



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

|                       |                                                                                                                                                                                                                                                                                                                                                                                        |                      |                      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|
| <b>File #:</b>        | RS2022-1595                                                                                                                                                                                                                                                                                                                                                                            | <b>Name:</b>         |                      |
| <b>Type:</b>          | Resolution                                                                                                                                                                                                                                                                                                                                                                             | <b>Status:</b>       | Passed               |
| <b>File created:</b>  | 6/9/2022                                                                                                                                                                                                                                                                                                                                                                               | <b>In control:</b>   | Metropolitan Council |
| <b>On agenda:</b>     | 6/21/2022                                                                                                                                                                                                                                                                                                                                                                              | <b>Final action:</b> | 6/21/2022            |
| <b>Title:</b>         | A resolution authorizing the Metropolitan Department of Law to compromise and settle Nicole Jordon's claim against the Metropolitan Government of Nashville and Davidson County in the amount of \$115,000.00, with \$10,000.00 reflecting back pay to be paid from the Parks and Recreation operating budget and the remaining \$105,000.00 to be from the Judgments and Losses Fund. |                      |                      |
| <b>Sponsors:</b>      | Burkley Allen                                                                                                                                                                                                                                                                                                                                                                          |                      |                      |
| <b>Indexes:</b>       |                                                                                                                                                                                                                                                                                                                                                                                        |                      |                      |
| <b>Code sections:</b> |                                                                                                                                                                                                                                                                                                                                                                                        |                      |                      |
| <b>Attachments:</b>   | 1. Letter to Metro Clerk                                                                                                                                                                                                                                                                                                                                                               |                      |                      |

| Date      | Ver. | Action By                    | Action   | Result |
|-----------|------|------------------------------|----------|--------|
| 6/23/2022 | 1    | Mayor                        | approved |        |
| 6/21/2022 | 1    | Budget and Finance Committee | approved |        |
| 6/21/2022 | 1    | Metropolitan Council         | adopted  |        |
| 6/14/2022 | 1    | Metropolitan Council         | filed    |        |

A resolution authorizing the Metropolitan Department of Law to compromise and settle Nicole Jordon's claim against the Metropolitan Government of Nashville and Davidson County in the amount of \$115,000.00, with \$10,000.00 reflecting back pay to be paid from the Parks and Recreation operating budget and the remaining \$105,000.00 to be from the Judgments and Losses Fund.

WHEREAS, Nicole Jordon, a former Parks and Recreation employee, filed suit against the Metropolitan Government of Nashville and Davidson County and alleges discrimination, harassment, and retaliation in violation of the Americans with Disabilities Act and the Tennessee Disability Act stemming from the termination of her employment on April 19, 2021; 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 Nicole Jordon be compromised and settled for \$115,000.00, and that this amount be paid as follows: \$10,000.00 in back pay to be paid from the Parks and Recreation operating budget and \$105,000.00 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 Nicole Jordon for the sum of \$115,000.00, with \$10,000.00 reflecting back pay to be paid from the Parks and Recreation operating budget and the remaining \$105,000.00 to be paid from 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 April 19, 2021, Nicole Jordon, a former recreation leader with the Metropolitan Department of Parks and Recreation ("Parks"), was terminated. Ms. Jordon began working for Parks in December 2019 as a part-time recreation leader, based out of the Hermitage Community Center. She was diagnosed with breast cancer in November 2020 and began working from home as an accommodation. She participated in weekly phone calls with her supervisor during this time to discuss work assignments and other matters, and frequently relayed information about her ongoing treatment. In January 2021, Ms. Jordon submitted documentation that she was undergoing additional treatment that would last until May 2021. She continued working from home through Spring 2021.

In Spring 2021, the Hermitage Community Center suffered from staffing shortages and Metro was unable to continue to accommodate Ms. Jordon working from home. At this time, Ms. Jordon was asked during a phone call whether she could return to work at the Community Center in person. Ms. Jordon was unable to return to work in-person at that time. Due to the staffing shortages, Metro could no longer accommodate Ms. Jordon's work from home arrangement without sustaining an undue hardship and Metro terminated her employment.

Ms. Jordon brought a claim against the Metropolitan Government for harassment, discrimination, and retaliation under the Americans with Disabilities Act and the Tennessee Disability Act arising from the termination of her employment. Ms. Jordon alleges that Metro failed to engage in a good faith interactive process with her before her termination, unilaterally revoked her accommodation, and subjected her to a hostile work environment because of her request to work from home. If this action were to proceed to trial and Ms. Jordon was successful on all of her claims, she could recover up to \$590,468.10.

The Department of Law recommends settlement of Ms. Jordon's claims for \$115,000.

*Fiscal Note: This settlement would be the paid from Parks and Recreation Operating budget in the amount of \$10,000 and \$105,000 from the Judgments and Losses Fund. This would be 3<sup>rd</sup> payment from the Judgments and Losses Fund in FY22 for a cumulative total of \$205,000. The fund balance would be \$13,766,328 after these payments.*