

**CITY OF HUNTINGTON BEACH
SIDE LETTER AGREEMENT**

Representative of the Fire Management Association ("FMA") and the City of Huntington Beach ("City") hereby agree amend the FMA MOU with respect to the Alternative Dispute Resolution Agreement as follows:

**SUPPLEMENTAL LABOR MANAGEMENT WORKERS' COMPENSATION
ALTERNATIVE DISPUTE RESOLUTION AGREEMENT BETWEEN THE CITY OF
HUNTINGTON BEACH AND THE FIRE MANAGEMENT ASSOCIATION**

This "Side Letter" shall update the existing language related to the Alternate Dispute Resolution Agreement ("Agreement") that is currently in effect by and between the City of Huntington Beach ("City") and the Fire Management Association ("FMA") pursuant to California Labor Code Section 3201.7(a)(3)(c).

Pursuant to this Side Letter, "Article IV. Medical Provider" of the Agreement shall be amended to include "Section H. Industrial Disability Retirements," and "Section I. Use of IME When Medical Disputes Exist," as outlined below:

H. Industrial Disability Retirements

- a. The City and FMA recognize that the ADR process can also be utilized to obtain a competent medical opinion as it relates to determining an employees' eligibility for an Industrial Disability Retirement (IDR), pursuant to California Government Code Sections 21154 and 21156(a)(2).
- b. Pursuant to the guidelines outlined in Article IV of this Agreement, the City and the FMA shall meet and confer to identify an agreed-upon listing of IMEs to serve as the competent medical examiner in reviewing an employees' eligibility for an IDR.

I. Use of IME When Medical Disputes Exist

- a. An IME shall be used for all medical disputes that arise in connection with a workers' compensation claim, including but not limited to determination of causation, the nature and extent of an injury, the nature and extent of permanent disability and apportionment, work restrictions, ability to return to work, including transitional duty, future medical care, and resolution of all disputes arising from utilization review, including need for spinal surgery pursuant to Labor Code section 4062(b).
- b. Furthermore, City and FMA agree that IME reports will be admissible in any proceeding and / or hearing involving an injured employee.

IN WITNESS WHEREOF, the parties have caused this SIDE LETTER AGREEMENT to be executed by and through their authorized officers on _____.

Fire Management Association

City of Huntington Beach

Marty Ortiz
President

Dated:

Oliver Chi
City Manager

Dated:

Tim Andre
Vice President

Dated:

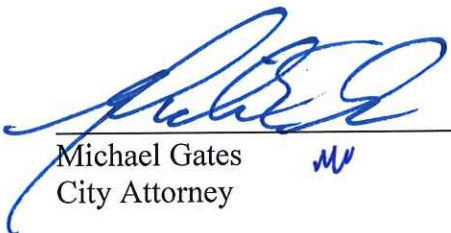
Travis Hopkins
Acting Assistant City Manager

Dated:

David Segura
Fire Chief

Dated:

APPROVED AS TO FORM:



Michael Gates
City Attorney

Dated: