



# MEMORANDUM

Council Agenda  
Item No. IX. BF  
9/27/2022

## 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 not to appeal and to comply with the Order of the Workers' Compensation Commission Claim No. CM-2015 02602K styled: *Ebony Cutliff, 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, Ebony Cutliff is a 42-year-old female and is a 17-year employee of The City of Oklahoma City. At the time of the injury, she was assigned in the Utilities Department as a Water Service Representative and continues to be employed by the City.

On April 10, 2015, Claimant sustained an undisputed accidental injury on to her neck and lower back.

Claimant required surgeries to repair her lower back on November 9, 2015, and September 17, 2019.

Claimant was evaluated by Dr. Aaron McGuire, D.O., on behalf of her attorney, and found to have the following permanent partial impairment: 5.5% to the neck and 26% to the lower back.

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: 2% to the neck and 7% to the lower back.

On September 8, 2022, Judge Michael Egan, of the Workers' Compensation Commission, awarded Claimant the following permanent partial disability: 4% to the neck and 10% to the lower back, entitling Claimant to 49 weeks of compensation at \$323 per week, totaling \$15,827. The Court further ordered \$3,165.40 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 September 8, 2022, the amount of said award was fully accrued at \$15,827. 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 \$118.70 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award in the sum of \$316.54.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Krah, Vitali, law office located at 3711 North Classen Boulevard, Oklahoma City, Oklahoma 73118 and Claimant's attorney, Charles J. Kania and Associates PC, law office located at 5319 South Lewis Avenue, Suite 120, Tulsa, Oklahoma 74105.

Permanent Partial Disability Payment <sup>1</sup>	\$15,827.00
Special Occupational Health and Safety Fund Tax <sup>2</sup>	\$118.70
Workers' Compensation Administration Fund <sup>2</sup>	\$316.54
Workers' Compensation Court Costs <sup>2</sup>	\$140.00
District Court Costs <sup>3</sup>	\$161.00
Total Cost of Award	\$16,563.24

**Source of Funds:**

<sup>1</sup>Debt Service-Debt Service-Redemption of Judgments-Debt Service-Judgment (021-0250-9804600-55040007)

<sup>2</sup>OCMFA Services-Risk/Workers' Compensation-Risk Management MFA-Workers' Comp Claims (682-1451-2800750-52190061)

<sup>3</sup>General Fund-General Operations-Municipal Counselor-Professional Services Legal (001-0001-0700101-52040001)

**Review:**

Risk Management

**Recommendation:** Joint Resolution be adopted.