



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/13/2021

REQUESTER: Jeanne Snider, Assistant City Attorney

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-11: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY LEON RAGLAND UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *LEON RAGLAND V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE NO. 2020-07082 X, 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.

BACKGROUND: Leon Ragland was injured on September 29, 2020, and filed an Oklahoma Workers Compensation Commission No. 2020-07082 X on December 17, 2020, alleging a single incident injury to the right knee in an athletic activity while on duty. The claim was accepted and has proceeded through the normal litigation process.

Prior to a trial being held, Mr. Ragland has agreed to settle this claim in the amount of \$17,325, which represents 18% permanent partial disability to the leg regarding the right knee. The settlement offer is being recommended and is being presented to the City Council for consideration.

DISCUSSION: Mr. Ragland is a Fire Captain for the City of Norman's Fire Department. He was hired as a Firefighter Recruit on March 13, 1995, reclassified as a Firefighter on March 13, 1996, promoted to Fire Driver Engineer on January 22, 2002 and Fire Captain on July 7, 2006.

Medical Treatment.

Mr. Ragland was seen the day following his injury at Norman Regional Occupational Medicine and was treated conservatively and given work restrictions. On October 12, 2020, he was sent for a magnetic resonance imaging (MRI). Due to MRI finding of a medial meniscus tear, he was

referred to Dr. Moses. He was evaluated by Dr. Moses on October 19, 2020 and right knee arthroscopy was recommended. Mr. Ragland underwent right knee arthroscopy on October 29, 2020 followed by physical therapy postoperatively. On November 13, 2020, he was released by Dr. Moses to return to work on December 1, 2020 without restrictions to allow for two additional weeks of continued physical therapy. Mr. Ragland returned back to work on December 8, 2020. On March 14, 2021, Mr. Ragland returned to Dr. Moses reporting of nauseating pain and swelling after he had a misstep and twisted his knee. He was treated conservatively. He continued to work and was released back to regular work by Dr. Moses on March 29, 2021 without restrictions, continuing medical maintenance, or vocational rehabilitation.

Issues for Trial. Since there is no question Mr. Ragland's injury to the right knee on December 17, 2020, occurred while in the course of his employment with the City, the primary issues to be tried in this case before the Workers' Compensation Commission are the extent of his injury and whether the injury is permanent in nature. Permanent partial disability is a factual determination made by the Workers' Compensation Commission Trial Judge based on doctors' opinions and medical records regarding the extent of permanent partial impairment.

Mr. Ragland was rated by Dr. Rosson on April 9, 2021, regarding the above claim and opined 37 percent (\$35,612.50) permanent partial impairment to the leg regarding the right knee. In addition, he opined Mr. Ragland should be given entitlements to continued care in the form of prescription medications on an as-needed basis as well as other treatment that his treating physician or further selected physicians might deem necessary with respect to this work related injury.

On May 21, 2021, Mr. Ragland was rated by Dr. Pettigrew, the medical expert for the City, opined 2% (\$1,925) permanent partial impairment to the leg. He also opined that Mr. Ragland was in no further need of medical care, continuing medical maintenance, or prescription medications. The City's maximum exposure for total PPD would be \$35,612.50.

Trial. The case proceeded through the normal litigation process; however, Mr. Ragland has agreed to a settlement of this case as outlined below. If a trial was held in this case, the Judge could determine nature and extent to his injuries and award permanent partial disability.

Proposed Settlement. The proposed settlement closes the case in a lump sum payment of \$17,325 (less 20% attorney fee). Pursuant to 85A O.S. § 31(7)(b), for this injury that occurred on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the amount of \$519.75, representing 3 percent of the permanent partial disability award would be deducted from Mr. Ragland's settlement and paid to the Oklahoma Tax Commission by the City for net payment of \$16,805.25.

It is felt that the settlement to close this case is fair and reasonable. A settlement is beneficial to the City in that it is a full, final and complete settlement of any and all claims and closes out any continued medical treatment. This settlement is beneficial to Mr. Ragland in that it provides certainty for an award and would be paid in a lump sum rather than at a weekly rate over a period of time.

Furthermore, if this case is settled in this manner, the City would incur additional costs and fees of:

Workers' Compensation Administration Fund Tax in the amount of \$346.50; Special Occupational Health & Safety Tax in the amount of \$129.94; and Workers Comp Commission Filing fee in the amount of \$140.00. In addition, the City would incur an additional cost and fee for the Cleveland County Court Filing Fee in the amount of \$154.14.

These additional costs and fees total \$770.58, which brings the total cost of this settlement to the City to \$18,095.58.

Adequate funds are available in the Order/Settlements Account (43330102-42131).

RECOMMENDATION: For the reasons outlined above, it is believed this settlement is fair, reasonable, and in the best interest of the City. Acceptance of the settlement would require the payments as outlined above. If approved, the settlement amount would be paid to Mr. Ragland and his attorney in a lump sum. The settlement would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85A O.S. § 107, 51 O.S. § 159, and 62 O.S. § 361, *et seq* and 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq*. Certifying the order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.