



Legislation Details (With Text)

File #: 18-0043 **Version:** 1 **Name:** Labor Settlement Agreement: Edward Gruber
Type: Resolution **Status:** Adopted
File created: 1/11/2018 **In control:** Law
On agenda: 2/21/2018 **Final action:** 2/21/2018

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Settlement of Labor Matter
OAL Docket No.: CSV 03551-16
Claimant: Edward Gruber, Jr.
Claimant's Attorney: N/A
Claimant's Address: 15 Emma Place, Clifton, New Jersey 07013
Settlement Amount: \$33,000.00
Funding Source: Insurance Trust Fund
Additional Comments:
Invitation: Acting Corporation Counsel

Sponsors: Council of the Whole

Indexes:

Code sections:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--------|--------|
| 2/21/2018 | 1 | Municipal Council | Adopt | Pass |

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WHEREAS, Plaintiff Edward Gruber, Jr. ("Gruber") was a Senior Building Inspector for the City of Newark ("City"), Department of Engineering who was terminated from employment on August 7, 2015 for Conduct Unbecoming a Public Employee, Incompetency, Insubordination, Inability to Perform Duties, Neglect of Duty and Other Sufficient Causes; and

WHEREAS, Gruber appealed his termination to the Office of Administrative Law ("OAL") under IMO Edward Gruber, Jr., City of Newark, Department of Engineering, OAL Dkt. No. CSV 03551-16 and a trial was scheduled to be held on July 31, 2017; and

WHEREAS, in consideration of the burden and expense of additional litigation, Gruber and the City (collectively "the Parties") desire to amicably resolve and settle the matter with the attached

Settlement Agreement and General Release (“Settlement Agreement”); and

WHEREAS, as part of the Settlement Agreement between the Parties, Gruber agrees to accept a six (6) month suspension for the period of August 7, 2015 to January 8, 2016 and will be credited six (6) months of back pay in the amount of Thirty-Three Thousand Dollars and Zero Cents (\$33,000.00); and

WHEREAS, as part of the Settlement Agreement, Gruber further agrees to tender his resignation from the City as a Senior Building Inspector effective July 31, 2017. (see Settlement Agreement attached hereto); and

WHEREAS, given all of the facts and circumstances, the Acting Corporation Counsel recommends that it is in the best interest of the City to resolve the matter pursuant to the terms contained herein and to authorize him to effectuate the settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY THAT:

1. The Acting Corporation Counsel is authorized to execute the Settlement Agreement and Release between the City of Newark and Plaintiff Edward Gruber, Jr. under IMO Edward Gruber, Jr., City of Newark, Department of Engineering, OAL Dkt. No. CSV 03551-16 for settlement of claims based upon NJAC 4A:2-2.3(a): incompetency, insubordination, inability to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient causes.
2. The Mayor and the Acting Corporation Counsel are authorized to obtain and execute any other documents, sufficient in form and content to the Acting Corporation Counsel, and take whatever actions necessary to effectuate the terms of the within resolution and settlement of this matter pursuant to the terms contained in this Resolution and Settlement Agreement.
3. Edward Gruber, Jr. agrees to accept a six (6) month suspension, for the period of August 7, 2015 to January 8, 2016.
4. The Director of the City of Newark Department of Finance is hereby authorized to issue a check to Edward Gruber, Jr., 15 Emma Place, Clifton, New Jersey 07013, in the amount of Thirty-Three Thousand Dollars and Zero Cents (\$33,000.00), representing six (6) months of back pay, pursuant to the Settlement Agreement and General Release approved by the court at OAL on August 3, 2017.
5. Attached hereto is a Certification of Funds, issued by the Director of the Department Finance of the City of Newark, which states that there are available sufficient, legally appropriated funds in the amount of Thirty-Three Thousand Dollars and Zero Cents (\$33,000.00), for the purpose set forth herein above and which states that the line appropriation of the office budget which shall be charged is the Department of Business Unit NW025: Dept.: 25T , Div./Proj.7T25, Account# 96340 Budget Ref: B2018,.
6. The Acting Corporation Counsel shall file a copy of the adopted Resolution and fully executed

Settlement Agreement and Release in the Office of the City Clerk.

7. A fully executed copy of the Settlement Agreement shall be filed in the Office of the City Clerk by the Acting Corporation Counsel.
8. This resolution shall be effective upon adoption in accordance with applicable State Law.

STATEMENT

This Resolution authorizes the Acting Corporation Counsel, on behalf of the City of Newark, to enter into a Settlement Agreement and Release to settle civil litigation captioned, IMO Edward Gruber, Jr., City of Newark, Department of Engineering, OAL Dkt. No.. CSV 03551-16, in the amount of \$33,000.00, in exchange for Plaintiff's dismissal of any and all claims against the City of Newark and its employees and a complete release.