

## **LABOR & MANAGEMENT AGREEMENT**

### **Between the City of Glendale and the Glendale Chapter of the United Phoenix Fire Fighters Association Local 493**

#### **Re: Presumptive Cancer Process**

This Side Letter Agreement is entered into by and between the City of Glendale and the Glendale Chapter of the United Phoenix Fire Fighters Association Local 493, collectively referred to as the "parties." This agreement shall establish understandings negotiated not already included in the Memorandum of Understanding covering the period upon its agreement until June 30, 2024.

By this Side Letter Agreement, the parties agree as follows:


1. The City and the Glendale Chapter agree that when any city of Glendale employee is undergoing cancer treatment, comfort and stability are paramount for the employee and his/her family. It is also agreed that for the Public Safety employee, the process outlined by the Presumptive Cancer Law, the Industrial Commission of Arizona (ICA), and the City's Workers' Compensation process must be followed to stay in compliance with State law and regulations. Since cancer presumptive legislation was passed in August 2019, the City has worked with the member to approve the claim after a denial. When there is a denial of the members claim, the City agrees to continue this process and to follow the spirit of the law by covering cancers after completion of the workers' compensation process. The process is outlined below.
2. The City will continue to follow its practice of approving Workers' Compensation cancer claims that fall under the current Presumptive Cancer Legislation and Arizona workers' compensation laws. Should they meet the minimum requirements set forth in the presumptive cancer law, the City will issue a letter notifying the member that the City will cover the claim if denied by the third-party administrator (TPA) and through the ICA appeal process. The member must participate in the Workers' Compensation claim process, which includes but is not limited to releasing all medical records and having an Independent Medical Exam (IME) if required. If the claim is initially denied, the City or member retains the option to request ICA appoint a committee of experts, to review the claim or the member may request an appeal. If the denial is upheld, the City agrees to instruct the TPA to accept the claim and have it processed as approved.
3. In the event a member has a reoccurrence of a cancer that had initially occurred prior to the September 21, 2021, Presumptive Cancer Legislation, the City will use the process outlined in section 2 above for cancer reoccurrences. Because the current Presumptive Cancer Legislation does not address the reoccurrence of cancer, the City and the Glendale Chapter of the Local 493 agree to work together to bring legislation forward that will address this issue.

The parties agree that this Side Letter Agreement shall remain in effect beginning immediately once signed. This Side Letter Agreement shall sunset on June 30, 2024. The parties agree that this Side Letter Agreement

shall be reassessed during contract negotiations and shall be considered by the parties for inclusion in the next MOU.

FOR THE CITY OF GLENDALE

FOR THE GLENDALE CHAPTER LOCAL 493



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Kevin Phelps

City Manager



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Arick O'Hara

Glendale Chapter L493 President

Date: May 18, 2023

Date: May 18<sup>th</sup>, 2023