



MEMORANDUM

Council Agenda
Item No. IX. BD
12/3/2024

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Joint Resolution with the Oklahoma City Municipal Facilities Authority authorizing the Director of Risk Management and the Trust's legal counsel not to appeal and to comply with the Order of the Workers' Compensation Commission Claim No. CM3-2023-02649A, styled: *Laura Shoemake, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and authorizing the Municipal Counselor to assist said counsel in the rendition of the Order to Judgment as authorized by 85 O.S. §346, 62 O.S. §§365.1 *et seq.* and Article 10, Section 28 of the Oklahoma Constitution.

Background:

The Claimant, Laura Shoemake is 60 years old and a 19-year employee of The City of Oklahoma City. At the time of the injury she was assigned to the Utilities Department as an Administrative Coordinator and continues to be employed by the City.

The Claimant sustained an undisputed accidental injury on April 5, 2023 to her left wrist. The Claimant required surgery to her left wrist on May 4, 2023.

The Claimant was evaluated by Dr. Lance Rosson on behalf of her attorney and found to have the following permanent partial impairment: left wrist 39%. The Claimant was also evaluated by Dr. Calvin Johnson on behalf of the City and found to have the following permanent partial impairment: left wrist 2%. On November 8, 2024, Judge Tara Inhofe, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: left wrist 18%, entitling Claimant to 39.60 weeks of compensation at \$360 per week, totaling \$14,256. As of November 8, 2024, the amount of said award was fully accrued at \$14,256.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$427.68 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award \$13,828.32. The Court further ordered \$2,851.20 or 20% of the PPD award be deducted from the award and paid in a lump sum to Claimant's attorney as a fair and reasonable fee. In addition, the City will pay Court costs \$140, a Special Occupational Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$106.92 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$285.12.

This item has been reviewed and approved by the City’s contract attorney, Hornbeek, Vitali & Braun, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118 and Claimant’s attorney, Joseph C. Biscone, law office located at 105 North Hudson, Suite 100, Oklahoma City, Oklahoma 73102.

Permanent Partial Disability Payment ¹	\$14,256.00
Special Occupational Health and Safety Fund Tax ²	\$106.92
Workers’ Compensation Administration Fund ²	\$285.12
Workers’ Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
City's Total Cost of Award	\$14,949.04

Source of Funds:

¹ DEBT SERVICE-RSTR> OCITY > REDEMPTION OF JUDGEMENTS> DS - JUDGEMENT PRI (1601-9804600-55040007)

² RISK/WORKERS COMPENSATION > OCMFA > RISK MANAGEMENT MFA> WORKER'S COMP CLAIMS (3042-2800750-52190061)

³ GENERAL OPERATIONS-UASN > OCITY >MUN COUN EXEC LEADERSHIP >PROFESSIONAL SVC-LEGAL (1001-1700101-52040001)

Review:

Risk Management

Recommendations: Joint Resolution be adopted