



# MEMORANDUM

Council Agenda  
Item No. IX. BA  
7/30/2024

## 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 to enter into a Joint Petition Settlement of the Workers' Compensation Commission Claim No. CM3-2016-04329A styled: *Michael Fletcher, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and further authorizing the Municipal Counselor to assist said counsel in the rendition of said Joint Petition Settlement 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, Michael Fletcher is 63 years old and a 28-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Fire Department as a Major and retired from the City as of August 1, 2016.

Claimant sustained an undisputed accidental injury on January 16, 2016 to his low back. The Claimant required surgery to his low back on August 19, 2016, October 31, 2017, August 19, 2020, and March 2, 2021.

The negotiated Joint Petition Settlement calls for a PPD award of \$45,220 for the following permanent partial disability: low back 40%. The settlement includes a payment of \$4,780, for additional consideration for a total award of \$50,000.

The settlement further calls for a 3% assessment of the PPD award, less the payment of the additional payment amount, in the sum of \$1,356.60 be deducted and paid on behalf of the Claimant for the Multiple Injury Trust Fund Tax, making the lump sum award, including the additional payment, \$48,643.40. The settlement further calls for \$10,000 to be deducted from the PPD award and paid in a lump sum to the Claimant's attorney as a fair and reasonable fee. In addition, the City will pay Court costs \$140, a Special Occupational and Safety Fund tax representing .75% of the permanent partial disability award, including the additional payment, shall be paid in the sum of \$375 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, less the additional payment, shall be paid in the sum of \$904.40.

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, Jeffrey Cooper, law office located at 4816 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

Permanent Partial Disability Payment <sup>1</sup>	\$45,220.00
Additional Payment <sup>1</sup>	\$4,780.00
Special Occupational Health and Safety Fund Tax <sup>2</sup>	\$375.00
Workers’ Compensation Administration Fund <sup>2</sup>	\$904.40
Workers’ Compensation Court Costs <sup>2</sup>	\$140.00
District Court Costs <sup>3</sup>	\$161.00
City's Total Cost of Award	\$51,580.40

**Source of Funds:**

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

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

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

**Review:**

Risk Management

**Recommendations:** Joint Resolution be adopted.