



Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611

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Title: Authority to settle the Workers' Compensation Claims of Daniel Feeney vs. MWRDGC, Cases 12 WC 13992 and 12 WC 28718 Illinois Workers' Compensation Commission, in the sum of \$400,000.00, Account 901-30000-601090

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11/2/2017	1	Board of Commissioners	Approved	Pass
11/2/2017	1	Committee of the Whole	Recommended	Pass

TRANSMITTAL LETTER FOR BOARD MEETING OF NOVEMBER 2, 2017

COMMITTEE ON JUDICIARY

Mr. David St. Pierre, Executive Director

Authority to settle the Workers' Compensation Claims of Daniel Feeney vs. MWRDGC, Cases 12 WC 13992 and 12 WC 28718 Illinois Workers' Compensation Commission, in the sum of \$400,000.00, Account 901-30000-601090

Dear Sir:

Daniel Feeney is a Truck Driver at the Stickney Water Reclamation Plant. On October 17, 2007, he sustained injuries to his right shoulder after falling from a truck. Initially seen at the industrial clinic on October 17, 2007, he was diagnosed with a right shoulder injury. The employee treated conservatively with medication and physical therapy. On April 8, 2010 the employee underwent his first shoulder surgery at which time he was disabled from work. Following the surgery he underwent a course of physical therapy. He was able to return to work on October 7, 2010.

The employee had a second injury on February 19, 2012 alleging injury to right knee after slipping and falling. There were no lost time or medical benefits paid on this claim.

Mr. Feeney continued to experience problems with his right shoulder from his October 17, 2007 injury. He was disabled again effective March 12, 2012 and returned to work on March 19, 2012. He underwent a second surgical procedure on his right arm on June 11, 2012 at which time he was disabled from work again. The employee returned to work November 5, 2012, but was disabled again on November 12, 2012 and returned to work on November 19, 2012. The employee was again disabled effective November 26, 2012 through January 10, 2016. Mr. Feeney was again disabled February 23, 2016. While still disabled, the employee underwent a third surgical procedure September 9, 2016 on his right shoulder, followed by additional physical therapy. He was eventually released to restricted duty effective April 20, 2017 before being completely disabled again

effective August 7, 2017. It was determined that the employee had permanent restrictions as a result of his injury.

The District has analyzed Mr. Feeney's 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 Truck Driver with or without a reasonable accommodation.

Mr. Feeney has been paid a total of \$234,664.80 in lost time benefits as of October 20, 2017 for approximately 279.20 weeks and is currently receiving lost time benefits.

Mr. Feeney's attorney has filed two Applications for Adjustment of Claims with the Illinois Workers' Compensation Commission (IWCC). Subject to the approval of the IWCC, these claims can now be settled for \$400,000.00. The employee has retired from the District effective October 31, 2017. The settlement will include a separate 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 November 2, 2017