



Guidelines

How and When to Request Voluntary or Involuntary Disability Separation

Requests for Voluntary or Involuntary Disability Separation are outlined in the Classified Civil Service Rules (CCS) 3335-73-05 and 06. See: <http://hr.osu.edu/ccsrules/ccs73.pdf>. The University is bound by these Rules.

The CCS Rules provide that a CCS employee may be granted voluntary disability separation or may be placed on involuntary disability separation. Before filing a request for a hearing with Benefits – Integrated Disability, the following steps must be considered:

1. Determine the reasons why the employee is not at work. In order to proceed with a disability separation, the employee must be unable to perform the essential job duties of the position due to a medical reason (i.e. disabling illness, injury, or condition).
2. Review any medical documentation submitted to determine general condition, regimen of treatment, ability to return to work, return date, if any, and restrictions if applicable. Medical Statement must indicate inability to return to work due to medical condition.
3. Ensure that the employee has exhausted all accrued sick leave balances.
4. Make certain that the employee has been in an unpaid medical leave status for six (6) months.
5. Determine eligibility for FML. If eligible, make sure that the FML letter and designation has been given to the employee. If not, issue FML letter immediately and contact Benefits – Integrated Disability. FML should run concurrently with medical leave, paid or unpaid. For Sample FML Letters (Word format) visit: <http://hr.osu.edu/hrpubs/forms.htm> for Medical Certification Statement for Leave form visit: <http://hr.osu.edu/hrpubs/forms.htm>

Note: Disability hearings will be scheduled only after exhaustion of FML. However, when an employee is not eligible for FML, a hearing will be scheduled once the above requirements have been met and as noted in CCS Rule 3335-73-05 and 06.

How to Request a Disability Separation

Voluntary Separation

Generally the manager and/or the employee discuss the need for disability separation processing with Integrated Disability. The process may evolve as follows:

1. After unpaid medical leave, of six (6) months, employee requests disability separation. Request must be in writing.
2. Employee submits medical certification to support request.
3. Request is reviewed and discussed by the manager, employee and Integrated Disability.
4. If approved, Integrated Disability or employee schedules a meeting with Benefits Consultant. This meeting will assist the employee with information regarding COBRA, OPERS, etc. Integrated Disability will also inform the employee about **reinstatement rights**. The employee has the following rights regarding re-instatement:
 - Employee can return to the **same or similar position within three (3) years of disability separation** as long as the employee can perform the essential functions of the position with or without accommodations.
 - Employee must request a reinstatement and provide medical documentation indicating recovery.
 - Integrated Disability will set up the required medical exam appointment for the employee and a university licensed practitioner. A complete reinstatement application must include a certificate from a licensed practitioner designated by the university indicating that the employee has recovered from the disability. The university will pay for the examination. Statement must note any restrictions, if applicable.
 - Employee must be reinstated to the same or similar position within 30 days after written application for reinstatement.

Involuntary Disability Separation

Manager, employee and Integrated Disability follow the same review process listed for the voluntary request. However, in instances involving involuntary separation, generally the employee does not want or agree with such separation. In these instances, the following process should occur:

1. Department submits a request for hearing. The packet should include a memo requesting the hearing with the employee's name, id#, and work location, and home address. In addition, the packet must include: documentation of the amount of leave taken, FML letter, and medical documentation supporting continued leave beyond the six (6) months allowed in the Unpaid Leave policy.
2. Integrated Disability schedules hearing and notifies parties.
3. Integrated Disability Manager hears the case, reviews documentation and issues a decision regarding disability separation. If the medical condition is documented and the employee is unable to return to work and there is no reason to get a second opinion, the Hearing Officer will approve the involuntary disability separation.
4. The decision will be communicated to the employee via certified mail. The unit will be notified of the decision as well as informed of the employee's reinstatement rights.

Reinstatement Process

An employee is entitled to reinstatement to the same/similar position no later than three years¹ from the date that the employee was separated due to illness, injury or condition. The process is as follows:

1. The employee submits a written request for reinstatement to Integrated Disability. The employee's request shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the essential job duties. This request shall not be made more than once every three months.
2. Integrated Disability will review the request and the medical documentation to determine if the employee will be reinstated or if the employee must submit to a medical or psychological examination in accordance with rule 123:1-33-01 of the Administrative Code.
3. Integrated Disability will notify the unit of the request for reinstatement and will work cooperatively with unit administrators to place employee.
4. Integrated Disability shall reinstate the employee after receiving the results of the medical examination if determined that the employee is once again capable of performing the essential duties of the job.
5. If the medical examination indicates that the employee is not medically able to return to work, Integrated Disability must schedule a hearing and notify the employee, at least 72 hours in advance of the hearing. The unit HRP will also be notified of the hearing date. If the employee does not waive the right to the hearing, then at the hearing the employee has a right to examine the medical information gathered by Integrated Disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.
6. Integrated Disability will weigh the testimony and evidence admitted at the pre-reinstatement hearing and determine if the employee is once again able to perform the essential job duties. If yes, the employee is reinstated, if not, the employee will not be reinstated.
7. If the employee is to be reinstated, then the employee has a right to be assigned to a same/similar position in the classification the employee held at the time of disability separation. Integrated Disability will contact the unit to facilitate placement in same/similar position. If no similar classification exists, the employee maybe laid off in accordance with Chapter 123:1-41 of the Administrative Code and sections 124.321 to 124.327 of the Revised Code or in accordance with an applicable collective bargaining agreement executed in compliance with Chapter 4117 of the

¹ If the employee has been granted disability benefits by a state retirement system the requirements of this rule shall apply for up to five years, except that a licensed practitioner shall be appointed by the public employee's retirement board and application for reinstatement shall not be filed after the date of service eligibility retirement.

Revised Code. At this juncture, Integrated Disability will contact OHRC, ER/Labor Relations to transfer the case for processing.

8. If the employee is denied reinstatement, Integrated Disability will notify the employee, in writing, of the refusal to reinstate and of the employee's right to appeal to the State Personnel Board of Review.
9. An employee who fails to apply for reinstatement within three years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition shall be deemed permanently separated from service.