

Robert P. Astorino  
County Executive

Department of Finance

Ann Marie Berg  
Commissioner

## 13900

DATE: September 8, 2010

TO: HONORABLE MEMBERS OF THE BOARD OF  
ACQUISITION AND CONTRACT

FROM: Ann Marie Berg  
Commissioner of Finance

Robert F. Meehan  
County Attorney

RE: REQUEST FOR AUTHORIZATION TO SETTLE WORKERS'  
COMPENSATION CASE NOS. WC280332 AND WC290026 FOR THE  
TOTAL SUM OF \$52,000 FOR SHELLEY MONTGOMERY, A FORMER  
EMPLOYEE OF THE WESTCHESTER COUNTY CLERK'S OFFICE

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The Department of Finance, as administrators of the Westchester County Workers' Compensation Program, has in the past, with the cooperation of the County Attorney's Office negotiated lump sum settlements with attorneys of current or former injured County Employees for final approval by the New York State Workers' Compensation Board in the interest of justice. These settlements are based on the following criteria:

1. The degree of disability
2. The estimated life expectancy of the claimant
3. The settlement amount proposed by the claimant's attorney

In the above referenced matter, the following facts are relevant to consideration of this resolution.

1. Ms. Montgomery was injured on September 11, 2008 and February 10, 2009. If she were found to be totally disabled she would be paid at a weekly rate of \$550.00 which represents total disability.
2. Under Section 32 Workers' Compensation Law WCL, a settlement agreement signed and agreed to by the parties affirms that the agreement if approved by the Workers' Compensation Board is conclusive, final and binding on all parties involved.
3. Age of claimant is fifty-nine (59) years. Estimated life expectancy for females age 59 is 83 years. The remaining period of life expectancy for Ms. Putnam is 24 years.
4. The potential Workers' Compensation Board Award of \$550.00 for 52 weeks for each of 24 years would equal \$686,400. The net present value of that award when compounded at 4% per annum is \$436,064.

#### SETTLEMENT PROPOSAL

1. Amount proposed and accepted by claimant's attorney \$52,000.
2. Triad Group, which provides claims review and other services for The Workers' Compensation Program to the Department of Finance and the County, has recommended the lump sum settlement in the amount of \$52,000.

This settlement serves a public purpose by bringing permanent closure to the indemnity portion of a Workers' Compensation case with the potential of costing the County more money at a higher total disability rate. The negotiated amount is therefore in the best interest of the County.

We hereby recommend that the Board of Acquisition and Contract approve this Settlement agreement in the amount of \$52,000, as it appears to be in the best interest of the County, and falls within the parameters of the criteria discussed above.

**RESOLUTION**

UPON A COMMUNICATON FROM THE COMMISSIONER OF FINANCE AND THE COUNTY ATTORNEY, BE IT HEREBY

RESOLVED, that the County of Westchester is hereby authorized to settle, subject to the approval of the Workers' Compensation Board, the Workers' Compensation case with Shelley Montgomery, compensation Case Nos. WC280332 and WC290026 for a lump sum of \$52,000.

FACT - 9-23-2010 - JOMARY NEIRA, SECRETARY

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
613	57	0008	4280		\$26,000
613	57	0009	4280		\$26,000

Budget Funding Year(s) 2008 and 2009 Start Date N/A End Date N/A  
(must match resolution)

Funding Source Tax Dollars \$52,000  
State Aid \_\_\_\_\_  
\$52,000 Federal Aid \_\_\_\_\_  
(must match resolution) Other 6J