

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENTS OF THE CLAIMS FILED BY CHRIS KOSCINSKI UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF *CHRIS KOSCINSKI V. THE CITY OF NORMAN*, WORKERS' COMPENSATION COMMISSION CASE NOS. 2015-06809 A; 2015-06363 K; 2016-00738 H; and 2017-00239 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.

- §1. WHEREAS, CHRIS KOSCINSKI a firefighter for the Norman Fire Department alleged a single incident injury to the back on October 3, 2014, while carrying a patient; to the heart/cardiovascular on July 6, 2015, while fighting a house fire; to the left shoulder on October 20, 2015, while pulling a fire hose; and to the back on November 24, 2016, while pulling a hose; and
- §2. WHEREAS, the City of Norman has negotiated settlement for these four (4) claims of CHRIS KOSCINSKI against the City of Norman, under the Workers' Compensation Statutes for a total of \$27,500 which represents 5% (\$5,652.50) on Case No. CM 2015-06809 A (Back); dismissal with prejudice (\$2,629.00) on Case No. CM 2015-06363 K (Heart/Cardiovascular); 12% (\$13,566) on Case No. CM 2016-00738 H (Left Shoulder); and 5% (\$5,652.50) on Case No. CM 2017-00239 Q (Back) 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 No. 2015-06809 A (Back) to the Workers' Compensation Administration Fund in the amount of \$113.05 and the Special Occupational Health and Safety Fund in the amount of \$42.39; for settlement for payment for Workers Compensation Commission Case No. 2016-00738 H (Left Shoulder) to the Workers' Compensation Administration Fund in the



amount of \$271.32 and the Special Occupational Health and Safety Fund in the amount of \$101.75; and for Workers Compensation Commission Case No. 2017-00239 Q (Back) to the Workers' Compensation Administration Fund in the amount of \$113.05 and the Special Occupational Health and Safety Fund in the amount of \$42.39; filing fees in the Workers' Compensation Court in the amount of \$140 in each case to include Workers' Compensation commission Case No. 2015-06363 K (Heart/Cardiovascular); and a filing fee in the Cleveland County District Court in the amount of \$144.14; 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 CHRIS KOSCINSKI for not more than \$27,500 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 July, 2019.

Mayor

ATTEST:

City Clerk