



MEMORANDUM

Council Agenda
Item No. IX. BG
5/21/2024

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. CM-2020-05015Y styled: *Terrance Byars, 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 Byars is 54 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 Meter Reader and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on September 1, 2018 to his right foot. The Claimant required surgery to his right foot on February 12, 2020, August 19, 2020, February 17, 2021, and October 4, 2021.

Claimant was evaluated by Dr. Lonnie Litchfield on behalf of his attorney and found to have the following permanent partial impairment: right foot 44%. The Claimant was also evaluated by Dr. Kyle States on behalf of the City and found to have the following permanent partial impairment: right foot 11%.

The negotiated Joint Petition Settlement calls for a lump sum of \$17,054.40 for the following permanent partial disability: right foot 24%. The settlement includes an additional payment of \$195.60, for additional consideration, for a total award of \$17,250.

The settlement calls for \$3,450 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, shall be paid in the sum of \$129.38 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$341.09.

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, T.R. Banks, law office located at 902 Arlington Center, Ada, Oklahoma 74820.

Permanent Partial Disability Payment ¹	\$17,054.40
Additional Payment ¹	\$195.60
Special Occupational Health and Safety Fund Tax ²	\$129.38
Workers' Compensation Administration Fund ²	\$341.09
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
City's Total Cost of Award	\$18,021.47

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

Recommendation: Joint Resolution be adopted.