

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CLAIM FILED BY TAMMY LYNN ERICKSEN UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *TAMMY L. ERICKSEN V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2021-06871 E AND DISMISSAL WITH PREJUDICE OF THE CLAIM FILED BY TAMMY L. ERICKSEN UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION COURT STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF TAMMY L. ERICKSEN V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. 2022-15003 K; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COMMISSION AND COURT OF EXISTING CLAIMS, 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, TAMMY L. ERICKSEN a former Communications Supervisor for the Norman Police Department alleged a single incident injury to the right hip, right knee, right shoulder, and back on August 12, 2020 from a fall on uneven concrete in the Norman Police Department's parking lot and a cumulative injury of hearing loss to both ears with date of awareness of July 1, 2012 due to exposure to loud noises; and
- §2. WHEREAS, the City of Norman has negotiated settlement for these two (2) claims of TAMMY L. ERICKSEN against the City of Norman, under the Workers' Compensation Statutes for a total of \$70,000, which represents 13% (\$16,380) for the right hip, 13% (\$16,380) for the right knee, 12% (\$15,120) for the right shoulder, 15% (\$18,900) for the back and \$3,200 for continued medical maintenance on Case No. CM-2021-06871 E; and dismissal with prejudice on Case No. WCC-2022-15003 K (Both Ears) to be paid in a lump sum settlement to Ms. Ericksen 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 No. 2021-06871 E (right hip, right knee, right shoulder, and back) to the Workers' Compensation Administration Fund in the amount of \$1,400 and the Special Occupational Health and Safety Fund in the amount of \$525; filing fees in the Workers' Compensation Court in the amount of \$140 in each case to include Workers' Compensation Court of Existing Claims case No. 2022-15003 K (Both Ears); 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 TAMMY L. ERICKSEN for not more than \$70,000 for any and all claims that she 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 September, 2022.

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Mayor

ATTEST:

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City Clerk