



Legislation Text

File #: 18-0087, Version: 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: Settlement of Labor Appeal

Docket No.: OAL Docket Number CSV 01958-2017N

Appellant: Devon Young

Appellant's Attorney: Lynsey A. Stehling, Esq.

Attorney's Address: Law Offices of Daniel J. Zirrieth, LLC., 241 Forsgate Drive, Suite 109, Monroe Township, New Jersey 08831

Settlement Amount: \$30,000.00

Funding Source: Judgment Fund

Additional Comments:

Invitation: Acting Corporation Counsel

Deferred 7R6-d 072118

WHEREAS, Appellant Devon Young (hereinafter "Young") filed an appeal in the Office of Administrative Law ("OAL"), through her union, Local Council 21, challenging her December 23, 2013 termination as a Public Safety Telecommunicator Trainee ("PST Trainee") with the City of Newark, Department of Public Safety (hereinafter "City") (collectively referred to as the "Parties"); and

WHEREAS, the City did not provide Young with an administrative hearing prior to her termination during her working test period; and

WHEREAS, at the request of the Parties, the Civil Service Commission held the matter in abeyance. Based on the Parties' inability to reach a settlement, the matter was transferred to OAL under Docket Number CSV 01958-2017N. A trial was scheduled for August 7, 2017; and

WHEREAS, the Parties have determined that it is in their respective best interests to amicably resolve this matter without admission or adjudication of fact or law with the attached Settlement Agreement and General Release ("Settlement"); and

WHEREAS, as part of the settlement between the Parties, Young agrees to withdraw her OAL appeal and provide the City with a full release regarding the facts and circumstances related to the December 23, 2013 termination.

WHEREAS, in return for this release, the City agrees to allow Young to return to her former title as a PST Trainee. Young must pass a background check prior to commencement of employment. Once she returns to the position of PST Trainee, Young must successfully complete a 90-day working test period before becoming a PST. Further, the City agrees to pay Young the amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00) ("Settlement Sum") in satisfaction of the settlement terms.

WHEREAS, the Acting Corporation Counsel deems it is in the best interest of the City to resolve Young's appeal of the termination pursuant to the terms contained herein;

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 General Release between the City of Newark, Local Council 21 and Appellant Young under IMO Devon Young v. City of Newark, Fire Department, OAL Dkt. No. CSV 01958-2017N for settlement of claims; and
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; and
3. Young agrees to withdraw the pending action against the City. In return, the City agrees to reinstate Young to the position of Public Safety Telecommunicator upon successful completion of her 90-days working test period and pay the Settlement Sum of Thirty Thousand Dollars and Zero Cents (\$30,000.00); and
4. The Director of City of Newark Department of Finance is hereby authorized to issue a check to Devon Young, 185 Woodside Avenue, Newark, New Jersey 07014, in the amount of Thirty Thousand Dollars and Zero Cents (\$30,000.00), representing total back pay, pursuant to the Settlement Agreement and General Release approved, on the record, at OAL on August 7, 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 Thousand Dollars and Zero Cents (\$30,000.00) 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 Fund: 025, Agency 25T, Org, 7T25, Budget Year: B2018, Account# 96340
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.

STATEMENT

This Resolution authorizes the Acting Corporation Counsel, on behalf of the City of Newark, to enter into a Settlement Agreement and General Release to settle the labor appeal captioned IMO Devon Young, City of Newark, Fire Department, OAL Dkt. No. CSV 01958-201N, in exchange for Appellant's dismissal and complete release of any and all claims against the City of Newark, the Mayor and its employees.

