of Civil Rights made a finding dismissing the charge of retaliation and the charge of hostile work environment but found Probable Cause on the issue of discrimination based on race. It based its finding on the fact that it believed the investigation showed that Mr. Stewart had been subjected to disparate treatment based on his race.

The case was then referred to the Minneapolis Commission on Civil Rights. The presiding Commissioner ordered that the parties enter into mediation. A mediation was held on January 12, 2009. Mr. Stewart and his attorney, Albert Goins, were in attendance. The City was represented at that meeting by William Gauthier of the Department of Public Works, Fleet Services, who is Mr. Stewart's supervisor. After a lengthy mediation, the parties reached a proposed settlement which is as follows: the payment of $10,000.00 to Mr. Stewart and his attorney, and the reinstatement of 40 hours of compensatory or vacation time to Mr. Stewart.

While the City has defenses to this matter, it is possible that, given the finding of probable cause, the Commission could make the same finding against the City. Because this is a Civil Rights case, and therefore a fee-shifting case, the City would then be responsible for whatever award Mr. Stewart might get as well as the payment of his attorney's fees. I have met with Fleet Service Director John Scharffbillig and Deputy Director of Public Works Heidi Hamilton regarding this matter, and they support this proposed settlement.