

ARTICLE 30. Medical Separation

A. Employees who become unable to perform essential, assigned functions fully due to disabilities or other medical conditions, may be separated. Employees separated under this Article who had attained regular status are eligible for special reemployment procedures.

B. Basis for Separation

1. A medical separation shall be based on:
 - a. a statement by the Department Head describing the essential functions the employee is not performing, and
 - b. a review by a Vocational Rehabilitation Counselor.
2. A medical separation may also be based on the receipt of disability payments from a Retirement System to which the University contributes. The University shall pay the reasonable costs of any medical examinations requested by the University.
3. A medical separation shall be effected by the department head after review and agreement by the Personnel Director.

C. Notices

1. An employee in the skilled craft unit shall not be separated under this Article while the employee is drawing accrued Sick Leave or while the employee is receiving Extended Sick Leave. However, the employee may be separated for medical or other reasons if the date of separation was set prior to the commencement of Sick Leave or Extended Sick leave and if the employee is afforded all rights provided by the employee's Retirement System.

2. Notice of Intent

An employee shall be given advance written notice of the intention to separate the employee. The notice shall:

- a. state the reason for the Medical Separation;
- b. include copies of the Department Head's statement and any other pertinent material considered; and
- c. state that the employee has the right to respond in person or through an agent within eight (8) calendar days from the date of issuance of the notice of intent to medically separate.

3. Notice of Separation

After the employee's response or eight (8) calendar days from the date of Notice of Intention to Separate Medically, whichever is sooner, the employee shall be notified in writing of the decision. If it has been determined that separation is appropriate, the employee shall be given advance written Notice of Medical Separation. The Notice shall:

- a. specify the effective date of Separation, and
- b. state the employee's right to appeal.

4. Effective Date

The effective date of Separation shall be at least ten (10) calendar days from the date of issuance of Notice of Separation or eighteen (18) calendar days from date of issuance of Notice of Intention to Separate, whichever is later.

D. Special Reemployment Procedures

For a period of one year following the date of a Medical Separation, a former regular status 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 years from the date the benefits commenced. During such periods an employee shall be given assistance in accordance with the Rehabilitation Article of the Agreement.

E. Service upon Reemployment

If a regular status employee separated under this Article is reemployed in the skilled craft unit within the allowed period, a break in service does not occur.