

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY CARL TOMCZAK UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *CARL TOMCZAK V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2022-07388 P; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COMMISSION JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

- §1. WHEREAS, Carl Tomczak, a firefighter for the City of Norman Fire Department, Suppression Division, alleged a single incident injury to the Left Shoulder, Left Upper Arm, and Left Arm from a lifting injury on July 18, 2021; and
- §2. WHEREAS, the City of Norman has negotiated settlement for the claim of Carl Tomczak against the City of Norman, under the Workers' Compensation Statutes for a total of \$25,920.00, which represents 20 percent permanent partial impairment (PPI) to the whole body regarding the left shoulder, zero percent regarding the left upper arm, and zero percent regarding the left arm to be paid in a lump sum settlement to Mr. Tomczak, and such settlement is believed to be fair and reasonable; and
- §3. WHEREAS, the City shall incur additional costs for the settlement for payment for Workers Compensation Commission Case 2022-07388 P to the Workers' Compensation Administration Fund in the amount of \$518.40; the Special Occupational Health and Safety Fund in the amount of \$194.40; filing fee in the Workers' Compensation Commission in the amount of \$140.00; and filing fee in the Cleveland County District Court in the amount of \$154.14; and
- §4. WHEREAS, the Risk Management Insurance Fund of the City of Norman has heretofore appropriated funds for the payment of Workers' Compensation settlements covering injuries to qualified persons employed by the City of Norman; and



- §5. WHEREAS, the judgment and award should be transmitted and certified to the Workers' Compensation Commission, Oklahoma City, Oklahoma, which when filed will constitute judgment against the City of Norman, which it is entitled to purchase with funds out of the Risk Management Insurance Fund pursuant to Okla. Stat. tit. 85, § 107, Okla. Stat. tit. 51, § 159, and Okla. Stat. tit. 62, § 361, *et seq.*; and
- §6. WHEREAS, the City Council finds it will be in the best interest of the City if the funds of the Risk Management Insurance Fund are invested in said judgment; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- §7. That the Legal Department is authorized to enter into settlement with Carl Tomczak for not more than \$25,920.00 for any and all claims that he has or may have against the City of Norman under the Workers' Compensation Statutes for any and all injuries known or unknown which occurred while working for the City of Norman; and
- §8. That the Legal Department is directed to hereinafter file such settlement in the Workers' Compensation Commission, Oklahoma City, Oklahoma, along with all attendant costs therefore, as provided by law; and
- §9. That the Finance Director is authorized and directed to purchase such judgment of the Workers' Compensation Commission, Oklahoma City, Oklahoma, out of funds of the Risk Management Insurance Fund of the City of Norman.

PASSED AND ADOPTED this 27th day of February, 2024.

Mayor

ATTEST:

City Clerk