

## **ARTICLE 31 MEDICAL SEPARATION**

- A.** Medical separation is a separation from employment when a librarian is unable to perform the essential assigned functions of his/her position, with or without reasonable accommodation, due to a disability or medical condition. A librarian who is medically separated is eligible for special reemployment procedures as set forth in Section H. below. Except by mutual consent, a librarian shall not be medically separated under this Article while on any authorized leave.
- B.** Except as provided in C. below, a medical separation shall be based on:
1. a statement describing the essential functions the librarian is unable to perform and a written review by a vocational rehabilitation counselor, or appropriate representative, determining that no reasonable accommodation exists without causing undue hardship; and,
  2. any medical, psychiatric or other pertinent information presented by the librarian, the medical examiner of the librarian, or the University.
- C.** A medical separation may also be based on the librarian's receipt or notice of approval for disability payments from a retirement system to which the University contributes, such as UCRS or PERS, or approval of University long-term disability insurance benefits and a written review by a vocational rehabilitation counselor, or appropriate representative, determining that no reasonable accommodation exists without causing undue hardship.
- D.** The University shall pay the reasonable costs of any medical and/or psychiatric examinations requested by the University. When feasible, the University will present the librarian with a list of authorized medical practitioners from which the librarian shall make a selection, unless the parties mutually agree to use a medical practitioner not on the list.
- E.** When the University intends to medically separate a librarian, the librarian shall be given written notice of the intent to separate for medical reasons. The notice shall:
1. be given to the librarian either by delivery of the notice to the librarian in person, or by mail with Proof of Service;
  2. state the reason for the medical separation;
  3. include copies of pertinent material considered, except that excluded by medical privilege or applicable statute;

4. state that the librarian or representative has the right to respond, and to whom, within ten (10) calendar days from the date of issuance of such notice, either orally or in writing, regarding the medical separation; and
  5. state the proposed effective date of the action, which shall be no earlier than thirty (30) calendar days from the date of this notice.
- F.** Upon written request of the librarian, the University will request that copies of medical records from the University appointed medical examiner be forwarded to the physician of record or choice of the librarian.
- G.** If the University determines that a medical separation is appropriate and that no reasonable accommodation can be made, the librarian will be given written notice of the medical separation. The notice shall:
1. specify the effective date of the medical separation;
  2. state the reasons for the medical separation;
  3. provide a description of the essential functions of the position that the librarian is unable to perform, with or without reasonable accommodation, due to their disability or medical condition.
  4. provide an explanation of why the librarian cannot be reasonably accommodated, including where applicable, whether reasonable accommodations were attempted and failed; and
  5. state the right of the librarian to grieve the action under Articles 24 Grievance Procedure and 25 Arbitration of this Agreement.
- H.** For a period of one year following the date of a medical separation, a medically separated librarian may be selected for a position within the unit without the requirement that the position be publicized. In order to be eligible for rehire under this Article, the medically separated librarian must provide a medical certification from a University approved medical physician describing in detail the medically separated librarian's ability to return to work. However, if the medically separated librarian is receiving disability benefits from a retirement system to which the University contributes, the eligibility period shall be three (3) years from the date the disability benefits commenced. If a librarian separated under this Article is reemployed in the unit within the allowed period, neither a break in service nor loss of career status shall occur.