



Legislation Details (With Text)

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Title: A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Indira Duarte In An Amount Not To Exceed \$169,000.00.

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Attachments: 1. rsettleduarte.pdf, 2. BIS 18-097.pdf

Date	Ver.	Action By	Action	Result
2/7/2018	1	Regular City Commission Meeting	adopt	Pass

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement With Indira Duarte In An Amount Not To Exceed \$169,000.00.

Staff Recommends: Approval of the Resolution.

Explanation:

On August 4, 2017, Indira Duarte's employment with the City as a Code Enforcement Officer was terminated for inappropriate behavior at the workplace. Ms. Duarte filed a grievance, claiming that the termination was without just cause.

The grievance was heard and denied at steps 1 and 2, and Ms. Duarte then demanded arbitration as provided in the AFSCME collective bargaining agreement (the "CBA"). Arbitration was scheduled to begin on January 30, 2018, but staff and Ms. Duarte negotiated a settlement of the grievance and of her claim under the Uniformed Services Employment and Reemployment Rights Act "USERRA"), a federal law that protects the employment rights of members of the armed forces; and

Ms. Duarte, who is in the military reserves, claims that under USERRA, the City did not treat her properly when she was called up for training and/or active duty. While the City Attorney believes such claim is without merit, the negotiated settlement is a compromise of both the grievance and the USERRA claim.

The settlement requires the City to pay \$140,000.00 to Ms. Duarte, \$25,000.00 to her attorney, and the full amount of the arbitrator's cancellation fees, and it requires Ms. Duarte to withdraw the grievance and release the City from any and all liability under USERRA.

Under the CBA, arbitrator's fees are paid by the party that does not prevail, but in the negotiated settlement, the City would pay the full amount of the arbitrator's fees. The arbitrator has not yet submitted an invoice, but it is safe to assume that the total will not exceed \$4,000.00, which brings the total amount recommended to be authorized for the settlement to an amount not to exceed \$169,000.00.

The City Attorney recommends that the City Commission approve the negotiated settlement.

Recommended for inclusion on the agenda by:

Douglas R. Gonzales, City Attorney

Dr. Wazir A. Ishmael, City Manager

George R. Keller, Jr., Assistant City Manager/Finance & Administration