



# City of Huntington Beach

**File #:** 19-1222

**MEETING DATE:** 12/16/2019

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Oliver Chi, City Manager

**PREPARED BY:** Travis K. Hopkins, Acting Assistant City Manager

**Subject:**

**Adopt Resolution Nos. 2019-95, 2019-96, 2019-97, 2019-98 amending the Alternate Dispute Resolution Agreement language in the Memorandums of Understanding (MOU) with the Huntington Beach Police Officers' Association (HBPOA), the Huntington Beach Police Management Association (HBPMA), the Huntington Beach Firefighters' Association (HBFA), and the Huntington Beach Fire Management Association (FMA)**

**Statement of Issue:**

The City of Huntington Beach and the Huntington Beach Police Officers' Association (HBPOA), the Huntington Beach Police Management Association (HBPMA), the Huntington Beach Firefighters' Association (HBFA), and the Huntington Beach Fire Management Association (FMA) agreed to enter into a side letter updating the Labor Management Alternate Dispute Resolution Agreement pending City Council approval. The updated language will provide clarity of the process to allow medical evaluation as it relates to an employee's eligibility for Industrial Disability Retirement.

**Financial Impact:**

Funding for employee medical evaluations are currently budgeted in the Human Resources Department. A reduction in future costs is anticipated with the modified process due to elimination of duplicative medical opinions processed.

**Recommended Action:**

- A) Adopt Resolution No. 2019-96, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Police Officers' Association (POA), by Adopting the Side Letter of Agreement;" and,
- B) Adopt Resolution No. 2019-98, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Police Management Association (HBPMA), by Adopting the Side Letter of Agreement;" and,
- C) Adopt Resolution No. 2019-97, "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach

Firefighters' Association (HBFA), by Adopting the Side Letter of Agreement;" and,

D) Adopt Resolution No. 2019-95 "A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Fire Management Association (FMA), by Adopting the Side Letter of Agreement".

**Alternative Action(s):**

Do not approve the agreement and provide alternate direction.

**Analysis:**

The HBPOA, HBPMA, HBFA, and FMA requested that the City evaluate the current practice and processes that are required to obtain competent medical opinions while utilizing the Alternative Dispute Resolution Agreement for Workers' Compensation and the evaluation of the eligibility of Industrial Disability Retirements.

The Workers Compensation Alternative Dispute Resolution Agreement was implemented with the following purpose:

1. Provide employees claiming compensable injuries under the Division 4 of the California Labor Code ("Workers' Compensation Law") with an expedited procedure to resolve medial disputes to facilitate their prompt return to work at either full duties or a transitional duty assignment.
2. Provide retirees claiming a presumptive injury as defined by the California Labor Code section 3212 with an expedited procedure to resolve medial disputes.
3. To reduce the number and the severity of disputes between the City and covered employees, when those disputes relate to workers' compensation
4. To provide workers' compensation coverage in a way that improved labor management relations, improved organization effectiveness, and reduced costs to the City.

These goals are achieved by utilizing an exclusive list of medical providers to be the sole and exclusive source of medical evaluation for disputed issued surrounding covered employees in accordance with California Labor Code Section 3201.7.

The proposed amendments to the Alternative Dispute Resolution Agreement provide a process to reduce disputes in two areas. First, The City and the HBPOA, HBPMA, HBFA, and FMA will meet and confer to identify an exclusive list of medical providers that have the expertise to provide the evaluation and reports required to meet both Government Code requirements for IDR evaluations and California Labor Code, Workers' Compensation Law. This is intended to reduce the number and severity of disputes related to Industrial Disability Retirements (IDR) evaluations and determinations. Second, The HBPOA, HBPMA, HBFA, and FMA and The City will agree to use the agreed upon Independent Medical Examiner as defined by Article IV. Medical Providers for disputes in connection with a workers' compensation claim and that these reports will be admissible in any dispute proceeding or hearing involving an injured employee.

With the implementation of the Alternative Dispute Agreement procedures, the City has saved costs

by expediting medial evaluations and has provided medical evaluations and care in an expedited manner reducing the number of disputes between City Management and its employees.

**Environmental Status:**

N/A

**Strategic Plan Goal:**

Enhance and modernize public safety service delivery

**Attachment(s):**

1. Resolution No. 2019-96 Amending the Memorandum of Understanding between the City and the Huntington Beach Police Officers' Association (POA), and Side Letter of Agreement
2. Resolution No. 2019-98 Amending the Memorandum of Understanding between the City and the Huntington Beach Police Management Association (HBPMA), and Side Letter of Agreement
3. Resolution No. 2019-97 Amending the Memorandum of Understanding between the City and the Huntington Beach Firefighters' Association (HBFA), and Side Letter of Agreement
4. Resolution No. 2019-95 Amending the Memorandum of Understanding between the City and the Huntington Beach Fire Management Association (FMA), and Side Letter of Agreement