



# MEMORANDUM

Council Agenda  
Item No. IX. BD  
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 to enter into a Joint Petition Settlement of the Workers' Compensation Commission Claim No. CM3-2021-06453E styled: *Jose Jimenez, 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, Jose Jimenez is a 61-year-old male and is a 25-year employee of The City of Oklahoma City. At the time of the injury, he was assigned in the Utilities Department as a Collection & Distribution Supervisor and continues to be employed by the City.

Claimant sustained an undisputed accidental injury on February 3, 2021, to his left shoulder and left arm. On May 13, 2021, claimant required surgery to repair his left shoulder and left arm.

Claimant was evaluated by Dr. Lance E. Rosson, D.O on behalf of his attorney and found to have the following permanent partial impairment: 32% to the left shoulder and 30% to the left arm.

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: 13% to the left shoulder and 0% to the left arm.

The negotiated Joint Petition Settlement calls for a lump sum of \$38,080 for the following permanent partial disability: 18% to the left shoulder and 16% to the left arm.

The settlement further calls for a 3% assessment of the PPD award in the sum of \$1,142.40 be deducted and paid for the Multiple Injury Trust Fund Tax, making the lump sum award \$36,937.60. The settlement further calls for \$7,616 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, shall be paid in the sum of \$285.60 and the Workers' Compensation Administration Fund, representing 2% of the permanent partial disability award, shall be paid in the sum of \$761.60.

This item has been reviewed and approved by the City's contract attorney, Hornbeek, Krahll & Vitali, 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 <sup>1</sup>	\$36,937.60
Special Occupational Health and Safety Fund Tax <sup>2</sup>	\$285.60
Workers' Compensation Administration Fund <sup>2</sup>	\$761.60
Multiple Injury Trust Fund Tax <sup>2</sup>	\$1,142.40
Workers' Compensation Court Costs <sup>2</sup>	\$140.00
District Court Costs <sup>3</sup>	\$161.00
Total Cost of Award	\$39,428.20

**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.