



Department of
Civil Service

**Glossary of Defined Terms
RFP Entitled:
“Dispute Resolution Program”**

Affiliate means a person or organization which, through stock ownership or any other affiliation, directly, indirectly, or constructively controls another person or organization, is controlled by another person or organization, or is, along with another person or organization, under the control of a common parent.

AG means the New York State Attorney General’s Office.

Agreement or Contract means the Agreement entered into between the Parties resultant from this RFP.

Appeal means a request that is submitted with required supporting documentation from an Employee’s Treating Physician to the Contractor selected as a result of this RFP, for a Medical Documentation Review of conflicting medical determinations regarding an Employee’s degree of disability.

Appeal Period means three (3) Business Days for Group 1 Employees and ten (10) calendar Days for Group 2 Employees from the day the Employing Agency notifies the Employee of the Light Duty Assignment or Modified Duty Assignment determination. If the Employee’s notification to return to work occurs prior to noon, that day is the first day of the Appeal Period. If such notification occurs at noon, after noon or on a non-Business Day, the next Business Day is the first day of the Appeal Period.

Appeal Request Form means a form designed by the selected Offeror and approved by the Department, which must be used by the Treating Physician to file an Appeal and, when properly completed, provides sufficient information for the Contractor to perform a Medical Documentation Review.

Board means the Workers’ Compensation Board, which is the State agency responsible for interpreting the Workers’ Compensation Law and making final determinations on the occupational nature of an Employee’s injuries and the amount of associated indemnity benefits.



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Business Day(s) means Monday through Friday, except for those designated as Business Holidays.

Business Holiday(s) means legal Holidays observed by the State.

Calendar Year/Annual means a period of 12 months beginning with January 1 and ending with December 31.

Commissioner means the Commissioner of the New York State Department of Civil Service.

Confidential Information (CI) means any information, including demographic information collected from an Employee that relates to the past, present or future physical or mental health or condition of an Employee or to the provision of medical or related health care to an Employee or that identifies the Employee or can be used to identify the Employee.

Contract or Agreement means the Agreement entered into between the Parties resultant from this RFP.

Contractor means the successful Offeror selected as a result of the evaluation of Offeror’s Proposals submitted in response to this RFP and who executes a Contract with the Department to provide Program Services.

Day(s) means calendar Days unless otherwise noted.

Department or DCS means the New York State Department of Civil Service.

Dispute Resolution Program or DRP means the New York State Program that provides covered Employees an opportunity for a neutral third party Medical Documentation Review of conflicting medical reports regarding an Employee’s degree of disability.



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Employee means a person who is appointed to one of the Employing Agencies delineated in Section I of this RFP, who is in a position contained within the: Security Services Unit (represented by NYSCOPBA), Security Supervisors Unit (represented by Council 82, AFSCME, AFL-CIO), or the Agency Police Services Unit (represented by PBANYS). Employee also means a person who is appointed as a Member of the Division of New York State Police who is in a position contained within the State Police Troopers Unit [represented by the Police Benevolent Association of New York State Troopers, Inc. (PBA)], State Police Investigation Unit [represented by the NYS Police Investigators Association, (NYSPIA), Local 4, I.U.P.A., AFL-CIO], the State Police Commissioned/Non-Commissioned Officers Unit [represented by the Police Benevolent Association of New York State Troopers, Inc. (PBA)], or who is designated Management/Confidential.

Employer means “Employer” as defined in 4 NYCRR Part 73, as amended.

Employing Agency means one of the organizational entities of the State of New York as described in Section I of this RFP, which employs persons eligible to participate in the DRP.

ET means prevailing Eastern Time.

Evaluating Physician means a physician licensed and/or registered with the appropriate licensing and/or disciplinary agency by the Fund to determine the Employee’s degree of disability, upon which the Employing Agency’s management decides if the Employee should return to work in light or full duty capacity. For off-duty injuries/illnesses of Group 2 Employees, the Evaluating Physician is the Staff Physician of the Division of New York State Police.

Fund means the State Insurance Fund, the State agency that acts as the State’s workers’ compensation insurance carrier.



Group 1 means Employees belonging to the Security Services Unit, Security Supervisors Unit, and Agency Police Services Unit.

Group 2 means Employees of the State Police Troopers Unit, State Police Investigation Unit, State Police Commissioned/ Non-Commissioned Officers Unit, and the State Police Management/Confidential Group.

HIPPA means Health Insurance Portability and Accountability Act of 1996, as amended.

Key Subcontractor(s) means those vendors with whom the Contractor subcontracts to provide Program Services and incorporates as a part of the Contractor’s Project Team. Key Subcontractors include all vendors who will provide \$100,000 or more in Program Services over the term of the Agreement that results from this RFP, as well as any vendor who will provide Program Services in an amount lower than the \$100,000 threshold, and who is a part of the Contractor’s account team.

Labor Agreement(s) means the negotiated collective bargaining agreements between the State and the Security Services Unit (represented by NYSCOPBA), the Security Supervisors Unit (represented by Council 82, AFSCME, AFL-CIO), the Agency Police Services Unit (represented by Council 82, AFSCME, AFL-CIO), and the Professional Services Negotiating Unit (represented by United University Professions). For purposes of this RFP, this term also includes the agreements between the State and the State Police Troopers Unit [represented by the Police Benevolent Association of New York State Troopers, Inc. (PBA)], the State Police Investigation Unit [represented by the NYS Police Investigators Association (NYSPIA), Local 4, I.U.P.A., AFL-CIO] and the State Police Commissioned/ Non-Commissioned Officers Unit [represented by the Police Benevolent Association of New York State Troopers, Inc. (PBA)].

Light Duty Assignment means an assignment for a Group 1 Employee that is within the Employee’s title and at the Employee’s work location. In cases where minimum staffing



levels have been established, a Light Duty Assignment will not be used to affect existing minimum staffing levels.

May denotes the permissive in a contract clause or specification. Refers to items or information that the State has deemed are worthy of obtaining, but not required or obligatory. Also see “Should”.

MDP means the Modified Duty Policy by which the Division of the State Police assigns Employees (Group 2) recovering from on and off-duty injuries or illnesses to Modified Duty Assignments.

Medical Documentation Review means the Contractor’s review of the conflicting medical reports submitted by the Employee’s Treating Physician and the Evaluating Physician.

MEP means the Medical Evaluation Program, which is the voluntary program that provides injured employees an expedited medical consultant examination to determine an Employee’s (Group 1) degree of disability upon which the Employing Agency’s management makes a decision regarding the Employee’s eligibility for to Light Duty Assignment.

Modified Duty Assignment means an assignment for a Group 2 Employee to perform administrative duties including, but not limited to: desk duty, records management, inventory control, non-criminal investigations, communications and other tasks not related to patrol functions, field supervision, or active criminal case investigation.

Must denotes the imperative in a contract clause or specification. Means required - being determinative/mandatory, as well as imperative. Also see “Shall” and “Mandatory”.

MWBE means Minority-and Women-Owned Business Enterprises.



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NYS or State means the State of New York (including the New York State Department of Civil Service).

OER means the New York State Governor’s Office of Employee Relations.

Offeror means any responsible and eligible entity submitting a responsive Proposal to the RFP. It shall be understood that references in the RFP to “Offeror” shall include said entity’s proposed Key Subcontractor or Affiliates, if any.

OSC means the New York State Office of the State Comptroller.

Pass Day means day of the week the Employee is not scheduled to work.

President means the President of the Civil Service Commission who is also the Commissioner of the Department.

Program means the New York State Dispute Resolution Program (DRP).

Program Review Period means a period of seven (7) calendar Days from the day the Contractor receives a Valid Appeal from the Treating Physician during which the Medical Documentation Review must be completed.

Program Services or DRP Services means all of the services to be provided by the Contractor as set forth in the RFP.

Proposal or Submissions means the Contractor’s Administrative Proposal, Technical Proposal and Cost Proposal, including all responses to supplemental requests for clarification, information, or documentation submitted during the course of the Procurement.

Reviewing Physician (RP) means a physician licensed and/or registered with the appropriate licensing and/or disciplinary agency, who has been designated by the



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Contractor to perform the Medical Documentation Review of the Treating and Evaluating Physicians’ reports, and other documentation necessary to render a decision, which will support either the Treating or Evaluating Physicians’ determination of the Employee’s degree of disability. The RP cannot be the Treating or Evaluating Physician.

RFP or Procurement means the Request for Proposals, entitled “New York State Dispute Resolution Program,” dated June 15, 2016.

Service Level Standard means the Department’s expected performance level of service that the selected Offeror must meet or exceed for the New York State Dispute Resolution Program.

Services means the Program services including, but not limited to, the Workers’ Compensation Dispute Resolution Program Medical Documentation Review to be provided by the Offeror as required by the Dispute Resolution Program as set forth in this RFP.

Shall denotes the imperative in a contract clause or specification. Means required - being determinative/mandatory, as well as imperative. Also see “Must” and “Mandatory”.

Should denotes the permissive in a contract clause or specification. Refers to items or information that the State has deemed are worthy of obtaining, but not required or obligatory. Also see “May”.

Staff Physician means the physician(s) employed by the New York State Police responsible for determining Employees’ fitness for duty.

State means the State of New York.



Transition Plan means a written plan for transition, which outlines, at a minimum, the tasks, milestones and deliverables associated with transitioning the Program to a new contractor.

Treating Physician means the physician chosen by the Employee to provide direct care for his/her disability.

Utilization Review Accreditation Commission (URAC) means an independent, nonprofit organization, which offers accreditation to healthcare organizations meeting its requirements and standards.

Valid Appeal means an Appeal filed by a Treating Physician on behalf of an eligible Employee that contains complete medical records and supporting information, including the Appeal Request Form, needed by the Reviewing Physician to issue a determination in support of either the Employee’s Treating or Evaluating Physician’s medical opinion regarding the Employee’s degree of disability.

Will denotes the permissive in a contract clause or specification. Also see “May.”

Work Day means any day the Employee is scheduled to report to work. Work Days include Saturdays, Sundays and State holidays.