

ARTICLE ___
MEDICAL SEPARATION

A. GENERAL PROVISIONS

1. **The Chancellor or Chancellor's designee has the authority to approve medical separation in accordance with this Article.**
2. Medical separation is a separation from employment when an Academic Researcher is unable to perform the essential assigned functions of the Academic Researcher's position, with or without reasonable accommodation, due to a disability. Except by mutual consent, an Academic Researcher shall not be medically separated under this Article while on any approved leave.
3. Except as provided in A.34. below, a medical separation shall be based on:
 - a. a statement describing the essential functions the Academic Researcher is unable to perform and a written review by the location's disability manager or appropriate University representative, determining that no reasonable accommodation exists without causing undue hardship to the University; and,
 - b. any pertinent medical information provided by the Academic Researcher's licensed health care provider and/or the University's health care provider.
4. A medical separation may also be based on the Academic Researcher's receipt or notice of approval for disability payments from a retirement system to which the University contributes, such as UCRS or PERS and a written review by the location's disability manager or other appropriate representative that the interactive process was conducted.

B. ~~MEDICAL DOCUMENTATION~~ PROCEDURES FOR MEDICAL SEPARATION REVIEW

1. **Prior to the initiation of a medical separation review, the Department Chair, Dean, or unit head, with the assistance of the campus Disability Management office (or equivalent), shall attempt to consult with the Academic Researcher who is being considered for a medical separation review.**

- 2. Thereafter and after consultation with the Disability Management office (or equivalent), and discussion with the Academic Researcher, if possible, the Department Chair, Dean, or unit head may determine that a medical separation review should be initiated.**
- 3. To initiate a medical separation review, the Department Chair, Dean, or unit head shall prepare, in coordination with the Disability Management office (or equivalent), a medical separation review file. The file should describe the essential functions of the position, those functions that the Academic Researcher is unable to perform, the interactive process that took place to consider possible accommodations, and why reasonable accommodations were not possible or were unsuccessful; and it should contain any other pertinent documentation.**
4. When requested by the University, the Academic Researcher is responsible for providing the location's disability manager or other appropriate University representative with medical documentation regarding the Academic Researcher's disability and how it limits the Academic Researcher's ability to perform the essential functions of the job. The University may require that a University-appointed licensed healthcare provider examine the Academic Researcher and/or confirm the documentation provided by the Academic Researcher. In such a case, the University will pay the costs of the University-appointed health care provider.
- 5. After a review and recommendation by the Department Chair or unit head and the Disability Management office (or equivalent), the Dean shall decide whether to forward the file to the Chancellor for a determination. If forwarding it, the Dean shall first send to the Academic Researcher a copy of the medical separation review file with a notice of intent to forward the file to the Chancellor and stating that the Academic Researcher may respond verbally or in writing to the Dean within thirty (30) consecutive days of the date of the notice. Following a review of any such response, which shall be added to the review file, the Dean may decide to forward the file to the Chancellor or Chancellor's designee.**

C. NOTICE OF INTENT TO MEDICALLY SEPARATE

When the University intends to medically separate an Academic Researcher, **the Chancellor or Chancellor's designee shall provide written notice to the Academic Researcher of the intention to separate.** ~~the Academic Researcher shall be given written notice of the intent to separate for medical reasons.~~

The notice shall:

1. be given to the Academic Researcher either by delivery of the notice to the Academic Researcher in person, or by mail with Proof of Service;
2. state the reason for the medical separation, including:
 - a. a description of the essential functions of the position that the Academic Researcher is unable to perform, with or without reasonable accommodation, due to their disability or medical condition; and
 - b. provide an explanation of why the Academic Researcher cannot be reasonably accommodated, including where applicable, whether reasonable accommodations were attempted and failed;
3. include copies of pertinent material considered; and
4. state that the Academic Researcher or their representative has the right to respond to the notice of intent, either orally or in writing, and to whom, within ~~ten~~ **thirty** (~~10~~**30**) calendar days from the date of issuance of such notice; and
5. state the proposed effective date of the action, which shall be no earlier than fifteen (15) calendar days from the date of this notice.

D. NOTICE OF MEDICAL SEPARATION

If the University determines that a medical separation is appropriate and that no reasonable accommodation can be made, the Academic Researcher will be given written notice of the medical separation. The notice shall:

1. specify the effective date of the medical separation; ~~and~~
2. state the reasons for the medical separation;
3. **the right to grieve; and**
4. **shall be sent by U.S. first class mail to the Academic Researcher's home address on file with UC Path.**

E. GRIEVABILITY/ARBITRABILITY

UC/UAW RA Initial Contract Negotiations
Medical Separation
UC Proposal #3
October 10, 2019
Page 4 of 4

- ~~1. Only alleged violations of Section C. are grievable and arbitrable. The decision to medically separate an Academic Researcher is not grievable.~~