

2600 Fresno Street
Fresno, CA 93721

October 26, 2021

TO: THOMAS ESQUEDA, City Manager

FROM: DAVID BOLTON, Risk Manager
Personnel Services Department

SUBJECT: Uniquely Qualified for ADR Ombudsperson Services

BACKGROUND

Beginning July 1, 2015, the City of Fresno (City) entered into an Alternative Dispute Resolution Program (ADR Program) with the Fresno Police Officers Association (FPOA) as outlined in the "Workers' Compensation Alternative Dispute Resolution Agreement." The ADR Program aims to prevent and resolve disputes in fair and efficient manner, thus streamlining medical care and reducing workers' compensation expenditures without compromising the benefits provided to injured workers.

Mariotto Resolutions Inc. provides ombudsperson services for the ADR Program which includes the following:

- Aid, counsel, and advocacy to establish common interests amongst parties so that workers' compensation disputes can be prevented or efficiently resolved.
- Proactively seeks to identify workers' compensation disputes before they occur where possible and attempt to assure that the employee is receiving the benefits to which they are entitled.
- May assist employees in the completion of forms to facilitate the provision of benefits.
- Contacts each employee, as soon as possible, but no later than five (5) working days of receipt of the first notice of injury/illness.
- Respond to questions from the injured employees, employer, and third-party administrator in the timely manner.

In FY2021, Mariotto Resolutions Inc. annual service charges amounted to \$303K, thus requiring the objective selection process.

RATIONALE

Mariotto Resolutions Inc. has provided Ombudsperson services for the ADR Program since July 1, 2015. Mariotto Resolutions is uniquely qualified as being the only ombudsperson for the ADR Program since inception, and the only known ombudsperson in California to represent public safety officers in an ADR Program.

MEMORANDUM

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The current contract for Mariotto Resolutions Inc. has expired and we are seeking to bypass the objective selection process as outlined under FMC 4-107 (h) and renew the contract under the *Uniquely Qualified* exemption.

APPROVAL



Thomas Esqueda, City Manager