



# 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 Richard Flemons vs. MWRDGC, Case 15 WC 042451 Illinois Workers' Compensation Commission, in the sum of \$350,000.00, Account 901-30000-601090 (Deferred from the May 17, 2018 Board Meeting)

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Date	Ver.	Action By	Action	Result
6/7/2018	1	Board of Commissioners	Approved	Pass
6/7/2018	1	Committee of the Whole	Recommended	Pass
5/17/2018	1	Board of Commissioners	Deferred	
5/17/2018	1	Committee of the Whole	Deferred	

### TRANSMITTAL LETTER FOR BOARD MEETING OF JUNE 7, 2018

#### COMMITTEE ON JUDICIARY

Mr. John P. Murray, Acting Executive Director

Authority to settle the Workers' Compensation Claim of Richard Flemons vs. MWRDGC, Case 15 WC 042451 Illinois Workers' Compensation Commission, in the sum of \$350,000.00, Account 901-30000-601090 (Deferred from the May 17, 2018 Board Meeting)

Dear Sir:

Richard Flemons was a Fireman/Oiler at the Calumet Water Reclamation Plant when initially injured on August 21, 2014. He sustained injuries to his right ankle after falling from a ladder to the ground. Mr. Flemons was initially seen at the industrial clinic on August 21, 2014. He was initially disabled from work on August 22, 2014. He underwent four separate surgical procedures as result of the accident. The first surgery was performed on August 22, 2014. A second procedure was performed on August 25, 2014. A third procedure was performed on September 2, 2014 and a final procedure was performed on September 20, 2014. After prolonged treatment including home health care, physical therapy and bracing, it was found that Mr. Flemons was at a medium physical work capacity which was below the heavy demands of his position with the District. Mr. Flemons did return to restricted duty on February 10, 2015, but was disabled again on February 24, 2015. He returned to restricted duty again on April 27, 2015, but was disabled again on April 28, 2015 and has not returned to work since that time. It was determined that the employee had permanent restrictions as a result of the injury.

The District has analyzed Mr. Flemons permanent work restrictions under the interactive process established by its Americans with Disabilities Act policy. It has been determined that he cannot perform the essential

functions of a Fireman/Oiler with or without reasonable accommodation.

The employee has retired from the District effective April 30, 2018.

Mr. Flemons has been paid a total of \$190,931.21 in lost time benefits for his injury for approximately 191.00 weeks, as of May 2, 2018. He is currently receiving lost time benefits until his settlement is processed at the Illinois Workers Compensation Commission.

Mr. Flemons' attorney has filed an Applications for Adjustment of Claim with the Illinois Workers' Compensation Commission (IWCC). Subject to the approval of the IWCC, this claim can now be settled for \$350,000.00. This settlement would include a release of all claims against the District. In addition, this settlement closes out any future lost time and future medical benefits associated with these injuries.

The Director of Human Resources believes this settlement is in the best interest of the District and requests payment of that sum be approved and she be authorized to execute such documents as may be necessary to effect the settlement.

Requested, Beverly K. Sanders, Director of Human Resources, BKS:RAJ:RG:  
Respectfully Submitted, Mariyana T. Spyropoulos, 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 June 7, 2018