

MEMORANDUM

TO: Governing Board Members

THROUGH: Sheryl G. Wood, General Counsel

FROM: Derek Brown, Sr. Attorney

DATE: December 24, 2008

SUBJECT: Settlement & Release Agreement
Marquita Fruge - EEOC Charge No. 846-2008-44294

RECOMMENDATION:

A Resolution of the Governing Board of the South Florida Water Management District to authorize a settlement and release agreement with Marquita Fruge for \$31,532.60 to resolve a Charge of Discrimination, filed with the U.S. Equal Employment Opportunity Commission; EEOC Charge No. 846-2008-44294 as well as any and all claims of Discrimination arising out of Fruge's employment; providing an effective date.

BACKGROUND:

Marquita Fruge was employed by the District as an Industrial Electrician at the Okeechobee Field Station until her resignation on July 18, 2008. Ms. Fruge, subsequently, filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (EEOC); EEOC Charge No. 846-2008-44294, alleging that the District discriminated against her because of her sex (female). On December 18, 2008, the District and Ms. Fruge participated in the EEOC's mediation process. The District and Ms. Fruge propose a settlement that will resolve all claims of discrimination arising out of her charge with the EEOC. In order to effectuate the complete release of liability, it is necessary to enter into this settlement and release with Ms. Fruge. The consideration for the EEOC claim is \$31,532.60. The proposed Settlement and Release agreement settles the pending claim of discrimination and releases the District for any and all claims arising out of Ms. Fruge's employment with the District.

The proposed settlement contains the following provisions:

1. In full consideration for and by acceptance of the settlement and release, the District agrees to pay Ms. Fruge the amount of Thirty-one Thousand Five Hundred and Thirty Two dollars and Sixty cents (\$31,532.60).

2. Ms. Fruge agrees to voluntarily withdraw her Charge of Discrimination with the EEOC; specifically EEOC Charge No. 846-2008-44294.
3. In entering into this Agreement the District does not admit to any liability or any fact or the violation of any applicable laws, rules or policies or otherwise reflect upon the merits of any allegation, claim or defense raised by Ms. Fruge in the matter of EEOC Charge No. 846-2008-44294 pending with the EEOC or otherwise.
4. Settlement is recommended because it avoids the additional costs of litigation and resolves all claims.

STAFF RECOMMENDATION:

Staff recommends authorization of the settlement and release agreement with Marquita Fruge for \$31,532.60 to resolve the Charge of Discrimination, filed with the U.S. Equal Employment Opportunity Commission; EEOC Charge No. 846-2008-44294 as well as any and all claims of discrimination arising out of Fruge's employment; providing an effective date.

DB/RLC