

UC Davis Personnel Policies for Staff Members

Separation Actions

Section 66, Medical Separation

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Responsible Department: Human Resources

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Exhibit A, Medical Separation Review

66.A. GENERAL

Note 1--Assistance. The department representative must contact a vocational rehabilitation counselor in Disability Management Services (campus) or Vocational Rehabilitation (UCDHS) to begin this process.

Note 2--Reasonable Accommodation. Before starting a medical separation, the department shall engage in the interactive process and consider reasonable accommodation. See Policy and UCD Procedure 81. The department, with help from the vocational rehabilitation counselor, shall attempt to modify the employee's job based on restrictions as documented by the employee's physician. If this is not possible, the department shall look for alternate positions that are vacant within the department and within its school, college, UCDHS division, or larger administrative unit.

Note 3--Leave Period. For regular status employees, medical separation shall not take place until all leave entitlements have been exhausted. If all accrued leave is exhausted less than 180 days after the original leave began, and there is medical certification of a return to work date within this period, the employee shall not be medically separated before that date.

66.B. BASIS FOR SEPARATION

Note 1--Case Review. The vocational rehabilitation counselor continues the interactive process until a campuswide (Davis campus and UCDHS) search for reasonable accommodation is completed. The vocational rehabilitation counselor reviews the department head's statement, interactive process documentation, and all other relevant documentation. If medical separation is appropriate, the vocational rehabilitation counselor authorizes the department head to medically separate.

Note 2--Documentation. The vocational rehabilitation counselor will attach written documentation to the medical separation describing the interactive process, efforts made to reasonably accommodate the employee, and an explanation to support why the employee cannot be accommodated.

66.C. MEDICAL DOCUMENTATION

A department shall contact Disability Management Services before obtaining additional medical documentation from a University appointed, licensed healthcare provider.

66.D. NOTICES

Note 1--Contents. The vocational rehabilitation counselor will assist with drafting notices. The notice of intent shall be signed by the department head. In addition to the items listed in Policy 66.D, the notice shall identify an official reviewer (also known as a "Skelly Officer").

Note 2--Official Reviewer. In order to minimize the risk of an error, the official reviewer shall review

the notice of intent, the supporting documents, and the employee's response. In most cases, the department head performs this review. However, the vocational rehabilitation counselor may ask that the department head appoint someone else who will perform the review and then implement, modify, or rescind the proposed action.

Note 3--Method of Delivery. Notices required by this policy shall be hand-delivered or sent by U.S. mail with a proof of service attached. A person who is not a party to the action fills out the proof of service. This form is on the Web at <http://www.hr.ucdavis.edu/Forms>.

Note 4--Time Limit. The vocational rehabilitation counselor can extend the time limit for the employee to respond to the notice.

66.E. SPECIAL REAPPOINTMENT PROCEDURES

Note 1. A medically separated former employee must contact Disability Management Services to start this process. See Policy 81.D.

UCD PROCEDURE 66.1--MEDICAL SEPARATION

Departments and employees can consult a vocational rehabilitation counselor in Disability Management Services (campus) or Vocational Rehabilitation (UCDHS) at any step of the process.

- a. The department receives notice from a health care provider that the employee is unable to perform the essential functions of his or her current position due to a disability.
- b. The appropriate Human Resources unit advises the employee and department about sick leave, vacation, benefits, Workers' Compensation, and reasonable accommodation.
- c. The department works with the employee to document current duties, explore alternate duties within the same department, or otherwise reasonably accommodate the disability (see Policy and UCD Procedure 81).
- d. If reasonable accommodation in the employee's current department is not available, the department contacts the vocational rehabilitation counselor again.
- e. The vocational rehabilitation counselor and employing department work together to look for an alternate vacant position in other UCD units. If there are none, the department begins a medical separation by filling out Exhibit A and sending this form to the counselor.
- f. If the vocational rehabilitation counselor approves the separation, the department head sends the employee notice of intent to medically separate. The counselor assists the department with drafting the letter of intent to medically separate.
- g. The employee may respond, orally or in writing, to the official reviewer.
- h. After the response date has passed, the official reviewer reviews the notice of intent to separate, supporting documents, and information provided by the employee and vocational rehabilitation counselor. If the official reviewer is not the department head, the official reviewer sends written notice of his or her decision to the department head.
- i. If the reviewer determines that medical separation is still appropriate, the department head sends the employee notice of medical separation.

- j. The employee may appeal the medical separation as described in Policy and UCD Procedure 70.