

123:1-30-02**Voluntary disability separation.**

- (A) 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 his or her inability to perform the essential job duties of the position due to a disabling illness, injury or condition.
- (B) Appointing authorities may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination pursuant to rule 123:1-30-03 of the Administrative Code. If the examination supports the employee's request, the appointing authority shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the appointing authority shall not approve the employee's request for voluntary disability separation.
- (C) Pre-separation hearing. An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing and to an appeal of the decision to approve the employee's request.
- (D) Right to reinstatement. An employee that is granted a voluntary disability separation shall retain the right to be reinstated to his or her position for three years from the date that the employee is no longer performing essential job duties due to a disabling illness, injury or condition. An employee may submit a written request for reinstatement from a voluntary disability separation in accordance with the procedure established in rule 123:1-30-04 of the Administrative Code.
- (E) An employee who is granted a voluntary disability separation and has exhausted disability benefits is not entitled to have any health or other insurance benefits paid by the employer, unless the payment or benefit is provided pursuant to a collective bargaining agreement.

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Certification

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