



# AGENDA REPORT

Human Resources

<b>DATE:</b>	December 20, 2022
<b>TO:</b>	Mayor Butt and Members of the City Council
<b>FROM:</b>	Nickie Mastay, Deputy City Manager Sharrone Taylor, Interim Director of Human Resources Laura Marquez, Risk Manager
<b>Subject:</b>	2022 City of Richmond Fire Fighters Local 188 ADR Agreement.
<b>FINANCIAL IMPACT:</b>	The intent of the Labor Management Workers' Compensation ADR Agreement is to improve and expedite existing processes in the State Workers' Compensation system to the extent feasible under the Labor Code. The proposed program is expected to reduce the City's exposure to temporary disability payments, Labor Code 4850 salary replacement benefits, time spent in light/modified duty assignments and legal costs.
<b>PREVIOUS COUNCIL ACTION:</b>	<a href="#">Click or tap here to enter text.</a>
<b>STATEMENT OF THE ISSUE:</b>	Under the California Labor Code, employers and recognized bargaining units may negotiate and enter into agreements to create an alternative dispute resolution process for workers' compensation matters. Dispute resolution processes contained in the negotiated agreement supersede the California Workers' Compensation system processes for employees covered by the agreement.

<b>RECOMMENDED ACTION:</b>	APPROVE the Labor Management Workers' Compensation Alternative Dispute Resolution (ADR) Agreement between the City of Richmond (City) and the International Association of Fire Fighters Local 188 (Local 188) – Human Resources (Nickie Mastay/Sharrone Taylor/Laura Marquez 510-620-6974).
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## **DISCUSSION:**

City staff and Local 188 have been negotiating a new Workers' Compensation Alternative Dispute Resolution (ADR) Agreement. Both the City and members of the Local 188 bargaining unit agreed that the existing ADR program was not working.

An agreement was negotiated that includes the following provisions:

- All Workers' Compensation claims filed by Local 188 members after the ADR Agreement is approved will be covered by the agreement.
- A Joint Committee (JC) will be created consisting of members of City staff and the Local 188 to administer the program and review claims data to ensure that continuance of the program is in the best interests of the parties.
- An approved Medical Provider Network will be used for primary care and will provide several options throughout California.
- A list of qualified medical evaluators to be approved and maintained by the JC.

The component steps of this dispute prevention and resolution process are:

- The ADR Director/Mediator
- Arbitration
- A list of qualified arbitrators will be approved and maintained by the JC. The arbitrators will have the authority to approve settlement agreements.

## **CONCLUSION:**

In some instances, the State system for resolving workers' compensation is inefficient, inconsistent in result, needlessly expensive, and needlessly adversarial. For qualifying unionized employers, a "carve-out" or ADR is a viable alternative that meets the constitutional mandate of accomplishing substantial justice in all cases expeditiously, inexpensively and without encumbrance. City staff members believe that this alternative will be more effective and will promote a better labor/management relationship. City staff members, therefore, recommends approving the Labor Management Workers' Compensation Alternative Dispute Resolution Agreement between the City of Richmond and the International Association of Fire Fighters Local 188.

## **DOCUMENTS ATTACHED:**

Attachment 1 – 2022 City of Richmond Fire Fighters Local 188 ADR Agreement  
Attachment 2 – Resolution