

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0187

Sponsored by: <b>County Executive FitzGerald</b>	<b>A Resolution</b> approving a proposed settlement and Consent Judgment in connection with <i>Lympany, et al. v. Cuyahoga County et al.</i> , U.S.D.C. Case No. 1:12cv2318; authorizing the Law Director and/or his designee to execute any supporting documentation; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, Cuyahoga County has been named in a lawsuit filed in the United States District Court, Northern District of Ohio, in *Lympany, et al. v. Cuyahoga County*, U.S.D.C. Case No. 1:12cv2318, by current and former employees of the Cuyahoga County Department of Health and Human Services, challenging their overtime eligibility under the federal Fair Labor Standards Act; and,

WHEREAS, the County's legal representatives have recommended settlement of the claims of these Plaintiffs in the amount of One Hundred Forty-Five Thousand Dollars (\$145,000.00) plus the employer contribution to the Ohio Public Employees Retirement System on any back-pay allocations; and,

WHEREAS, the Plaintiffs have agreed to a proposed settlement and Consent Judgment constituting the waiver and release of all related claims for specified amounts contingent upon the approval of the County Council; and,

WHEREAS, it is necessary that this Resolution become effective immediately to authorize immediate processing of the settlement of these claims and closure of the case.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the Council hereby approves the proposed settlement and Consent Judgment with the Plaintiffs in *Lympany, et al. v. Cuyahoga County*.

**SECTION 2.** That the Law Director and/or his designee is authorized to execute all other necessary documents required to provide for the payments set forth in the Consent Judgment.

**SECTION 3.** It is necessary that this Resolution become immediately effective in order that the proceedings in *Lympany, et al. v. Cuyahoga County* may proceed as directed by the Court and to continue the usual and daily operations of the County Departments affected by this matter. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 4.** It is found and determined that all formal actions of the Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Conwell, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

Yeas: Brady, Germana, Gallagher, Schron, Conwell, Jones, Hairston, Simon, Greenspan, Miller and Connally

Nays: None

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal CC015  
August 12, 2014