



# Memorandum

**TO: Board of Administration for the  
Police and Fire Department Retirement  
Plan**

**FROM: Barbara Hayman**

**SUBJECT: Second Amendment to ExamWorks  
IME Agreement**

**Date: December 27, 2020**

**APPROVED: *Roberto L. Pena***

**DATE: December 30, 2020**

## **RECOMMENDATION**

Discussion and Action on authorizing the CEO to negotiate and execute a second amendment to the agreement with ExamWorks, the independent Medical Examiner for applicant examinations, to extend the term of the Agreement through December 31<sup>st</sup> 2025, for additional funds for applicant examinations in the amount of \$250,000. This will increase the existing not to exceed amount to \$500,000.

## **BACKGROUND**

- On March 3, 2016, the Board authorized the CEO to negotiate and execute a contract with Examworks LLC, not to exceed \$100,000, for Independent Medical examiner (“IME”) services.
- On August 2, 2018, the Board authorized the CEO to negotiate and execute a first amendment to the agreement to increase the not to exceed amount by \$150,000 for a total of \$250,000.

## **ANALYSIS**

The San Jose Municipal Code (SJMC) Section 3.36.960 (A) indicates that the Board shall order a medical examination of a member who has applied for a disability retirement. Reed Smith has interpreted this to mean that the Board shall require an in person physical exam of all applicants.

The original agreement with Examworks was for five years and was effective on March 2016. The agreement is currently set to expire in March 2021.

As of the end of the 3rd quarter, September 2020, there are 71 pending disability retirement applications which may need an IME report to be completed. Based on the current number of pending applications, the possibility of new applications, in addition to deferred files awaiting review, staff are requesting the term of the Examworks agreement be extended to December 31, 2025, and to add additional funds, in the amount of \$250,000 for applicant examinations, increasing the total not to exceed amount of the agreement to \$500,000.

Given the number of pending cases, staff recommends authorizing the CEO to negotiate and execute a Second Amendment to the contract between the Board of Administration for the Police and Fire Department Retirement Plan and Examworks LLC, for Independent medical examination services.

*Barbara Hayman*

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Barbara Hayman  
ORS Deputy Director