

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENTS OF TWO CASES FILED BY CHRISTOPHER KOSCINSKI UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *CHRISTOPHER KOSCINSKI V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASES 2020-06955 J AND 2021-04927 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENTS 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, CHRISTOPHER KOSCINSKI, a former firefighter for the City of Norman Fire Department, alleged a single incident injury to the Right Shoulder and Right Arm on September 12, 2019, while lifting a medical bag and to the Back on January 9, 2021, while lifting a patient; and
- §2. WHEREAS, the City of Norman has negotiated settlement for two (2) claims of CHRISTOPHER KOSCINSKI against the City of Norman, under the Workers' Compensation Statutes for a total of \$35,052.50 which represents 12% (\$15,120) permanent partial impairment to the Body as a Whole regarding the right Shoulder and 5% (\$4,812.50) permanent partial impairment to the Arm regarding the Right Arm for Workers Compensation Commission Case 2020-06955 J and 12% (\$15,120) permanent partial impairment to the Body as a Whole regarding the Back less an overpayment of temporary total disability of \$8,311.77 for Workers' Compensation Commission Case 2021-04927 L in the final amount of \$26,740.73 to be paid in a lump sum settlement to Mr. Koscinski 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 2020-06955 J (Right Shoulder and Right Arm) to the Workers' Compensation Administration Fund in the amount of \$398.65 and the Special Occupational Health and Safety Fund in the amount of \$149.49; for the settlement for payment for Workers Compensation Commission Case 2021-04927 L (Back) to the Workers' Compensation Administration Fund in the amount of \$302.40 and the Special Occupational Health and Safety Fund in the amount of \$113.40; filing fees in the Workers' Compensation Court in the amount of \$140 in each case; and a 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 one CHRISTOPHER KOSCINSKI for not more than \$26,740.73 (\$35,052.50 less the overpayment of TTD of \$8,311.77) 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 \_\_\_\_\_ day of June, 2022.

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Mayor

ATTEST:

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City Clerk