



MEMORANDUM

Council Agenda
Item No. IX. BQ
8/16/2022

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. CM- (to be determined) styled: *Terrance Lowery, 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, Terrance Lowery is a 62-year-old male and is a 26-year employee of The City of Oklahoma City. At the time of the injury, he was assigned in the Utilities Department as a Refuse Equipment Operator. Claimant retired March 4, 2022 from the City.

On June 1, 2021, Claimant sustained an undisputed accidental injury to his left ear.

Claimant was evaluated by Dr. William D. Jones, M.D. on behalf of the City and found to have the following permanent partial impairment: 30% to the left ear.

The negotiated Joint Petition Settlement calls for a lump sum of \$11,550 for the following permanent partial disability: 30% to the left ear. The settlement includes a payment of \$1,000, for additional consideration for a full, final, and complete settlement, for a total award of \$12,550.

The settlement further calls for a 3% assessment of the PPD award, less the additional payment amount, in the sum of \$346.50 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award, including the additional payment, \$12,203.50. In addition, the City will pay Court costs of \$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 \$94.13; 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 \$231.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Krah, Vitali, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118.

Permanent Partial Disability Payment ¹	\$11,550.00
Additional Payment ¹	\$1,000.00
Special Occupational Health and Safety Fund Tax ²	\$94.13
Workers' Compensation Administration Fund ²	\$231.00
Multiple Injury Trust Fund Tax ²	\$346.50
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
Total Cost of Award	\$13,522.63

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.