



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

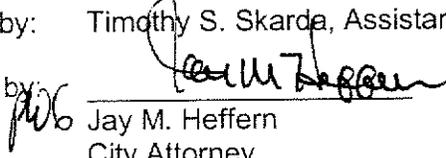
Date: September 8, 2004
To: Ways & Means/Budget Committee
Referral to: None

Subject: Renee Trutwin v. City of Minneapolis, Hennepin County District Court File no. 03-006087

Recommendation: That the City Council approve settlement of all claims filed by Renee Trutwin relating to her employment with the City of Minneapolis in the amount of \$25,000.00, payable to Renee Trutwin and her attorney Paul W. Iverson and authorize the City Attorney to execute any documents necessary to effectuate the settlement and release of claims, payable from Fund/Org. 6900 150 1500 6900.

Previous Directives: None.

Prepared by: Timothy S. Skarda, Assistant City Attorney, 673-2553

Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain): Payment from Fund/Org. 6900 150 1500 4000
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact: Build Community

Background/Supporting Information

Renee Trutwin is a female former employee of the City of Minneapolis who filed an employment discrimination lawsuit in March, 2003. Ms. Trutwin was employed by the City of Minneapolis from August 28, 1986, to April 2, 2004. She worked in the Department of Public Works most recently as laborer for the Field Services/Bridge Department. The incidents that give rise to the litigation occurred when she was a pipelayer in water main construction. Ms. Trutwin has never been disciplined while a City employee.

Ms. Trutwin alleges that she applied for a position as a Foreman in Water Main Construction in 2000. She was not promoted. She alleges that she ranked second on the test by one point and that her examination was not properly scored. She alleges that the City allowed the promotional list to expire rather than allow her to be promoted. Ms. Trutwin also makes specific allegations concerning her immediate supervisor, who was one of two people sitting on the oral interview portion of the promotional examination. She alleges that she was treated more harshly than male employees, that her skills were belittled and that disparaging remarks were made about her. She alleges that male co-workers were not treated similarly. Ms. Trutwin has provided testimony from a male co-worker in support of her allegations.

The City has responded to the allegations by asserting that the promotional examination was properly scored; that any imperfections in scoring were not relevant, because Ms. Trutwin was an unranked finalist in the oral interview for the promotional position; and that, while qualified, Ms. Trutwin was not the most qualified applicant.

Discovery has been completed and the case is scheduled for trial in Hennepin County District Court before the Honorable LaJune T. Lange during a trial block beginning September 13, 2004. A final settlement conference was held on September 7, 2004, attended by Council Member Natalie Johnson Lee; Assistant City Attorney Timothy S. Skarda; Director of the Water Works, Adam Kramer; and Marie Asgain, Superintendent of Water Distribution.

Ms. Trutwin valued her claim at up to \$250,000, assuming the recovery of treble damages, but initially demanded \$75,000.00 in full settlement of all claims related to her employment with the City of Minneapolis. During discussions prior to the settlement conference, the City had offered \$12,500 and Ms. Trutwin has reduced her demand to \$60,000.00. She alleged a wage loss claim of between \$22,000 and \$31,000 and attorneys' fees of \$15,000.00. During the course of negotiations at the settlement conference a proposed settlement was reached in the amount of \$25,000.00, an amount approved by Klara A. Fabry, Director of Public Works.

The parties involved in the settlement conference believe that the proposed settlement is in the best interest of the City of Minneapolis and recommend its approval.