

SECTION 4.07 DISABILITY SEPARATION

Voluntary Reduction

When an employee becomes unable to perform the duties or essential functions of his/her position, but is still able to perform the duties of a vacant, lower level position, he may request a voluntary reduction to the vacant lower level position. Such request shall be in writing, stating the reason for the request. Jefferson County Board of Developmental Disabilities (JCBDD) may, at its discretion, grant the request for voluntary reduction.

Voluntary Disability Separation

An employee who is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition, may request a voluntary disability separation. A voluntary disability separation occurs when the employee does not dispute his/her inability to perform the essential job duties of his/her position due to such disabling illness, injury, or condition.

JCBDD may grant the employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by JCBDD. If the examination supports the employee's request, JCBDD will grant the employee's request for a voluntary disability separation. If the medical examination does not support the employee's request, JCBDD will not approve the employee's request for voluntary disability separation.

Involuntary Disability Separation

When JCBDD has reason to believe that an employee is unable to perform the essential functions of the employee's position due to a disabling illness, injury, or condition, JCBDD may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by JCBDD. It is not, however, necessary for JCBDD to require the employee to submit to an examination prior to involuntary disability separation if JCBDD has sufficient documentation to demonstrate that the employee is unable to perform the essential functions of the position.

When JCBDD has received the results of a medical or psychological examination and initially determines that the employee is incapable of performing the essential functions of the employee's position due to a disabling illness, injury, or condition, JCBDD will institute pre-separation proceedings. A conference will be scheduled, and advance

written notice will be provided to the employee. At the conference, the employee will have a right to examine JCBDD evidence of disability, to rebut the evidence, and to present testimony and evidence on the employee's own behalf. The employee is also permitted to waive his/her right to a conference.

If JCBDD determines, after considering the information presented and the evidence admitted at the pre-separation conference, that the employee is unable to perform the essential functions of his/her position, JCBDD will issue an involuntary disability separation order.

The effective date of separation, for the purpose of reinstatement, will be based on the date the employee was no longer in active work status due to the disabling illness, injury, or condition.

A classified employee who is involuntarily placed on disability separation will have the right to appeal in writing to the State Personnel Board of Review within 10 days following the date the order is served on the employee.

Reinstatement Procedures

An employee placed on voluntary disability separation after a disability leave without pay for the same disabling injury or illness will retain reinstatement rights for 2 years from the time the employee began the disability leave without pay. An employee may submit to JCBDD a written request for reinstatement from a voluntary disability separation.

The employee may apply to OPERS or STRS for disability retirement.

An employee who fails to apply for reinstatement, formally resign, or take disability retirement, shall be separated at the end of the 2-year period.