



## Ohio Administrative Code Rule 3335-73-06 Voluntary disability separation.

Effective: July 3, 2013

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

(A) The university may grant an employee's request for voluntary disability separation based upon previously submitted medical documentation or may require the employee to submit to an additional medical, psychological, and/or functional capacity examination. If the documentation supports the employee's request, the university shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the university shall not approve the employee's request for voluntary disability separation.

(B) An employee who is granted a voluntary disability separation waives the ability to have a pre-separation hearing.

(C) An employee separated pursuant to this rule may appeal in writing to the state personnel board of review within ten days after receiving the determination of disability separation.

(D) Individuals reinstated after disability separation or disability retirement shall be reinstated to the same or similar position within a reasonable period of time after a written application for reinstatement. Reinstatement shall be in the jurisdiction in which they were employed when separated, except when implementing reasonable accommodations under the Americans with Disabilities Act requires reinstatement in another jurisdiction. Such application for reinstatement shall be filed within two years from the date of separation in cases of disability separation or within five years in cases of OPERS disability retirement. A complete reinstatement application must include a written request for reinstatement by the employee shall be accompanied by a return to work release by their treating physician. If the employee was granted disability retirement, a licensed practitioner designated by the public employee retirement board shall conduct the examination.



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Following reinstatement, the university may require the employee to submit to an examination by a licensed practitioner designated by the university to ensure that the employee can perform the essential functions of the job. The university shall pay for the examination. Following reinstatement, successful completion of reemployment screening is required. If an employee does not pass any screening, a hearing will be held to determine the employment action to be taken.