

ARTICLE 31
MEDICAL SEPARATION

A. General Conditions

1. A non-probationary career employee may be medically separated when the University has determined in accordance with Article 30 – Reasonable Accommodation, that the employee is unable to perform the essential assigned functions of her/his position due to a disability and no reasonable accommodation exists without causing undue hardship to the University. An employee who is medically separated is eligible for special reemployment procedures as set forth in Section E., below.

2. Except as provided in Section A.3., below, a medical separation shall be based on:
 - a. a written University statement describing the essential functions the employee is not able to perform satisfactorily; and

 - b. any pertinent information, including medical information provided by the employee's licensed health care practitioner and/or the University's physician, and/or work-related information provided by appropriate University officials; and

 - c. the results of the interactive process, including reasons why the employee cannot be reasonably accommodated and, where applicable, the reasonable accommodations that were attempted and failed.

3. A medical separation may also be based on the employee's receipt of long-term disability payments from a retirement system to which the University contributes, such as UCRS or PERS, provided that the University has determined that no reasonable accommodation exists without causing undue hardship.

4. If a non-probationary career employee who is on an approved leave of absence related to a medical condition has a specific return to work date established by a health care practitioner licensed by the State in which s/he practices and such return to work date is within one-hundred eighty (180) days from the beginning of the original leave of absence, the employee shall not, during the period between the beginning of the original leave of absence and the return-to-work date (a maximum of one-hundred eighty (180) days), be medically separated. Additional leaves beyond one-hundred eighty (180) days may be granted consistent with Article 27 – Leaves of Absence, Section D.2.a.

B. Proof of Disability or Other Medical Condition

Proof of the employee's disability is required and is subject to verification by the University. When the University requests a medical opinion as verification of disability, the University shall pay the costs of the medical examination(s) requested.

C. Notice of Intent to Medically Separate

1. A written notice of intent to medically separate shall be given to the employee either by delivery of the notice to the employee in person, or by placing the notice in the U.S. mail, first class postage paid, in an envelope addressed to the employee at the employee's last known home address. Proof of service shall accompany the notice of intent. The notice shall:

1. inform the employee of the action intended, the reason for the action and the effective date of the action; and
2. provide any documentation upon which the University is relying, and
3. inform the employee of the right to respond and to whom to respond within ten (10) calendar days from the date of issuance of such notice of intent, in accordance with the instructions given by the University in the written notice provided to the employee.

An employee may request a reasonable amount of additional time to respond to the notice of intent to medically separate. Such requests shall not be unreasonably denied.

2. A copy of the notice of intent shall be provided to the UAPD. The University shall place a copy of the notice in the U.S. mail to the UAPD either the same day or the next business day after it provides the notice to the employee.

D. Notice of Action

1. After review of the employee's timely response, if any, the University shall notify the employee of any action to be taken. An effective date of separation shall be at least fifteen (15) calendar days from the date of issuance of the notice of intention to separate, pursuant to Section C., above, or following timely receipt of the employee's response (if any), whichever is later.

1. A copy of the notice of any action to be taken shall be provided to the UAPD. The University shall place a copy of the notice in the U.S. mail to the UAPD either the same day or the next business day after it provides the notice to the employee.

E. Reemployment

1. For a period of one (1) year following the date of a medical separation, a medically separated former non-probationary career employee may be selected for a position without the requirement that the position be publicized. However, if the former employee is receiving disability benefits from a retirement system to which the University contributes the period shall be three (3) years from the date benefits commenced. In either situation, the former employee must first notify the appropriate University representative that they are interested in being considered for reemployment opportunities under this provision. In order to be eligible for rehire under this Article, the medically separated employee must provide a medical certification from a qualified and licensed health care provider confirming that the former employee is released to return to work with or without reasonable accommodation.

2. If a non-probationary career employee separated under this Article is re-employed within one hundred eighty (180) calendar days, a break in service does not occur. If a non-probationary career employee is receiving disability payments from a retirement system to which the University contributes and is re-employed within three (3) years, a break in service does not occur.