



VILLAGE OF MORROW

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PRESS RELEASE

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On July 28, 2021, an article was published regarding pending litigation, *Timothy Erwin vs. the Village of Morrow, Ohio*. In substance, Mr. Erwin alleged that he was terminated from his employment with the Village on the bases of his age and because he was under disability for which reasonable accommodation was not made by the Village of Morrow as his employer. Further, Mr. Erwin alleged that he was the victim of an ongoing campaign intended to cause him emotional distress.

While the Village was asked for comment, the Village declined to do. It is generally the policy of the Village to refrain from comment on pending litigation. Unfortunately, the article that issued was factually inaccurate, lacked for context, and otherwise portrayed the Village in an inaccurate, unfair, and dishonorable manner.

At the time of the matters alleged by Mr. Erwin, the Village Council included one of his brothers as a member. Another brother of Mr. Erwin's held the office of Mayor, to whom Mr. Erwin reported indirectly. During the same term, Council included a member who was politically outspoken regarding the Erwin administration. The member was known to have published political cartoons critical of the Erwins and other members of Council prior to his own election to Council.

At the time of – and since - the controversy, the Village administration also included members, officers and employees of varying ages, including some of approximate age to or older than Mr. Erwin.

Over the course of the term of the administration, Mr. Erwin was embroiled in an interpersonal conflict with a member of the community who had previously been employed by the Village. The conflict escalated such that Mr. Erwin and this member filed petitions for protection orders against one another. While Mr. Erwin claims that the police disregarded his related (and unrelated) concerns regarding his alleged antagonist, the police intervened on three separate instances to investigate complaints regarding the person with whom Mr. Erwin was in conflict.

In July of 2014, Mr. Erwin was arrested by the Warren County Sheriff's Office for violating the protection order obtained against him. Mr. Erwin was incarcerated briefly and claimed to have suffered emotional distress as a result of the events that transpired. The Village of Morrow was not involved in any of the events that transpired between Mr. Erwin and the person with whom he was in conflict.

As a result of the arrest, Mr. Erwin was placed on paid administrative leave to balance Mr. Erwin's presumption of innocence with any risk he might have presented to the public in the event the allegations alleged

against him were true. Given that Mr. Erwin's brother was Mayor and that another brother served as a council member at the time, the Village took the additional measure of contracting with an independent and objective third-party professional to make a recommendation regarding Mr. Erwin's ultimate employment status.

In late September of 2014, the State of Ohio dismissed the charges against Mr. Erwin. In October of 2014, after a significant investigation, Mr. Erwin was advised to return to work by the Village Administrator, who reported directly to the Mayor and to whom Mr. Erwin reported directly.

Instead, Mr. Erwin indicated that he was not emotionally ready to return to work. Mr. Erwin disclosed that he was suffering from emotional trauma related to the conflict and arrest and need additional time off. Mr. Erwin exercised his benefits of employment and legal rights to recuperate.

For approximately six (6) months, Mr. Erwin continued to recuperate but declined to provide a time at which he would return to work or request accommodations that would facilitate his return. From approximately July of 2014 through March of 2015, the Village operated with a single maintenance worker and, over the fall and winter, required both the Village Administrator and the Chief of Police to provide maintenance services for the Village.

The Village Administrator at the time ultimately requested an executive session during the course of a regular session of council to discuss personnel issues related to Mr. Erwin. Executive Sessions are held outside of regular session and subject to statutory rules that provide for discussion of information among Council that may be sensitive, strategic, and/or privileged. Under the circumstances, the Village attorney was also present for the session. The session did not include either of the Mayor's brothers who were at that time part of the government of the Village. The Village may not conduct official business while in executive session. After the executive session, the counsel reconvened and subsequently adjourned from the regular session. No official action was taken by the Village Council regarding Mr. Erwin's employment.

On the following day, the then-acting Village Administrator met with Mr. Erwin, discharged him from his role as Maintenance Worker, paid him one hundred percent (100%) of his earned sick leave benefit that remained, and provided him a positive letter of reference for future employment.

The Village adamantly denies Mr. Erwin's allegations of discrimination on the bases of his age or his condition. Mr. Erwin was not terminated due to his age. Mr. Erwin was not terminated due to medical condition. There was no campaign by the Village to inflict emotional distress upon Mr. Erwin. The present litigation conflates the politics of a past council - that included Mr. Erwin's brothers as the Mayor and a Member of Council, respectively, while Mr. Erwin served as a maintenance worker at the time of the allegations - with law. Reasonable accommodations were made to retain Mr. Erwin as an employee.

The Village does not discriminate against persons with respect to any protected class of individuals. The Village has not, does not, and will not permit conduct that is illegal and discriminatory on illegal bases. Please be assured that the Village is committed to observing the law and protecting and maintaining the health and safety of its Villagers and its employees.