

**22478**

DATE: October 21, 2011

TO: The Honorable Board of Acquisition and Contract

FROM: Kevin Cheverko  
Commissioner of Correction

George Longworth  
Commissioner of Public Safety

Janet DiFiore  
District Attorney

RE: Authority to enter into an agreement with Rehabilitation Medicine Associates for the provision of medical consulting services to assist the Departments of Correction and Public Safety, the District Attorney's Office, and their respective labor unions, in resolving disputed cases of employee illness or injury affecting an employee's job duties in an amount not to exceed \$450,000 for a term commencing January 1, 2012 and continuing through December 31, 2014

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Authority is requested for the County of Westchester, acting by and through its Departments of Correction and Public Safety and the District Attorney's Office, to enter into an agreement with Rehabilitation Medicine Associates, Bayshore, New York, for the provision of medical consulting services to assist the Departments of Correction and Public Safety, the District Attorney's Office, and their respective labor unions, in resolving disputed cases of employee illness or injury affecting an employee's job duties (the "Agreement"). The Agreement would be for a three (3) year term commencing on January 1, 2012 and terminating on December 31, 2014, in an amount not-to-exceed \$450,000.00, payable in yearly installments not-to-exceed \$150,000 per year at the rates specified in Schedule "A", attached hereto.

*Public Purpose Statement:* The proposed Agreement will serve a public purpose by assuring an independent medical opinion pertaining to job injury claims affecting an employee's job duties. The contract will enable the Departments of Correction and Public Safety, and the District Attorney's Office, to fulfill the requirements of the labor contract agreement between the County and the unions while allowing the Departments to determine which employee's are fit for duty which will make a positive impact on the amount of job injury dollars and overtime dollars paid out each year.

*The goals and objectives of the proposed Agreement are to:*

- Resolve disputed claims of employee illness or injury
- Reduce the amount of job injury hours paid
- Determine an employee's fitness for duty
- Discern if an employee has taken longer to recover from an injury which can directly affect his/her personal time balance
- Get the employee back to work as quickly as possible to avoid overtime expenditures
- Fulfill the obligations of the collective Bargaining agreements

*Tracking & Monitoring:* Westchester County Department of Correction's Attendance Management Unit monitors all officers claiming job injuries by administering the section of the collective bargaining agreements as they relate to job injury claims. The unit tracks hours used for job injury time awarded or denied by the medical arbitrator (RMA) and issues credit or recover personal time if the arbitrator rules adversely for the officer. The Department of Public Safety and the District Attorney's Office have similar programs in place.

*The best interest of the County* is served because the use of an agreed upon third party medical arbitrator to resolve job injury claims will reduce the need to expend additional resources validating or invalidating such claims. Also, the safety and security of the residents of Westchester County remains a top priority and entering into this contract will ensure the people that we have alert and healthy employees who are not forced to work overtime in order to cover shifts that could have been worked by employees taking too long to recover from job injuries. This will not only save in a reduction of job injury and overtime hours paid but can reduce the number of dollars paid in monetary awards from any legal action that may be caused by overworked employee's mistakes.

This agreement is exempt from the Westchester County Procurement Policy pursuant to section 3(a)(viii) thereof.

An appropriate Resolution is herewith attached for your Honorable Board's consideration.

KC/GL/JD/JPG/sw

## RESOLUTION

Upon a communication from the Commissioner of Correction, the Commissioner of Public Safety, and the District Attorney; be it hereby:

**RESOLVED**, that the County of Westchester is hereby authorized to enter into an agreement with Rehabilitation Medicine Associates for the provision of medical consulting services to assist the Departments of Correction and Public Safety, the District Attorney's Office, and their respective labor unions, in resolving disputed cases of employee illness or injury affecting an employee's job duties, for a term commencing January 1, 2012 and continuing through December 31, 2014; and be it further

**RESOLVED**, that in consideration for services rendered, the County shall pay Rehabilitation Medicine Associates an amount not to exceed \$450,000 over the three year term of the agreement, payable in equal yearly amounts not-to-exceed \$150,000 per year at the rates specified in Schedule "A," attached hereto; and be it further

**RESOLVED**, that this agreement is subject to County appropriations; and be it further

**RESOLVED**, that this agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Consultant, then the Consultant shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effectuate the purposes hereof.

Agreement #  
Account to be  
Charged/Credited

Fund	Dept	Major Program, Program & PhaseOr Unit	Object/ Sub- Object	Trust Account	Dollars
613	57	0009	4280		\$ 150,000
613	57	0010	4280		150,000
613	57	0011	4280		150,000

Budget Funding Year(s) 2012-2014 Start Date 01/01/12 End Date 12/31/14  
(must match resolution)

Funding Source Tax Dollars \$450,000  
State Aid \_\_\_\_\_  
Federal Aid \_\_\_\_\_  
**\$450,000**  
(must match resolution) Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/22/2014 JOMARY WEHA, SECRETARY

**SCHEDULE "A"**

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/22/2011 - JOMARY VIEIRA, SECRETARY