



MEMORANDUM

Council Agenda
Item No. IX. BQ
4/9/2024

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. CM3-2023-01464T styled: *Brennen McKellar, 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, Brennen McKellar is 51 years old and a 27-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Fire Department as a Lieutenant and retired from the City as of May 31, 2023.

Claimant sustained an undisputed accidental injury on December 23, 2022 to his low back.

Claimant was evaluated by Dr. Lance E. Rosson on behalf of his attorney and found to have the following permanent partial impairment: low back 27%. The Claimant was also evaluated by Dr. Robert Griffith on behalf of the City and found to have the following permanent partial impairment: low back 2%.

The negotiated Joint Petition Settlement calls for a PPD award of \$19,440 for the following permanent partial disability: low back 15%. There is a TTD overpayment of \$953.18 that is to be deducted from the award, making the lump sum award, \$18,486.82.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$583.20 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award, less the TTD overpayment, \$17,903.62. The settlement further calls for \$3,888 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 \$145.80 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$388.80.

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 415 Northwest 11th Street, Oklahoma City, Oklahoma 73103.

Permanent Partial Disability Payment ¹	\$19,440.00
TTD Overpayment Deduction	\$953.18
Special Occupational Health and Safety Fund Tax ²	\$145.80
Workers' Compensation Administration Fund ²	\$388.80
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
City's Total Cost of Award	\$19,322.42

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.