

WESTCHESTER COUNTY

Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

January 20, 2026

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, NY 10601

Re: Legislation authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee in lieu of future payments

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if approved, would authorize the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester (the "County") to pay Workers' Compensation benefits to a former police officer in the Westchester County Department of Public Safety (the "Department"). The officer is identified herein as "M.S." Consistent with prior practice in similar cases, we have deleted the name of the employee to protect the individual's privacy. The name, of course, will be disclosed to the Board of Legislators upon request.

Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce the liability for ongoing benefits by paying a lump sum to the employee. When a County employee suffers a work-related injury, he or she qualifies for Workers' Compensation benefits. Once the Workers' Compensation Board issues a permanency finding, the County is obligated to make continuing payments. Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce its liability for ongoing benefits by paying the employee a reduced lump sum. As a result of this lump sum, future payments are eliminated and the County realizes substantial savings.

In the past, the Department of Finance, in its role as administrator of the County's Workers' Compensation Program, has negotiated, with the cooperation of the County Attorney's Office, lump-sum settlements with the attorneys for injured employees. Such settlements have been and remain subject to final approval in the interest of justice by the New York State Workers' Compensation Board.

The proposed settlement is based upon the following criteria:

1. The accepted workers' compensation claims;
2. The loss-of-use award; and
3. The settlement amount proposed by the claimant's attorney.

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*Please be advised that service by facsimile
is not accepted.



Relevant History

Accepted Workers' Compensation Claims

This matter involves four accepted workers' compensation claims:

- Claim No. 1 (PF178013; WCB No. G1871241): On March 18, 2017, M.S. arrested a physically combative, non-compliant offender. During that arrest, M.S. sustained contusions and abrasions to his forehead, left ring finger, and right hand. As of this writing, the County has paid job-injury indemnity (lost wage) and medical expenses on this claim totaling two hundred eighty-three and 30/100 dollars (\$283.30).
- Claim No. 2 (PF178079; WCB No. G2085176): On December 26, 2017, M.S. slipped on ice in the parking lot at Chauncey Square, located at 50 Stanley Avenue in Dobbs Ferry, NY 10522. In the resulting fall, M.S. injured his right shoulder and back. As of this writing, the County has paid job-injury indemnity (lost wage) and medical expenses on this claim totaling nine thousand seventy-one and 65/100 dollars (\$9,071.65).
- Claim No. 3 (PF2208007; WCB No. G2729556): On February 16, 2020, M.S. attempted to gain compliance from an emotionally disturbed person at the main building of the Westchester County Medical Center. In so attempting, M.S. fell to ground and injured his left knee. As of this writing, the County has paid job-injury indemnity (lost wage) and medical expenses on this claim totaling two hundred fifty-seven thousand seven hundred eighty-five and 01/100 dollars (\$257,785.01).
- Claim No. 4 (PF2228056; WCB No. G3355392): On August 11, 2022, M.S. accidentally discharged his duty weapon into the floor of the supervisor's locker room at Westchester County Police Headquarters. Thereafter, M.S. reported a graze wound near his right elbow, tinnitus in both ears, and—as a result of a hard step taken immediately after the unexpected discharge—an exacerbation of his preexisting hip injury. As of this writing, the County has paid job-injury indemnity (lost wage) and medical expenses on this claim totaling ninety-seven thousand seven hundred five and 70/100 dollars (\$97,705.70).

For the reader's convenience, charts tallying relevant amounts appear below:

	D/O/I	Expenses
Claim No. 1	18-Mar-17	\$ 283.30
Claim No. 2	26-Dec-17	\$ 9,071.65
Claim No. 3	16-Feb-20	\$257,785.01
Claim No. 4	11-Aug-22	\$ 97,705.70
TOTAL		\$364,845.66

PPD Award & Retirement

On April 26, 2024, the New York State and Local Retirement System approved M.S.'s application for a Performance of Duty Disability Retirement as a result of this incident. On May 9, 2024, the New York State Workers' Compensation Board awarded M.S. a permanent partial disability

("PPD") as a result of this incident in the amount of six hundred thirty-five and 95/100 dollars (\$635.95) per week for a period of two hundred fifty (250) weeks (the "PPD Award"). M.S. retired from County service that same day.

Future Expenses

Future Indemnity Expenses

The PPD Award is set to expire in 172 weeks (*i.e.*, February 22, 2029). Given the indemnity rate (\$635.95/week), the total amount yet to be paid is one hundred nine thousand three hundred eighty three and 40/100 dollars (\$109,383.40). Reducing the undiscounted cash flow to net present value using a discount rate of 5%, the Westchester County Attorney's Office was able to calculate the PPD Award's net present value to be one hundred one thousand eighty-two and 36/100 dollars (\$101,082.36).

	Remaining Weeks	Award Rate	Total Remaining	Discount Rate	Net Present Value
PPD Award	172 Weeks	\$635.95/week	\$109,383.40	5%	\$ 101,082.36

Future Medical Expenses

Independent of the PPD Award, the County is obligated to cover M.S.'s future medical expenses related to Claim Nos. 1–4. A vendor (MSA Advocates, Inc.) hired by the County's workers' compensation fund third-party administrator (Triad Group, LLC) has estimated the County's future exposure on all four claims as totaling forty-nine thousand two hundred sixty-seven and 90/100 dollars (\$49,267.90).

	Estimated Exposure
Future Medical Expenses	\$49,267.90

Discussion of Settlement Offer

M.S.'s has agreed in principle to settle all four claims for ninety-six thousand four hundred sixty-one and 30/100 dollars (\$96,461.30). If accepted, this settlement will resolve all four claims and relieve the County from any obligation to reimburse future treatment on any of the related injuries. The County's savings pursuant to the proposed settlement are estimated to be fifty-three thousand eight hundred eighty-eight and 96/100 dollars (\$53,888.96).

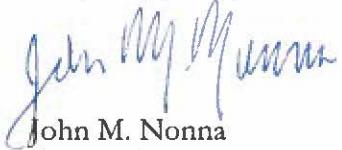
	Indemnity	Medical	TOTAL
Exposure	\$101,082.36	\$49,267.90	\$150,350.26
Proposed Settlement	\$47,193.40	\$49,267.90	\$96,461.30 ³
Proposed Savings	\$53,888.96	\$ -	\$53,888.96

³ Two side notes: First, M.S.'s original settlement demand included a round number for the indemnity piece (\$65,000.00); that figure was later reduced by the weekly indemnity payments M.S. received in the interim. Second, the U.S. Department of Health and Human Services prohibits workers' compensation carriers from realizing medical-related savings on Section 32 settlements—meaning the medical portion of such settlements often equals the carrier's estimated exposure.

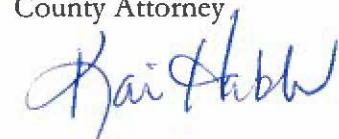
Based upon the foregoing, the County Attorney and the Commissioner of Finance request authority to compromise the liability of the County by contributing ninety-six thousand four hundred sixty-one and 30/100 dollars (\$96,461.30) toward a lump-sum settlement in full satisfaction of the County's indemnity and medical obligation in this matter.

We therefore recommend the accompanying Act.

Very truly yours,



John M. Nonna
County Attorney



Karin E. Hablow
Commissioner of Finance

JMN/KEH/stc

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 Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester (the “County”) to pay Workers’ Compensation benefits to a former County employee, identified herein as “M.S.” Consistent with prior practice in similar cases, we have deleted the name of the employee to protect the individual’s privacy. The name, of course, will be disclosed to the Board of Legislators upon request.

Pursuant to Section 32 of the New York State Workers’ Compensation Law, the County is permitted to reduce the liability for ongoing benefits by paying a lump sum to the employee. When a County employee suffers a work-related injury, he or she qualifies for Workers’ Compensation benefits. Once the Workers’ Compensation Board issues a permanency finding, the County is obligated to make continuing payments. As a result of this lump sum, future payments are eliminated and the County realizes substantial savings.

The Department of Finance, in its role as administrator of the County’s Workers’ Compensation Program, has negotiated, with the cooperation of the County Attorney’s Office, lump-sum settlements with the attorneys for injured employees. Such settlements have been and remain subject to final approval in the interest of justice by the N.Y. State Workers’ Compensation Board.

Employee:	M.S.
Department:	Public Safety
Dates of Injury:	March 18, 2017; December 26, 2017; February 16, 2020; and August 11, 2022
Injuries:	Forehead, left ring finger, right hand, right shoulder, back, left knee, right elbow, ears, hip.
Lump-Sum Settlement (Medical & Indemnity):	\$ 96,461.30

Your Committee has carefully considered the matter and recommends authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County to pay Workers’

Compensation benefits to the above-named former County employee, thereby reducing the liability for ongoing benefits by paying a lump sum to and/or for the benefit of M.S. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York
January ___, 2026

ACT NO. 2026

AN ACT authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee in lieu of future payments.

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

1. The County Attorney and the Commissioner of Finance are hereby authorized to compromise the County's right to pay Workers' Compensation benefits to M.S., a former employee, by contributing \$ 96,461.30 towards a lump-sum settlement, thereby reducing the County's liability for ongoing benefits to and/or for the benefit of the employee.
2. The County Attorney or his designee and the Commissioner of Finance or her designee are hereby authorized to execute and deliver all documents and take such actions as the County Attorney and/or the Commissioner of Finance deem necessary or desirable to accomplish the purposes hereof.
3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Workers Comp Benefits (M.S.) 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 \$ 96,461.30

Total Current Year Revenue \$ _____

Source of Funds (check one): Current Appropriations

Transfer of Existing Appropriations Additional Appropriations Other (explain)

Identify Accounts: 613-57-0024-4280

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

Reviewed By: 

Title: Associate County Attorney

Budget Department

Department: Law

1/21/26

If you need more space, please attach additional sheets.