



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

Legislation Details (With Text)

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Title: Authority to settle the Workers' Compensation Claim of Robert Markowski vs. MWRDGC, Case No. 09 WC 00409, Illinois Workers' Compensation Commission, in the sum of \$300,000.00. Account 901-30000-601090

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Date	Ver.	Action By	Action	Result
5/6/2010	1	Committee of the Whole	Recommended	Pass
5/6/2010	1	Board of Commissioners	Approved	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF MAY 6, 2010

COMMITTEE ON JUDICIARY

Mr. Richard Lanyon, Executive Director

Authority to settle the Workers' Compensation Claim of Robert Markowski vs. MWRDGC, Case No. 09 WC 00409, Illinois Workers' Compensation Commission, in the sum of \$300,000.00. Account 901-30000-601090

Dear Sir:

Robert Markowski is a Machinist at the Calumet Water Reclamation Plant. On August 3, 2006, Mr. Markowski was driving a forklift over a rusted grating that collapsed. He was ejected as the forklift dropped through the grating. Mr. Markowski was taken to the Horton Occupational Health Clinic for low back and left leg pain. An MRI revealed disc herniation at L3-L4 and disc bulges at several levels. On June 11, 2007, he underwent back surgery.

Mr. Markowski reported continued low back and left leg pain post surgery. Additional treatment included physical therapy, work conditioning, and various types of injections through several pain clinics. Additional surgery was recommended to include decompression and fusion from L3-L5 with instrumentation and bone graft. Mr. Markowski is reluctant to undergo the surgery. He has not worked since September 2006 and is released to sedentary work only.

Due to several factors, Mr. Markowski is a poor vocational rehabilitation candidate. Even if we could find alternative job placement, Mr. Markowski would be eligible, pursuant to Section 8(d-1) of the Illinois Workers' Compensation Act, for a wage differential equal to 66 $\frac{2}{3}$ % of the difference between the wages in his Machinist position and wages in employment he could perform post-injury. Based on a \$10.00 per hour rate for Mr. Markowski, there would be an approximately \$717.60 per week wage loss. Based on a life expectancy of 16 years, the District's exposure for a wage loss claim would be \$597,043.20. Mr. Markowski presently receives \$49,565.36 annually in temporary total disability ("TTD") pay.

At this time, Mr. Markowski has agreed to accept \$300,000.00 to settle his claim and retire. TTD will continue until the settlement is approved.

The General Counsel believes this settlement is in the District's best interests and requests payment of that sum be approved and he be authorized to execute such documents as may be necessary to effect the settlement.

Requested, Frederick M. Feldman, General Counsel, FMF:LAG:VMM:nm

Respectfully Submitted, Terrence J. O'Brien, Chairman Committee on Judiciary

Disposition of this agenda item will be documented in the official Regular Board Meeting Minutes of the Board of Commissioners for May 6, 2010.