



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

Date: April 19, 2004  
To: Ways & Means/Budget Committee  
Referral to:

**Subject:** Galina Izraelev v. City of Minneapolis

**Recommendation:** That the Council approve settlement of this matter for the sum of \$ 35,000 payable to Galina Izraelev from fund/org. 6900 150 1500 6500 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:**

Prepared by: Caroline Bachun, Assistant City Attorney Phone: 673-2754

Approved by: Jay M. Heffern  
Jay M. Heffern  
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

<p><b>Financial Impact</b> (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input checked="" type="checkbox"/> Other financial impact (Explain):</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>
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<p><b>Community Impact:</b> City Goals: Build Community</p>
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**Background/Supporting Information**

Izraelev is an Engineer II with the City of Minneapolis. Izraelev has worked with the City since 1990 and has applied for promotions to Engineer II ½ and Engineer III about 20 times, but has not yet received a promotion.

Izraelev volunteered to do in-house design of the Hilltop water reservoir. Most large jobs are now designed by outside consultants, so by performing the work in-house, Izraelev saved the City money. While she was working on the Hilltop design, Izraelev made a complaint to the Civil Service Commission claiming that she was performing Engineer III work and that she should be permanently given an Engineer III title. After a hearing, the Civil Service Commission issued a determination stating that while Izraelev would not be given an Engineer III position permanently, the department was

required to detail her to Engineer III starting in January 1999 and continuing until the substantial or final completion date of the Hilltop reservoir project.

In June 2001, Izraelev made a complaint to the Human Resources Department claiming that she had been discriminated against in the promotional process based on her national origin and age. In July 2001, she alleged further that she was discriminated against based on her gender. This complaint was investigated by an outside investigator, who found that there was no discrimination by the City.

Izraelev's detail to Engineer III had been renewed every sixth months until October 2001. At that time, management decided that the Engineer III duties of the Hilltop reservoir had been substantially completed. Therefore, Izraelev's detail was ended effective January 1, 2002.

When Izraelev's detail was ended, the reservoir had been water-tested and the third phase of the project --- backfilling (placing dirt around the reservoir) --- needed to be completed. Some of the supervisors, who would be witnesses in this matter, have stated that under an engineering definition of "substantially complete," the reservoir was not substantially complete in January 2002, and may not have been substantially complete until December 31, 2003, or later.

Izraelev filed a Minnesota Human Rights Department Complaint in June 2002, claiming that she was discriminated against based on her age, gender, national origin and religion based on a failure to promote. She also claimed that the abrupt end of her detail before the completion of the project was in retaliation for her filing discrimination complaints with the City in June and July 2001. A Minnesota Human Rights Department investigator found probable cause to believe that the City had retaliated against Izraelev in ending her detail to Engineer III based on Izraelev having filed discrimination complaints with the City.

The Minnesota Human Rights Department has already found probable cause to believe that the City had retaliated against Izraelev. Izraelev is a current employee who brings value to the City and who has an ongoing relationship with her supervisors. It is in the best interest of the City that this matter be amicably settled for \$35,000, which includes a \$26,000 payment for back wages for 2002 and 2003 (\$13,000 back wages for 2002 and \$13,000 back wages for 2003) and a \$9,000 payment for non-wage damages.