



MEMORANDUM

Council Agenda
Item No. IX. BD
11/19/2024

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 not to appeal and to comply with the Order of the Workers' Compensation Commission Claim No. CM3-2023-06559F, styled: *Jeffrey Owen, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and authorizing the Municipal Counselor to assist said counsel in the rendition of the Order 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, Jeffrey Owen is 35 years old and an 8-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Police Department as a Sergeant and continues to be employed by the City.

The Claimant sustained an undisputed accidental injury on September 11, 2023 to his right hand. The Claimant required surgery to his right hand on October 19, 2023.

Claimant was evaluated by Dr. Lance Rosson on behalf of his attorney and found to have the following permanent partial impairment: right hand 39%. The Claimant was also evaluated by Dr. William Jones on behalf of the City and found to have the following permanent partial impairment: right hand 8%. On October 31, 2024, Judge P. Blair McMillin, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: right hand 17% entitling Claimant to 37.40 weeks of compensation at \$360.00 per week, totaling \$13,464. As of October 31, 2024, the amount of said award was fully accrued at \$13,464.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$403.92 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$13,060.08. The Court further ordered \$2,692.80 or 20% of the PPD award be deducted from the 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 Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$100.98 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$269.28.

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, Joseph C. Biscone, law office located at 105 North Hudson Avenue, Suite 100, Oklahoma City, Oklahoma 73102.

Permanent Partial Disability Payment ¹	\$13,464.00
Special Occupational Health and Safety Fund Tax ²	\$100.98
Workers' Compensation Administration Fund ²	\$269.28
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
City's Total Cost of Award	\$14,135.26

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

Recommendations: Joint Resolution be adopted.