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Personnel Policies for Staff Members

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Separation Actions

66. Medical Separation

July 1, 2006

A. GENERAL

A regular status employee who becomes unable to perform essential functions of his or her position with or without reasonable accommodation, due to a disability, may be separated. Prior to medical separation, the University will engage in the interactive process in accordance with the provisions of Staff Policy 81 – Reasonable Accommodation. An employee separated under this policy is eligible for special reemployment procedures.

B. BASIS FOR SEPARATION

1. A medical separation shall be based on: (a) a written statement by the department head describing the essential functions the employee is unable to perform, and (b) a written review by a vocational rehabilitation counselor, or appropriate representative, determining that no reasonable accommodation exists without causing undue hardship (see Staff Policy 81, Reasonable Accommodation).

A medical separation may also be based on: (a) the employee's receipt or approval of disability payments from a retirement system to which the University contributes, such as UCRP or PERS and (b) a written review by a vocational rehabilitation counselor, or appropriate representative, determining that no reasonable accommodation exists without causing undue hardship.

2. An employee shall not be separated under this policy while on sick leave or extended sick leave, except as provided under Section 3 below. However, an 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.

3. An employee who is a law enforcement member of the University of California Police Department or in active firefighting and prevention service in a University of California Fire Department may be medically separated after receiving leave with full salary for a period not exceeding one year, in accordance with Staff Policy 44.F, Work-Incurred Illness and Injury – Safety Members.

C. MEDICAL DOCUMENTATION

Proof of the employee's disability or medical condition is required and is subject to verification by a University-appointed licensed healthcare provider. The University shall pay the costs of any medical examinations requested or required by the University.

D. NOTICES

An employee shall be given advance written notice of the intention to separate. The notice shall state the reason for medical separation; include copies of the department head's statement and any other pertinent material considered, including documentation related to the interactive process; and state that the employee has the right to respond orally or in writing within 8 calendar days regarding the separation. After the employee has responded or 8 calendar days have passed, the employee shall be notified of the decision. If it has been determined that separation is appropriate, the employee shall be given advance written notice of the separation date and notice of the right to appeal.

The effective date of separation shall be at least 10 calendar days from date of issuance of notice of separation or 18 calendar days from date of issuance of notice of intention to separate, whichever is later.

E. SPECIAL REAPPOINTMENT PROCEDURES

For a period of one year following the date of a medical separation, a former employee may be selected for a position without the requirement that the position be publicized (see Staff Policy 20.B.3, Exceptions to Recruitment). However, if the former employee receives disability benefits from a retirement system to which the University contributes, the period shall be three years from the date benefits commenced. If an employee is reappointed within the allowed period, a break in service does not occur.

Applicability: All Regular Status Staff Members. See also Section D of Policy 81, Reasonable Accommodation.

66. Medical Separation - Universitywide Procedures July 1, 2006

Local Procedures shall be implemented in accordance with the following Universitywide Procedures

A. GENERAL

A regular status employee who becomes unable to perform essential functions of his or her position with or without reasonable accommodation, due to a disability, may be separated.

Prior to any medical separation, the University will engage in the interactive process in accordance with the provisions of Staff Policy 81 – Reasonable Accommodation.

An employee separated under this policy is eligible for special reemployment procedures, as outlined in PPSM 66.E – Special Reappointment Procedures.

B. BASIS FOR SEPARATION

(1) A medical separation is based on: (a) a written statement by the department head describing the essential functions the employee is unable to perform, and (b) a written review by a vocational rehabilitation counselor, or appropriate University representative, determining that no reasonable accommodation exists without causing an undue hardship.

The written statement by the department head should contain the following:

- ⌘ the essential functions of the position that the employee is unable to perform, with or without reasonable accommodation, due to their disability or medical condition;
- ⌘ an explanation of why the employee cannot be reasonably accommodated within the department, including, where applicable, whether reasonable accommodations were attempted and failed;
- ⌘ medical documentation;
- ⌘ written documentation of the Interactive Process within the department; and
- ⌘ other pertinent information.

A current job description, documentation of functional limitations, and any other information relevant to the medical separation will accompany the written statement. All documents will be submitted to the local vocational rehabilitation counselor, or appropriate University representative, for review.

The vocational rehabilitation counselor, or appropriate University representative, reviews and analyzes the written statement and accompanying materials to ensure that the Interactive Process was appropriately completed at the Departmental level.

The vocational rehabilitation counselor, or

appropriate University representative, is responsible for continuing the Interactive Process until a location-wide review for reasonable accommodation is completed. This effort will be documented and include an explanation of why the employee cannot be reasonably accommodated location-wide.

If the employee cannot be reasonable accommodated at the end of the interactive process, the department may propose medical separation.

A medical separation may also be based on (a) the employee's receipt or approval of disability payments from a retirement system to which the University employee contributes, such as UCRP or PERS, and (b) a written review by a vocational rehabilitation counselor, or appropriate University representative, determining that no reasonable accommodation exists without causing undue hardship. (Employee may waive this review.)

(2) An employee may not be separated under this policy while on sick leave, extended sick leave, and Extended Sick Leave (ESL) provided under a Paid Time Off (PTO) program, except as provided under PPSM 66.B.3. However, an employee may be separated if the date of separation was set prior to the commencement of sick leave, extended sick leave, or ESL and if the employee is afforded all rights provided by the employee's retirement system.

(3) An employee who is a law enforcement member of the University of California Police Department or in active firefighting and prevention service in a University of California Fire Department may be medically separated after receiving leave with full salary for a period not exceeding one year, in accordance with PPSM 44.F. Work-Incurred Illness and Injury – Safety Members.

C. MEDICAL DOCUMENTATION

Proof of the employee's disability or medical condition is required and is subject to verification by a University-appointed licensed healthcare provider. The University pays the costs of any medical examinations requested or required by the University.

D. NOTICES

The employee is given advance written notice of the intention to separate. The notice will:

- ⌘ state the reason for medical separation;
- ⌘ include a copy of the department head's statement and any other pertinent material, including documentation related to the interactive process and reasonable accommodation, if any;
- ⌘ state that the employee has the right to respond either orally or in writing within 8 calendar days

- regarding the medical separation; and
- identify the person to whom the employee responds.

After the employee has responded or 8 calendar days have passed, the employee is notified of the decision. If it is determined that separation is appropriate, the employee is given advance written notice of the separation date and notice of the right to appeal.

The effective date of separation will be at least 10 calendar days from date of issuance of notice of separation or 18 calendar days from date of issuance of notice of intention to separate, whichever is later. A copy of the final notice of medical separation is placed in the employee's personnel file. Any associated medical documentation should be treated as confidential medical records for purposes of record storage.

E. SPECIAL REAPPOINTMENT PROCEDURES

For a period of one year following the date of a medical separation, a former employee may be selected for a position without the requirement that the position be publicized (see Staff Policy 20.B.3 Exceptions to Recruitment). However, if the former employee receives disability benefits from a retirement system to which the University contributes, the period is three years from the date benefits commenced. If an employee is reappointed within the allowed period, a break in service does not occur.

Applicability: All Regular Status Staff Members. See also Policy 81, Reasonable Accommodation.

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Last Modified Fri Jan 26 2007 08:31:29