



Legislation Details (With Text)

File #: 18-0730 **Version:** 1 **Name:** Pre-Litigation Settlement (Wilson, Mensah)
Type: Resolution **Status:** Adopted
File created: 5/7/2018 **In control:** Law
On agenda: 6/7/2018 **Final action:** 6/7/2018

Title: Dept/ Agency: Law
Action: () Ratifying (X) Authorizing () Amending
Purpose: Pre-Litigation Settlement of Civil Claim
Docket No.: N/A
Claimants: AFSCME NJ, Local 2299, Michael Wilson and Felix Amoh-Mensah
Claimant's Attorney: Zazzali, Fagella, Nowak, Kleinbaum & Friedman, P.C.
Attorney's Address: 570 Broad Street, Suite 1402, Newark, New Jersey 07102
Settlement Amount: \$55,000.00
Funding Source: Insurance Trust Fund
Additional Comments:

Invitation: Acting Corporation Counsel (date to be entered by Clerk's Office)

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
6/7/2018	1	Municipal Council		
6/7/2018	1	Municipal Council	Adopt	Pass

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WHEREAS, AFSCME NJ, Local 2299 (the "Union") and the City of Newark (City") are parties to a collective negotiations agreement which covers the period of January 1, 2009 through December 31, 2016 and the Union and the City are currently in negotiations for a successor agreement; and

WHEREAS, Michael Wilson and Felix Amoh-Mensah are members of the Union, and are employed with the City's Department of Health and Community Wellness in titles requiring a Registered Environmental Health Specialist ("REHS") license; and

WHEREAS, both individuals have held these titles requiring REHS license for more than five (5) years, and advised the City that they are not being paid at the correct step of the salary guide, pursuant to N.J.S.A. 26:3-25.; and

WHEREAS, on June 5, 2017 the City placed Wilson and Amoh-Mensah at the top step of their salary range for the positions they held pursuant to N.J.S.A. 26:3-25.1; and

WHEREAS, the Parties have reached an agreement which, among other things, resolves their issues without the need for litigation; and

WHEREAS, the Parties have set forth the terms and conditions of their agreement in the form of a Settlement Agreement and Release ("Agreement"), which resolves this matter in its entirety by (a) continuing to place Wilson and Amoh-Mensah at the top step of the salary range for their titles, Chief REHS and Lead Poisoning/Senior Sanitary Inspector, respectively, so long as they remain in that title, and the following payments: (a) Michael Wilson: TWENTY-FOUR THOUSAND, TWO HUNDRED NINETY-NINE DOLLARS AND ZERO CENTS (\$24,299.00) and (b) Felix Amoh-Mensah: THIRTY THOUSAND, SEVEN HUNDRED ONE DOLLARS AND ZERO CENTS (\$30,701.00) ("Settlement Sums"); and

WHEREAS, the settlement requires that each of the Released Plaintiffs be placed at the top step of the salary guide for the Chief REHS and Lead Poisoning/Senior Sanitary Inspector positions respectively, as that salary guide is negotiated and agreed upon by the City of Newark ("City") and AFSCME NJ, Local 2299 (the "Union") in its current and successive collective bargaining agreements, effective June 5, 2017, in accordance with N.J.S.A. 26:3-25.1; and

WHEREAS, the Acting Corporation Counsel based upon all facts and circumstances presented, deems it is in the best interest of the City of Newark to resolve this matter without the need for litigation by payment of the proposed Settlement Sums and execution of the Settlement Agreement and Release.

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

1. The Acting Corporation Counsel is hereby authorized on behalf of the City of Newark to execute and accept the terms of the Settlement Agreement and Release, attached hereto.
2. Upon receipt by the Acting Corporation Counsel of all documents deemed necessary, the Director of Finance is hereby authorized and directed to issue payroll checks in the following amounts with all the usual and customary deductions, including deductions for the employees' pension contributions, as follows:
 - Michael Wilson: Twenty-Four Thousand, Two Hundred Ninety-Nine Dollars and Zero Cents (\$24,299.00);
 - Felix Amoh-Mensah: Thirty Thousand, Seven Hundred One Dollars and Zero Cents (\$30,701.00)
3. Attached hereto are the Certifications of Funds issued by the Director of Finance, City of Newark, which states that there are available sufficient

legally, appropriated funds from Business Unit NW025, Dept. 25T, Div./Project 7T25 and Account# 96340, in the amount of Fifty-Five Thousand Dollars and Zero Cents (\$55,000.00) for the purpose set forth herein.

5. Pursuant to the Agreement, payment to Wilson and Amoh-Mensah will be made no later than sixty (60) days from the date that this settlement is approved by the Municipal Council.

6. The Acting Corporation Counsel shall file a copy of the Comptroller's Certification and this resolution in the Office of the City Clerk.

7. The Acting Corporation Counsel shall file a fully executed copy of the Settlement Agreement in the Office of the City Clerk.

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 resolve, without the need for litigation, the matter raised, by AFSCME NJ, Local 2299 on behalf of its members Michael Wilson and Felix Amoh-Mensah, against the City, for the combined amount not to exceed \$55,000.00, in exchange for their full dismissal and release of any and all claims they could have brought against the City and its employees.