

CLEVELAND PUBLIC LIBRARY

Finance Committee

October 16, 2012

**RESOLUTION TO RETAIN LEGAL SERVICES FROM
OGLETREE DEAKINS FOR LABOR AND EMPLOYMENT MATTERS**

WHEREAS, For several years, the Cleveland Public Library (“Library”) has obtained legal advice and services from the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. (“Ogletree”) for a variety of labor and employment matters including labor negotiations, unemployment compensation claims, benefits, FMLA, and general advice on an as-needed basis; and

WHEREAS, The Library is very satisfied with the high quality of legal advice and services it receives from Ogletree and wishes to continue its attorney-client relationship with Ogletree on an as-needed basis; and

WHEREAS, Ogletree has charged the Library for legal advice and services based upon a discounted hourly rate of \$275 for partners, \$195 for Of Counsel, \$150 for Associates, and \$130 for Paralegal services, and is willing to continue to offer the Library these discounted rates; and

WHEREAS, In the last few months, the Library has received from the Equal Employment Opportunity Commission (EEOC) four (4) complaints filed by current and former Library employees. The Library’s insurance company has assigned Ogletree to defend the Library in these matters, and Ogletree has offered to defend the Library at its reduced hourly rate. The Library is required under its insurance policy retainage to pay the first \$50,000 in legal fees in employment litigation matters, after which the insurance company will pay all legal fees; and

WHEREAS, The Library has paid for legal advice and services from Ogletree for the period of January 1 through September 30, 2012 as follows:

Collective Bargaining	\$16,476.00
General Labor & Miscellaneous Matters	19,067.48
FMLA Compliance	30,325.50
General Legal Advice	3,358.64
EEOC/Litigation	42,603.05
Total as of 9/30/2012	<u>\$111,830.67</u>

Now therefore be it

RESOLVED, That the Board of Library Trustees authorizes the Library to engage the services of Ogletree Deakins to provide labor and employment legal advice and services on an as-needed basis at the hourly rates set forth in this Resolution which expenditure shall be charged to Professional Services Fund Account No. 11400053-53710, and requires that the Fiscal Officer provide a report to the Board of Library Trustees of fees paid to Ogletree on a quarterly basis; and be it further

RESOLVED, That the Board of Library Trustees authorizes the Executive Director, CEO, or the Chief Legal Officer to enter into an agreement with Ogletree for representation of the Library in EEOC complaints not-to-exceed \$50,000 for each matter, which expenditure shall be charged to Professional Services Fund Account No. 11400053-53710, and to execute such other instruments or documents as may be necessary or appropriate to effectuate the terms of this Resolution, subject to the approval of the Chief Legal Officer.