



MEMORANDUM

Council Agenda
Item No. IX. BY
7/2/2024

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Joint Resolution with the Oklahoma City Municipal Facilities Trust directing the Director of Risk Management and the Trust's legal counsel not to appeal the Order of the Workers' Compensation Commission Claim No. CM3-2023-04592T, styled: *Joshua Osinski, Claimant vs. The City of Oklahoma City, Respondent*, an Own Risk Carrier, and authorizing payment to the Claimant of permanent partial disability benefits, attorney fees, less an assessment for the Multiple Injury Trust Fund; authorizing payment of costs and fees for the Respondent.

Background:

The Claimant, Joshua Osinski is 29 years old and a 5-year employee of The City of Oklahoma City. At the time of the injury he was assigned to the Police Department as an Officer and medically retired from the City as of February 21, 2024.

Claimant sustained an undisputed accidental injury on January 27, 2022 to his left shoulder. The Claimant required surgery to his left shoulder on March 22, 2022, October 28, 2022 and May 23, 2023.

Claimant was evaluated by Dr. Lance Rosson on behalf of his attorney and found to have the following permanent partial impairment: left shoulder 28%. The Claimant was also evaluated by Dr. Robert Griffith on behalf of the City and found to have the following permanent partial impairment: left shoulder 2%. On June 7, 2024, Judge P. Blair McMillin, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: left shoulder 19%, entitling Claimant to 68.40 weeks of compensation at \$360 per week, totaling \$24,624, of which 31 weeks have accrued and shall be paid in a lump sum of \$11,160.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$738.72 be deducted and paid on behalf of the Claimant for the Multiple Injury Trust Fund Tax, making the lump sum award \$23,885.28. The Commission further ordered \$4,924.80 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 of \$140, a Special Occupational Health and Safety Tax Fund, representing .75% of the permanent partial disability award in the sum of \$184.68 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$492.48.

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, Suite 100, Oklahoma City, Oklahoma 73102.

Permanent Partial Disability Payment ¹	\$24,624.00
Special Occupational Health and Safety Fund Tax ¹	\$184.68
Workers' Compensation Administration Fund ¹	\$492.48
Workers' Compensation Court Costs ¹	\$140.00
City's Total Cost of Award	\$25,441.16

Source of Funds:

¹ RISK/WORKERS COMPENSATION > OCMFA > RISK MANAGEMENT
MFA> WORKER'S COMP CLAIMS (3042-2800750-52190061)

Review:

Risk Management

Recommendations: Joint Resolution be adopted.