

APPROVE PAYMENT OF PARTIAL JUDGMENT IN MELVYN MARKON V. BOARD OF EDUCATION OF CITY OF CHICAGO AND SETTLEMENT OF FRONT PAY CLAIMS (CASE NO. 05 C 3715)

THE GENERAL COUNSEL REPORTS THE FOLLOWING JUDGMENT AND SETTLEMENT:

DESCRIPTION: Pursuant to the judgment entered by Judge Bucklo dated May 25, 2007 in Case No. 05 C 3715, Markon v. Board of Education, in which Markon claims violation of the Age Discrimination in Employment Act, the Board is ordered to pay Markon \$51,373.00 as non-pensionable backpay plus interest at 4.85% from May 25, 2007 to Oct. 15, 2007; \$167,685.00 as attorneys' fees plus interest at 4.85% from May 25, 2007 to Oct. 15, 2007; costs of \$14, 281.22 plus interest at 4.85% from May 25, 2007 to Oct. 15, 2007; and \$51,373.00 as liquidated damages plus interest at 4.85% from May 25, 2007 to Oct. 15, 2007. The total amount of the judgment plus interest is \$290,121.91. Although Judge Bucklo also awarded front pay in the amount of \$235,181.03, that award is the subject of an appeal.

Law Department attorneys have reached a settlement of the front pay claim, subject to Board approval, in connection with the Board's appeal of the front pay award in Case No.07-2497. The tentative settlement agreement will require Markon to release his claims and the Board to pay Markon \$191,804.66 as non-pensionable front pay and to dismiss the pending appeal.

LSC REVIEW: LSC approval is not applicable to this report.

AFFIRMATIVE ACTION STATUS: Affirmative Action review is not applicable to this report.

FINANCIAL: Charge \$481,926.57 plus interest as described above to Law Department
Budget Classification Fiscal Year 2008 12470-210-54530-231112-000000

AUTHORIZATION: Authorize the General Counsel to execute the Settlement Agreement(s), and all ancillary documents related thereto.

GENERAL CONDITIONS:

Inspector General – Each party to the agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board member during the one year period following expiration or other termination of their terms of office.

Indebtedness – The Board's Indebtedness Policy adopted June 26, 1996 (96-0626-PO3), as amended from time to time, shall be incorporated into and made a part of the agreement.

Ethics – The Board's Ethics Code adopted June 23, 2004 (04-0623-PO4), as amended from time to time, shall be incorporated into and made a part of the agreement.

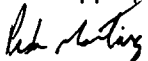
Contingent Liability – The agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

Approved,



PATRICK J. ROCKS
General Counsel

Within Appropriation:



PEDRO MARTINEZ
Chief Financial Officer