

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

WHEREAS, on September 3, 2019, the City Council of Huntington Beach adopted Resolution No. 2019-62 for the purpose of adopting the Memorandum of Understanding (MOU) between the City and the Huntington Beach Police Officer' Association (HBPMA); and

Subsequent to the adoption of the MOU, the City of Huntington Beach and HBPMA agreed to changes, corrections, and clarifications to the MOU that are reflected in a Side Letter of Agreement between the City of Huntington Beach and HBPMA ("Side Letter of Agreement") attached hereto as Exhibit A and incorporated herein by this reference.

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. The Side Letter of Agreement attached hereto as Exhibit A is approved and adopted.
2. The Side Letter of Agreement amends the MOU between the City of Huntington Beach and HBPMA.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 16th day of December, 2019.


Mayor

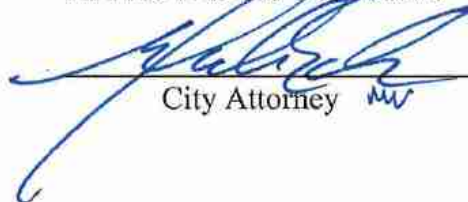
REVIEWED AND APPROVED:

City Manager

INITIATED AND APPROVED:


Assistant City Manager

APPROVED AS TO FORM:


City Attorney

**CITY OF HUNTINGTON BEACH
SIDE LETTER AGREEMENT**

Representative of the Huntington Beach Police Management Association ("HBPMA") and the City of Huntington Beach ("City") hereby agree amend the HBPMA 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 HUNTINGTON BEACH POLICE 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 Huntington Beach Police Management Association ("HBPMA") 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

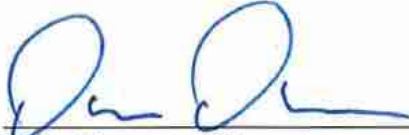
- a. The City and HBPMA recognize that the ADR process can also be utilized to obtain a competent medical opinion as it relates to determining an employees' eligibility for an Industrial Disability Retirement (IDR), pursuant to California Government Code Sections 21154 and 21156(a)(2).
- b. Pursuant to the guidelines outlined in Article IV of this Agreement, the City and the PMA 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 HBPMA 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 December 23, 2019.

Huntington Beach Police Management Association



Dave Dereszynski
President

Dated:



Bo Svendsbo
Vice President


Dated:

City of Huntington Beach



Oliver Chi
City Manager

Dated:



Travis Hopkins
Acting Assistant City Manager

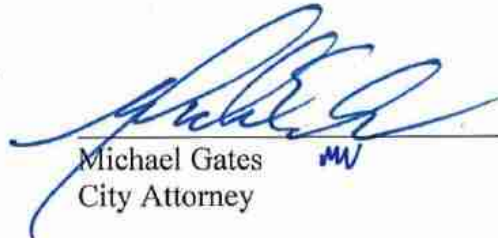
Dated:



Robert Handy
Police Chief

Dated:

APPROVED AS TO FORM:




Michael Gates
City Attorney

Dated:

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, ROBIN ESTANISLAU, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **Regular** meeting thereof held on **December 16, 2019** by the following vote:

AYES: Brenden, Carr, Semeta, Peterson, Delgleize , Hardy
NOES: None
ABSENT: Posey
RECUSE: None



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California