



Memorandum

**TO: Board of Administration for the
Federated City Employees' Retirement
System**

FROM: Barbara Hayman

**SUBJECT: Third Amendment to Medlink
IME Agreement**

Date: May 20, 2020

APPROVED: *Roberto L. Pena*

DATE: April 28, 2021

RECOMMENDATION

Discussion and Action on authorizing the CEO to negotiate and execute a third amendment to the agreement with Medlink, the independent Medical Examiner for applicant examinations, to extend the term of the Agreement through December 31st 2025

BACKGROUND

- On February 18, 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 January 19, 2017, the Board authorized the CEO to negotiate and execute a first amendment to the agreement to increase the not to exceed amount by \$200,000 for a total of \$300,000.
- On August 20, 2020, the Board authorized the CEO to negotiate and execute a first amendment to the agreement to increase the not to exceed amount by \$100,000 for a total of \$400,000.

ANALYSIS

In Section 3.28.1250 (A), of the San Jose Municipal Code (SJMC), entitled Medical Examinations, it specifies 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 Medlink was for five years and was effective April 2016. The agreement is currently set to expire in May 2021.

As of the end of the 4th quarter, December 2020, there are approximately 45 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 Medlink agreement be extended to December 31, 2025. No additional budget is being requested at this time.

Given the number of pending cases, staff recommends authorizing the CEO to negotiate and execute a third Amendment to the contract between the Board of Administration for the Federated City Employees Retirement System and Medlink, for Independent medical examination services to extend the term of the Agreement through December 31st 2025.

Barbara Hayman

Barbara Hayman
ORS Deputy Director