



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 5/24/2022

REQUESTER: Jeanne Snider

PRESENTER: Jeanne Snider, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2122-120: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CASE FILED BY REAGAN HARRIS UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *REAGAN HARRIS V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2021-04817K; 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:

Reagan Harris was injured June 29, 2021, and filed Oklahoma Workers Compensation Commission case 2021-04817K on August 18, 2021, alleging a single incident injury to the left wrist when she slipped climbing down a lifeguard stand. The case was accepted and has proceeded through the normal litigation process.

Prior to a trial being held, Ms. Harris has agreed to settle this case in the amount of \$2,700, which represents about 3.5% permanent partial disability to the left wrist regarding the hand. The settlement offer is being recommended and is being presented to the City Council for consideration.

DISCUSSION:

Ms. Harris was a former seasonal part-time Westwood Pool lifeguard for the City of Norman's Parks and Recreation Department hired May 19, 2021 on September 12, 2021. She separated from employment on August 2, 2021.

Medical Treatment.

Ms. Harris was seen at Norman Regional Occupational Medicine from July 1, 2021 through August 6, 2021 and was treated conservatively. She later moved out of state and was unable

to return for further evaluation or treatment. Out of state medical providers were found to not accept Oklahoma's Workers' Compensation Fee Schedule.

Issues for Trial. Since there is no question Ms. Harris' injury to the left wrist on June 29, 2021, occurred while in the course of her employment with the City, the primary issues to be tried in this case before the Workers' Compensation Commission are the extent of her 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. Both parties have agreed to settle the case prior to obtaining medical ratings and have agreed to stipulate that medical reports would support the settlement.

Trial. The case proceeded through the normal litigation process; however, Ms. Harris 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 her injuries and award permanent partial disability.

Proposed Settlement. The proposed settlement closes the case in a lump sum payment of \$2.700 (less 20% attorney fee) representing the settlement amount discussed above. Pursuant to 85A O.S. § 31(7), for injuries occurring on or after July 1, 2019, a Multiple Injury Trust Fund assessment in the amount of \$81.00, representing (3%) of the permanent partial disability award shall be deducted and paid to the Oklahoma Tax Commission.

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 cases and closes out any continued medical treatment. This settlement is beneficial to Ms. Harris 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 were settled in this manner, the City would incur additional costs and fees of:

Workers' Compensation Administration Fund Tax in the amount of \$54.00; Special Occupational Health & Safety Tax in the amount of \$20.25; 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 \$368.39, which brings the total cost of this settlement to the City to \$3,068.39.

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 Ms. Harris and her 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 settlement to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.