

## TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 7.2

### DISABILITY SEPARATION

This section outlines the conditions under which disability separation may be granted, and procedures for administering its use. Employees who are protected under the ADA and/or FMLA are guaranteed their rights by the Board.

- A. Voluntary Reduction – When an employee becomes physically unable to perform the duties of his or her position, but is still able to perform the duties of a vacant, lower level position, he or she may voluntarily request reduction to the lower level position. Such request shall be in writing, stating the reason for the request, and if approved by the Appointing Authority, attached to the implementing Personnel Action.
- B. Personal Leave – A physically incapacitated employee, who has exhausted his or her accumulated sick leave and for whom voluntary reduction is not practicable, may request up to six months of personal leave only if he or she can present evidence as to the probable date on which the employee will be able to return to the same or similar position within a six-month period. Such request should be submitted in writing to the Superintendent with a copy of a physician's statement attached.
- C. Disability Separation Procedure – A disability separation may be granted when an employee has exhausted his or her accumulated sick leave and any authorized vacation or compensatory time, and is:
  - 1. Hospitalized or institutionalized, or on a period of convalescence following hospitalization or institutionalization as authorized by a physician at the hospital or institution; or
  - 2. is declared physically incapable of performing the duties of his her position by a licensed physician designated by the Superintendent; such examination normally is requested by the Superintendent when the employee is unable or unwilling to admit his or her incapacity; the costs are paid by the Superintendent/Board.
- D. During the first twelve (12) months of any disability separation, any appointment made to a position vacated by disability separation will be on a temporary basis, and such employee must be made fully aware of its temporary nature. Should the employee returning from disability separation be reinstated to another position, the temporary appointment will be made permanent.
- E. Reinstatement Procedure – Reinstatement rights following disability separation extend for three years from the date such leave is granted. Such employee is to be reinstated to the same or similar position within thirty (30) days after making written application and passing a medical examination showing full qualifications to perform the duties of the position. The examination shall be conducted by a

physician designated by the Superintendent, and the costs shall be paid by the employee. If continuing disability precludes reinstatement, the employee may wish to apply to PERS for disability retirement. If approved, such separation should be reported to the Superintendent. The Superintendent should send a written reminder to the employee at least two weeks prior to the expiration of his or her disability separation. An employee who does not return from disability separation, formally resign, or take disability retirement, shall be separated with the notation, "Failure to Return from Disability Separation".

The employer has the right to utilize provisions under Worker's Compensation for maximum medical evaluations on a case by case basis.

The language provided herein shall in no way abridge an employee's rights under Worker's Compensation.

Adopted: 5/26/98  
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