



MEMORANDUM

Council Agenda
Item No. IX. BL
1/2/2024

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Joint Resolution with the Oklahoma City Municipal Facilities 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. CM3-2021-06573L styled: *Marc Scott, 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, Marc Scott is 55 years old and a 28-year employee of The City of Oklahoma City. At the time of the injury, he was assigned to the Police Department as a Lieutenant and retired from the City as of March 30, 2023.

Claimant sustained an undisputed accidental injury on October 6, 2021 to his lumbar, bladder, and other body parts. The Claimant required surgery to his low back on October 12, 2021 and March 2, 2022.

Claimant was evaluated by Dr. Lonnie Litchfield on behalf of his attorney and found to have the following permanent partial impairment: low back 24%, bladder 16%, an additional impairment 15%, bowel 10 %. The claimant was also evaluated by Dr. William D. Jones on behalf of the City and found to have the following permanent partial impairment: low back 12%, bladder 5%, an additional impairment 8%, bowel 0%.

The negotiated Joint Petition Settlement calls for a lump sum of \$64,800 for the following permanent partial disability: low back 21%, bladder 12%, an additional impairment 12%, bowel 5%. The settlement includes an additional payment of \$200, for a full, final, and complete settlement, for a total award of \$65,000.

The settlement further calls for a 3% assessment of the PPD award, less the payment of the additional payment amount, in the sum of \$1,944 be deducted and paid on behalf of the claimant for the Multiple Injury Trust Fund Tax, making the lump sum award, including the payment, \$63,056. The settlement further calls for \$13,000 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 of \$140; a Special Occupational and Safety Fund tax representing .75% of the permanent partial disability award, including the additional payment, shall be paid in the sum of \$487.50; and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, less the additional payment, shall be paid in the sum of \$1,296.

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. Biscione, law office located at 105 North Hudson, Suite 100, Oklahoma City, Oklahoma 73102.

Permanent Partial Disability Payment ¹	\$64,800.00
Additional Payment ¹	\$200.00
Special Occupational Health and Safety Fund Tax ²	\$487.50
Workers' Compensation Administration Fund ²	\$1,296.00
Workers' Compensation Court Costs ²	\$140.00
District Court Costs ³	\$161.00
City's Total Cost of Award	\$67,084.50

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.