

**APPROVE PARTIAL SATISFACTION OF JUDGMENT INVOLVING
TENURED TEACHER LUCILLE RUSSELL'S BACK PAY AND BENEFITS**

THE GENERAL COUNSEL REPORTS THE FOLLOWING:

DESCRIPTION: On March 3, 2008, the Illinois Appellate Court issued a decision overturning the dismissal of tenured teacher Lucille Russell, and ordering the Board of Education of the City of Chicago to reinstate her to a teaching position and to make her whole for all lost wages and benefits. Russell was reinstated to a teaching position at the beginning of this school year. After a hearing on back pay and other issues, Chancery Judge Richard J. Billik ordered the Board to pay Russell \$338,605.56 in back pay and other expenses.

The Law Department has filed a Notice of Appeal with the Illinois Appellate Court. By order dated December 24, 2008, the Appellate Court stayed \$173,047.89 of the back pay award until further order of court.

The Law Department recommends payment of the amount not subject to appeal as follows:

- 1) Pay Lucille Russell a pensionable back pay amount of one hundred forty-nine thousand six hundred seventy-four dollars and twenty cents (\$149,674.20) (representing 40% of the back pay ordered by Judge Billik), less legally required deductions. The Board's additional pension contribution is approximately ten thousand dollars (\$10,000.00);
- 2) Pay Lucille Russell interest on the \$149,674.20 back pay award of 6% per annum from March 3, 2008, through January 28, 2009, totaling eight thousand nine hundred eighty dollars and forty-five cents (\$8,980.45);
- 3) Pay Lucille Russell's court costs of seven hundred twenty-four dollars and seventy-eight cents (\$724.78);
- 4) Reimburse Lucille Russell for various medical bills and COBRA costs in the amount of six thousand one hundred seventy-nine dollars and forty-two cents (\$6,179.42); and
- 5) Credit Lucille Russell with 126 accrued sick days and 15 accrued personal days.

Amount of Partial Judgment: \$ 165,558.85 plus an approximate pension contribution of \$10,000.00.

The Law Department is recommending that eight thousand nine hundred twenty-two dollars and fifty cents (\$8,922.50) be deducted from the amount of partial judgment set forth above, in accordance with an Order entered by Judge Billik on December 9, 2008, and paid to attorney Michael Radzilowsky to satisfy an Attorney's Lien and Costs that he has filed with the Board.

Thus, the final amounts shall be:

- A) \$156,636.35 plus a pension contribution of approximately \$10,000.00 to Lucille Russell; and
- B) \$8,922.50 to attorney Michael Radzilowsky.

Total amount: \$ 165,558.85 plus an approximate pension contribution of \$10,000.00.

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

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

FINANCIAL: Charge \$175,558.85 to Law Department
Budget Classification Fiscal Year 200912470-210-54530-231112-000000

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.

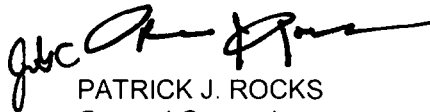
Conflicts – The agreement shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of, or the letting of contracts to, former Board member during the one year period following expiration or other termination of their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