

County Council of Cuyahoga County, Ohio

Resolution No. R2016-0075

Sponsored by: County Executive Budish/Department of Law	A Resolution approving a proposed settlement in the matter of <i>Mulloy, et al. v. Cuyahoga County, et al.</i> , United States District Court, Northern District of Ohio, Case No. 1:14cv02546; authorizing the County Executive and/or his designee to execute the settlement agreement and any related documentation; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County has been named in a lawsuit filed in the United States District Court, Northern District of Ohio, in *Mulloy, et al. v. Cuyahoga County, et al.*, U.S.D.C. Case No. 1:14cv02546, by current and former employees of the Cuyahoga County Sheriff's Department, challenging the calculation and timing of overtime payments 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 Four Hundred Fifty Thousand Dollars (\$450,000.00) plus the employer contribution to the Ohio Public Employees Retirement System on any alleged back-pay allocations subject to an eligibility determination by the Ohio Public Employees Retirement System; and,

WHEREAS, the Plaintiffs have agreed to a proposed settlement constituting the waiver and release of all related claims for specified amounts; and,

WHEREAS, the proposed settlement agreement is contingent upon the approval of both the County Council and the Court; 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 Cuyahoga County Council hereby approves the proposed settlement with the Plaintiffs in *Mulloy, et al. v. Cuyahoga County, et al.*

SECTION 2. That the County Executive and/or his designee is authorized to execute the proposed settlement agreement and any other documents to effectuate the settlement in accordance with this Resolution.

SECTION 3. If any specific appropriation is necessary to effectuate this settlement, the Director of the Office of Budget and Management is hereby directed to submit the requisite resolution to County Council to appropriate any necessary funds to effectuate this settlement. Such appropriation is hereby approved.

SECTION 4. It is necessary that this Resolution become immediately effective in order that the proceedings in *Mulloy, et al. v. Cuyahoga County, et al.* 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 5. 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 Mr. Brady, seconded by Mr. Schron, the foregoing Resolution was duly adopted.

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

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

Legislation Held at the Request of the Sponsor: April 12, 2016

Legislation Substituted on the Floor: April 26, 2016

Journal CC022

April 26, 2016