



Legislation Details (With Text)

File #: R-2016-345 **Version:** 1 **Name:** Mary Reidinger TPD & Attorneys Fees
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Title: A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement Between Mary Reidinger And The City For Temporary Partial Disability Benefits And Attorney's Fees For A Workers' Compensation Claim In An Amount Not To Exceed \$171,113.73.

Sponsors:

Indexes:

Code sections:

Attachments: 1. R-2016 Resolution Mary Reidinger TPD Benefit Payment.pdf, 2. R-2016 Resolution Backup Mary Reidinger TPD & Attorneys Fees COH Memo.pdf, 3. R-2016 Resolution Backup Mary Reidinger TPD & Attorneys Fees Hurley Rogner.pdf, 4. BIS 17-032.pdf

Date	Ver.	Action By	Action	Result
12/14/2016	1	Regular City Commission Meeting	adopt	Pass

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Approving And Authorizing The Appropriate City Officials To Implement A Settlement Between Mary Reidinger And The City For Temporary Partial Disability Benefits And Attorney's Fees For A Workers' Compensation Claim In An Amount Not To Exceed \$171,113.73.

Staff Recommends: Approval of the attached Resolution

Explanation:

The City of Hollywood (the "City") has been advised by its workers' compensation attorney that there are Temporary Partial Disability benefits and attorney's fees/costs due and owing to Mary Reidinger (the "Claimant") for her workers' compensation claim relating to injuries that occurred on August 12, 2011 (the "Claim").

On August 12, 2011, Mary Reidinger had an accident/injury which the City determined was not compensable under workers' compensation. As a result, Ms. Reidinger treated her injury under the City's health insurance and then litigated her workers' compensation claim. On March 19, 2014, the Judge of Compensation Claims (JCC) found the accident/injury to be compensable and awarded Temporary Total Disability (TTD) benefits to Ms. Reidinger for the time frame of August 12, 2011 through February 15, 2012. The City appealed the Order,

however, on November 21, 2014, the Order was affirmed by the First District Court of Appeal; and

Andrew Borah, the City's workers' compensation attorney, has advised that since the claimant did not receive any salary, and was unable to utilize sick, or vacation leave from February 16, 2012 to November 30, 2012, Ms. Reidinger is owed \$55,931.70 in Temporary Partial Disability (TPD) benefits, penalties and interest for this time frame. Mr. Borah further advises that the City also owes Ms. Reidinger \$40,449.95 in past due TPD benefits, including penalties and interest for the time frame from December 1, 2012 to March 17, 2015.

Mr. Borah and Ms. Reidinger's attorney have settled her claim for attorney's fees for \$70,000.00 and her claim for costs for \$4,732.08. Mr. Borah believes opposing counsel would easily obtain triple this amount if the fee entitlement were to be decided by the JCC. Therefore, it is recommended that the City authorize \$74,732.08 in attorney's fees and costs.

As such it is recommended that the City Commission authorize an amount not to exceed \$171,113.73. This amount does not finally settle the claim, it only settles what is currently due and owing for attorney's fees/costs and Temporary Partial Disability benefits.

Recommended for inclusion on the agenda by:

Dr. Wazir Ishmael, City Manager

George Keller, Assistant City Manager/Finance & Administration

Tammie Hechler, Director of Human Resources & Interim Director of Labor Relations