



MEMORANDUM

Council Agenda
Item No. IX. CP
6/20/2023

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. CM3-2022-03251X styled: *Derrick Davis, 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, Derrick Davis is a 50-year-old male and is a two-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Utilities Department as a Refuse Collector Trainee and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on June 25, 2021 to his right knee. Claimant required surgery to the right knee on October 14, 2021.

Claimant was evaluated by Dr. Lance E. Rosson DO on behalf of his attorney and found to have the following permanent partial impairment: right knee 39%. The claimant was also evaluated by Dr. William Jones MD on behalf of the City and found to have the following permanent partial impairment: right knee 12%. The negotiated Joint Petition Settlement calls for a lump sum of \$17,325 for the following permanent partial disability: right knee 18%.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$519.75 to be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$16,805.25. The settlement further calls for \$3,465 to be deducted from the PPD award and paid in a lump sum to 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 \$129.94 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$346.50.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Braun, Vitali, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118 and Claimant's attorney, Joseph C. Biscone, law office located at 105 North Hudson #100, Oklahoma City, Oklahoma 73104.

Permanent Partial Disability Payment ¹	\$17,325.00
Special Occupational Health and Safety Fund Tax ²	\$ 129.94
Workers' Compensation Administration Fund ²	\$ 346.50
Workers' Compensation Court Costs ²	\$ 140.00
District Court Costs ³	\$ 161.00
Total Cost of Award	\$18,102.44

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.