



MEMORANDUM

Council Agenda
Item No. IX. BW
8/15/2023

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. CM3-2022-02265K styled: *Charley Baxter, 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 Charley Baxter is a 54-year old and was a 29-year employee of The City of Oklahoma City. At the time of the injury he was assigned in the Fire Department as a Major. Claimant retired from the City on May 31, 2022.

Claimant sustained an undisputed accidental injury on February 9, 2022 to his left knee, left shoulder and low back.

Claimant was evaluated by Dr. Lance E. Rosson on behalf of his attorney and found to have the following permanent partial impairment: left knee 24%, left shoulder 21% and low back 25%. Claimant was also evaluated by Dr. William D. Jones M.D. on behalf of the City and found to have the following permanent partial impairment: left knee 2%, left shoulder 2%, low back 2%.

On August 1, 2023, Judge John Blodgett, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: left knee 5%, left shoulder 5%, low back 5%, entitling Claimant to 49.75 weeks of compensation at \$360 per week, totaling \$17,910.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$537.30 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$17,372.70. The Court further ordered \$3,582 or 20% of the PPD award be deducted from the award and paid in a lump sum to Claimant's attorney as a fair and reasonable fee. As of August 1, 2023, the amount of said award was fully accrued at \$17,910.00. 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 \$134.33 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$358.20.

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, Jeffrey Cooper, law office located at 415 Northwest 11th Street, Oklahoma City, Oklahoma 73103.

Permanent Partial Disability Payment ¹	\$17,910.00
Special Occupational Health and Safety Fund Tax ²	\$134.33
Workers' Compensation Administration Fund ²	\$358.20
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
Total Cost of Award	\$18,703.53

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.