



## Legislation Details (With Text)

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<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	10/20/2021	<b>In control:</b>		City Council	
<b>On agenda:</b>	11/4/2021	<b>Final action:</b>		11/4/2021	
<b>Title:</b>	<p>Actions pertaining to the Ombudsperson Workers Compensation Alternative Dispute Resolution Program with Fresno Police Officers Association:</p> <ol style="list-style-type: none"><li>1. Affirm the City Manager's determination that Mariotto Resolutions, Inc., is uniquely qualified to perform as the Ombudsperson for the Workers' Compensation Alternative Dispute Resolution Program with Fresno Police Officers Association</li><li>2. Approve Professional Services Agreement between Mariotto Resolutions, Inc., and the City of Fresno for \$320,000.</li><li>3. Authorize the Personnel Services Department Director or designee to sign the agreement on behalf of the City.</li></ol>				
<b>Sponsors:</b>	Personnel Services Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Mariotto Uniquely Qualified Exemption.pdf				

Date	Ver.	Action By	Action	Result
11/4/2021	1	City Council	approved as amended	Pass

## REPORT TO THE CITY COUNCIL

**DATE:** November 4, 2021

**FROM:** TJ MILLER, Director  
Personnel Services Department

**BY:** DAVID BOLTON, Risk Manager  
Personnel Services Department

## SUBJECT

Actions pertaining to the Ombudsperson Workers Compensation Alternative Dispute Resolution Program with Fresno Police Officers Association:

1. Affirm the City Manager's determination that Mariotto Resolutions, Inc., is uniquely qualified to perform as the Ombudsperson for the Workers' Compensation Alternative Dispute Resolution Program with Fresno Police Officers Association
2. Approve Professional Services Agreement between Mariotto Resolutions, Inc., and the City of Fresno for \$320,000.
3. Authorize the Personnel Services Department Director or designee to sign the agreement on behalf of the City.

## RECOMMENDATION

It is recommended Council approve the Professional Services Agreement with Mariotto Resolutions to provide professional consulting services relating to the Alternate Dispute Resolution program with the Fresno Police Officers Association in the amount of \$320,000, affirm the City Manager's determination that the provider is uniquely qualified, and authorize the Personnel Services Director or designee to sign the agreement on behalf of the City.

## **EXECUTIVE SUMMARY**

The Workers' Compensation Alternative Dispute Resolution Agreement between the City and the Fresno Police Officers Association (FPOA) includes the services of an Ombudsperson. Since inception of the Alternative Dispute Prevention program, Mariotto Resolutions has provided ombudsperson services.

## **BACKGROUND**

In June 2015, the City Council approved the Workers' Compensation Alternative Dispute Prevention and Resolution Agreement between the City and the Fresno Police Officers Association (FPOA). The program includes the services of an Ombudsperson whose role is to provide aid, counsel and advocacy for the injured union member. The Ombudsperson's mission is to take care of the injured employee's needs so that it is less necessary for injured employees to retain legal counsel. The Ombudsperson's ability to establish credibility with the workforce is essential in order to reduce litigation and maximize program performance. engages all parties to proactively identify and prevent disputes, as well as identify and implement solutions that will facilitate advancement of a claim, and to ensure that injured employees are receiving care and benefits to which they are entitled. The Ombudsperson considers the concerns of the City and the injured employee to establish common interests so that disputes may be prevented and efficiently resolved within the program.

Mariotto Resolutions has provided the ombudsperson services since the inception of the program and the program has seen desired results in expediting medical treatment, reducing litigation rates, and having a faster return to work for injured employees.

It is recommended that City of Fresno enter into an agreement for professional consulting services for the Alternative Dispute Resolution program with Mariotto Resolutions effective 10/1/2021 to 6/30/2022.

## **ENVIRONMENTAL FINDINGS**

This item is not a project as defined by the California Environmental Quality Act.

## **LOCAL PREFERENCE**

Local preference was not implemented because Mariotto Resolutions, Inc., is uniquely qualified.

## **FISCAL IMPACT**

This Agreement will have no impact to the General Fund. All funding necessary for the services of the proposed Agreement will be paid from the Workers Compensation line item in the budget.

Attachment: Mariotto Resolutions, Inc. Professional Services Agreement  
Mariotto Uniquely Qualified Exemption