



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-2122-121: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF THE CASE FILED BY WILLIAM "WILL" BRYAN CREWS UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF *WILLIAM "WILL" BRYAN CREWS V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE 2021-04762 Q; 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:

William Crews initially filed three Oklahoma Workers Compensation Commission cases on August 16, 2021. The first case, CM-2021-04764A, alleges on October 12, 2020, a single incident injury to the neck, left shoulder, left arm, and left hand while arresting a suspect. The City denied injury to the neck. The second case, CM-2021-04762 Q, alleges on October 26, 2020, a single incident injury to the back, neck, left shoulder, left arm, and left hand when he slipped and fell down stairs while on duty. The City denied injury to the left shoulder, left arm, and left hand. The third case, CM-2021-04763X, alleges with date of awareness of April 7, 2021 and last event of July 1, 2021, cumulative injury to the back, neck, both shoulders, both arms, and both hands from continuous and repetitive use of the suspender system. The City denied injury to the back, left shoulder, and both hands. On January 14, 2022, the Oklahoma Workers Compensation Commission's Court entered an Order to consolidate the three cases under CM-2021-04762 Q and the case has proceeded through the normal litigation process.

A mediation was held on April 14, 2022. Prior to a trial being held, Mr. Crews has agreed to settle this case in the amount of \$17,640 which represents 14% permanent partial disability to the Body as a Whole regarding the back (8%), neck (4%), left shoulder (2%), left arm (0%), and left hand (0%). The settlement offer is being recommended and is being presented to the City Council for consideration.

DISCUSSION:

Mr. Crews is a former master police officer for the City of Norman's Patrol Division of the Police Department. He was hired on July 14, 2000, reclassified to master police officer on January 14, 2005, and retired on July 14, 2021.

Medical Treatment.

Mr. Crews was transported by ambulance to the emergency room at Norman Regional Hospital the day of his injury and was treated conservatively. He followed-up with Norman Regional Occupational Medicine and was treated conservatively to include physical therapy and was given work restrictions. This treatment continued until he returned prematurely for a follow-up appointment on November 20, 2020 and requested his restrictions be removed. He completed the prescribed physical therapy and was released from care at his request on December 15, 2020.

Issues for Trial. Since there is no question Mr. Crew's injury 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. 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, Mr. Crews 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 injury and award permanent partial disability.

Proposed Settlement. The proposed settlement closes the case in a lump sum payment of \$17,640 (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 \$529.20, 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 Mr. Crews 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 \$352.80; Special Occupational Health & Safety Tax in the amount of \$132.30; 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 \$779.24, which brings the total cost of this settlement to the City to \$18,419.24.

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. Crews 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.