

BOARD OF LEGISLATORS  
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County of Westchester (the "County") to compromise its claim to be reimbursed for healthcare and wage benefits paid to or on behalf of a County employee, identified as "K.O." Consistent with prior practice in similar cases, the County Attorney has deleted the name of the employee to protect the individual's privacy. The name, of course, will be disclosed to the Board of Legislators if that is desired.

On June 11, 2019, K.O., an employee in the Westchester County Department of Parks, Recreation and Conservation (the "Department") fell down some steps at the Westchester Hills Golf Course located at 401 Ridgeway, White Plains, NY 10605. As a result of the accident, K.O. sustained injuries to her left hip and left leg and missed six weeks of work. She is currently back at work in full capacity.

K.O. filed a claim for her injury with the NYS Workers' Compensation Board, which was uncontroverted. On a parallel track to her Workers' Compensation claim, K.O. retained counsel in advance of commencing a personal injury action against Westchester Hills Golf Club, Inc. K.O.'s counsel is Kenneth A. Pryor, Esq. of THE PRYOR LAW FIRM, LLC, 666 Old County Road, Suite 305, Garden City, NY 11530.

On or about February 12, 2021, K.O. agreed in principle to settle her personal injury claim before litigation for one hundred twenty-five thousand and 00/100 dollars (\$125,000.00), pending the consent of the County. In connection with the proposed settlement, K.O.'s counsel notified this Office that he is waiving his costs and disbursements and that his legal fee totals forty-one thousand six hundred sixty-two and 50/100 dollars (\$41,662.50).

Between the date of the accident and the date of the proposed settlement, the County expended medical benefits pursuant to the NYS Workers' Compensation Law ("WCL") to or on K.O.'s behalf in the amount of fifteen thousand eight hundred twelve and 02/100 dollars (\$15,812.02) and indemnity (lost wage) benefits in the amount of sixteen thousand six hundred fifty-four and 68/100 dollars (\$16,654.68) for a total expenditure of thirty-two thousand four hundred sixty-six and 70/100 dollars (\$32,466.70).

Based upon a review of the facts and circumstances of this matter, this Office seeks the authority to compromise the County's claim for reimbursement by reducing its lien by 33.33%, equaling a dollar reduction of ten thousand eight hundred twenty-one and 15/100 dollars (\$10,821.15). The County would thereafter accept in satisfaction of its present lien a total of twenty-one thousand six hundred forty-five and 55/100 dollars (\$21,645.55). After the County is reimbursed and counsel fees are paid, K.O. would receive sixty-one thousand six hundred ninety-one and 95/100 (\$61,691.95).

*[Remainder of Page Intentionally Left Blank]*

Your Committee has carefully considered the matter and recommends authorizing the County Attorney, pursuant to Section 158.11 of the Westchester County Charter, to compromise the County's right to be reimbursed for health care and wage benefits paid to or on behalf of K.O. from the settlement of her legal action against a third-party tortfeasor. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York  
March 15, 2021

Benjamin Boyford

Benjamin Boyford  
Catherine E

Law & Major Contracts

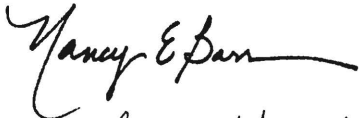
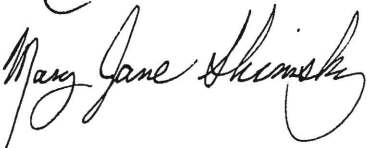

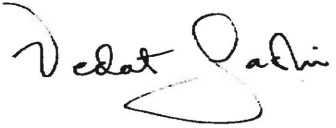


Budget & Appropriations.

Dated: March 15, 2021  
White Plains, New York

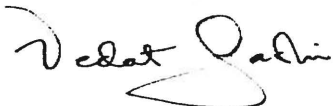
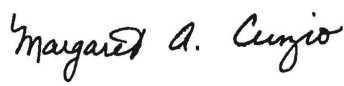








**The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.**

Committee(s) on:

**Law & Major Contracts**

**Budget & Appropriations**

# FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Workers Comp Lien (K.O.)

NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

(To be completed by operating department and reviewed by Budget Department)

A)  GENERAL FUND       AIRPORT       SPECIAL REVENUE FUND (Districts)

### B) EXPENSES AND REVENUES

Total Current Year Cost      \$ 0

Total Current Year Revenue \$ 21,645.55

Source of Funds (check one):       Current Appropriations

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 613-57-0019-9289

Potential Related Operating Budget Expenses:

Annual Amount \$ \_\_\_\_\_

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Potential Related Revenues:

Annual Amount \$ \_\_\_\_\_

Describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Next Four years: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Prepared by: Sean T. Carey

Title: Sr. Assistant County Attorney

Department: Law

Reviewed By: \_\_\_\_\_

Budget Department

3/5/21

If you need more space, please attach additional sheets.

ACT NO. 37 - 2021

AN ACT authorizing the County of Westchester to compromise its right to be reimbursed for health care and wage benefits paid to or on behalf of a County employee from a settlement of her legal action against a third-party tortfeasor.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

1. The County of Westchester is hereby authorized to compromise its right to be reimbursed for health care and wage benefits paid or owing to or on behalf of a County employee, identified as "K.O.", from a settlement of her legal action against a third party. The County's reimbursement is \$21,645.55, representing a 33.33% reduction of its lien, with full reservation of the County's right to set off K.O.'s net recovery against any future compensation in accordance with the provisions of New York State Workers' Compensation Law.
2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose hereof.
3. This Act shall take effect immediately.

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 37 - 2021, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on March 22, 2021, and approved by the County Executive on March 23, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 24<sup>th</sup> day of March, 2021.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

