



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2022-1379, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle Robert Green's claim against the Metropolitan Government of Nashville and Davidson County and Metropolitan Government employee Judge Lynda Jones, in the amount of \$25,000, with \$15,000 reflecting back pay to be paid out of the General Sessions Court operating budget and the remaining \$10,000 to be paid out of the Judgments and Losses Fund.

WHEREAS, Robert Green, a former General Sessions Court employee, filed suit against the Metropolitan Government and Judge Lynda Jones, in her official capacity, and is alleging interference and retaliation in violation of the Family Medical Leave Act ("FMLA") stemming from the termination of his employment on October 30, 2019; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interest of the Metropolitan Government, and recommends that the claim of Robert Green be compromised and settled for \$25,000, and that this amount be paid as follows: \$15,000 in back pay to be paid out of the General Sessions Court operating budget and \$10,000 from the Judgments and Losses Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the claim of Robert Green for the sum of \$25,000, with \$15,000 reflecting back pay to be paid out of the General Sessions Court operating budget and the remaining \$10,000 to be paid out of the Judgments and Losses Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

On October 30, 2019, Robert Green was terminated from his position of Director of Probation with the Metropolitan Government General Sessions Court following his return from approved, continuous leave taken under the Family Medical Leave Act (FMLA).

In October of 2012, the General Sessions judges collectively hired Mr. Green as Director of Probation. In 2017, Mr. Green was interviewed by local media in response to a story that the Probation Department was providing U.S. Immigration Customs Enforcement with information pertaining to undocumented immigrants. There is a dispute as to whether Mr. Green's interview was authorized by the then-Presiding Judge of the General Sessions Court. After this, a panel of judges began looking into Mr. Green's job performance. After Mr. Green's interview with local media and while the investigation was ongoing, Mr. Green requested to take FMLA leave. His request was approved without incident. While the panel of judges had met to discuss how to proceed prior to his requested leave, no final decision had been made.

Mr. Green returned from his FMLA leave on or around October 30, 2019. Then-Presiding Judge Lynda Jones informed Mr. Green that his employment was terminated. At this time, no collective decision had been made by the panel of judges as to whether termination was warranted. Judge Jones did not consult with other judges prior to the decision to terminate Mr. Green.

Mr. Green asserts claims under FMLA of interferences and retaliation. If successful at trial, Mr. Green could be entitled to back pay, front pay, and attorneys' fees, and potentially eligible for liquidated damages of double back pay if the employer's termination decision was not made in good faith.

The Department of Law recommends settlement of Mr. Green's claims for \$25,000. This settlement includes a dismissal with prejudice of all of Mr. Green's claims against the Metropolitan Government and Judge Jones.

Fiscal Note: This \$25,000.00 settlement would be paid from two funding source. The General Sessions Court operating budget will pay in the amount of \$15,000. The remaining amount of \$10,000.00 would be the 2nd payment from the Judgments and Losses Fund in FY22 for a cumulative total of \$90,000. The fund balance would be \$13,937,582 after these payments.