



MEMORANDUM

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

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 Risk Manager and the Trust's legal counsel to enter into a Joint Petition Settlement of the Workers' Compensation Commission Claim No. 2022-05819P styled: *Kendric Marshall, 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, Kendric Marshall is 47 years old and an 8-year employee of The City of Oklahoma City. At the time of the injury, he was assigned to the Utilities Department as a Field Customer Service Representative and continues to be employed by the City.

The Claimant sustained an undisputed accidental injury on November 3, 2021 to his left shoulder. The Claimant required surgery to his left shoulder on March 3, 2022 and May 1, 2023.

Claimant was evaluated by Dr. Lance Rosson on behalf of his attorney and found to have the following permanent partial impairment: left shoulder 31%, The negotiated Joint Petition Settlement calls for a PPD award of \$24,624 for the following permanent partial disability: left shoulder 19%. The settlement includes a payment of \$376, for additional consideration for a total award of \$25,000.

The settlement further calls for a 3% assessment of the PPD award, less the payment of the additional payment amount, in the sum of \$738.72 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, \$24,261.28. The settlement further calls for \$5,000 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 \$187.50 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 \$492.48.

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, Will Emig, law office located at 3601 North Classen, Oklahoma City, Oklahoma 73118.

Permanent Partial Disability Payment ¹	\$24,624.00
Additional Payment ¹	\$376.00
Special Occupational Health and Safety Fund Tax ²	\$187.50
Workers' Compensation Administration Fund ²	\$492.48
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
City's Total Cost of Award	\$25,980.98

Source of Funds:

¹Debt Service-Debt Service-Redemption of Judgments-Debt Service-Judgment (021-0250-9804600-55040007)

²OCMFA Services-Risk/Workers' Compensation-Risk Management MFA-Workers' Comp Claims (682-1451-2800750-52190061)

³General Fund-General Operations-Municipal Counselor-Professional Services Legal (001-0001-0700101-52040001)

Review:

Risk Management

Recommendation: Joint Resolution be adopted.