

# GENERAL

## Ordinance Fact Sheet

**140323**

**Ordinance Number**

**Brief Title:**

Approving of settlement of *Abby Mueller v. City of Kansas City, Missouri*

**Approval Deadline:**

**Reason:**

To approve settlement of the claim of *Abby Mueller v. Kansas City, Missouri*

**Details**

|  |   |   |  |
|--|---|---|--|
| <b>Reason for Legislation</b><br>To seek Council approval and authorization of \$248,000.00 in settlement of the lawsuit styled <i>Abby Mueller v. City of Kansas City, Missouri, et al.</i> , Case No. 1216-CV13075.  |   | <b>Sponsor(s)</b> William Geary, City Attorney  |  |
| <b>Discussion</b> <i>(including relationship to other Council actions)</i><br><br>Ms. Mueller employed in the City’s Law Department as a part time Assistant City Prosecutor until July 2011. At that time, the City Prosecutor’s Office converted its staff from a staff of 16 part time prosecutors to 8 full time prosecutors, who would be responsible for more case preparation, and more involvement in the City’s new paperless law enforcement system, including data inputting. The system would be different than the way the courtroom prosecution had been run, and would involve significantly more case responsibility and case preparation. Applications for the full-time positions were accepted, and initial interviews were conducted by the four current full time attorneys in the City Prosecutors, including the City Prosecutor and three Assistants. That committee then created a list of recommended applicants for second interviews, and gave that list to the City Attorney.<br><br>The City Attorney added a few names to that list and interviewed the applicants, and selected eight new hires. Ms. Mueller was not selected for a second interview, despite having several years’ experience as a part time prosecutor for the City. The individuals who were hired included five women (and a female who transferred from the litigation section to the |   | <b>Programs, Departments, or Groups Affected</b><br>Law Department  |  |
|  |   | <b>Applicants/Proponents</b>  | <b>Applicant</b><br><br><b>City Department</b><br><br><b>Other</b> |
|  |   | <b>Opponents</b>  | <b>Groups or Individuals</b><br><br><b>Basis of Opposition</b>     |
|  |   | <b>Staff Recommendation</b>   | <b>9 For</b><br><b>9 Against</b><br><b>Reasons Against:</b>        |
|  | <b>Board or Commission Recommendation</b> | <b>9 For 9 Against</b><br><b>9 No Action Taken</b><br><b>9 For, with revisions or conditions</b>  |  |
|  | <b>Council Committee Action</b>           | <b>9 Do Pass</b><br><b>9 Do Pass (as amended)</b><br><b>9 Committee Substitute</b><br><b>9 No Recommendation</b><br><b>9 Hold</b><br><b>9 Do Not Pass</b> |  |

**Details****Policy / Program Impact**

|   |  |                                      |   |
|---|--|--------------------------------------|---|
| <p>Prosecutor's Office), and three men (one of whom was assigned to the litigation section). The two males assigned to the Prosecutor's Office were both older than Ms. Mueller, but all the females hired were younger than she was, some significantly so. Ms. Mueller claimed this was a refusal to hire older women, in favor of younger women. In total, eight former part time prosecutors filed lawsuits against the City, claiming discrimination in the hiring of the full time prosecutors. In total, eight former part time prosecutors filed lawsuits against the City, claiming discrimination in the hiring of the full time prosecutors. A year after the City's decision not to hire Ms. Mueller because she was not as qualified as others who were less experienced, she applied for another Assistant Prosecutor position with the City, and was hired.</p> <p>The Law Department recommends settlement of this case for \$248,000.00 because the City could be found to have considered Ms. Mueller's age as a factor in its hiring decision based on the ages of the women who were selected, which would be a violation of the Missouri Human Rights Act, and would therefore be liable for any amount of damages, including emotional damages and attorney fees.</p> |  | <b>Policy or Program Change</b>      | 9 No    9 Yes   |
|   |  | <b>Operational Impact Assessment</b> |   |
|   |  | <b>Finances</b>                      |   |
|   |  | <b>Cost and Revenue Projections</b>  | <b>Cost of Legislation</b><br>\$248,000.00<br><br><b>Increase/Decrease in Revenue Expected Annually</b> |
|   |  | <b>Fund Sources</b>                  | 14-1010-131543-B  |

**Applicable Dates:****Fact Sheet Prepared By:**

Saskia C.M. Jacobse, Assistant City Attorney

**Reviewed By:**

William Geary, City Attorney

**Reference Numbers**