

ARTICLE 38

EMPLOYEES WITH TEMPORARY DISABLING CONDITIONS

SECTION 1

- A. Employees recuperating from illness or injury who are temporarily unable to perform the full range of official duties may submit to their immediate supervisor a written request for a temporary assignment (not to exceed thirty (30) calendar days initially, additional time to be considered as appropriate) to duties commensurate with the limitations resulting from the illness or injury. Such request will be accompanied by a medical certificate which will assist in establishing the duty limits for the employee. A medical certificate means a written statement signed by a licensed physician or other practitioner certifying to the incapacitation, examination, or treatment, and to the period of disability. Upon receipt of the employee's written request, accompanied by the medical certificate, the Employer agrees to make a reasonable effort to assign duties to the employee, in accordance with applicable law, rule and regulation.
- B. The Employer will respond to an employee's request for a temporary assignment within ten (10) workdays of the receipt of the request with the accompanying medical certificate. If additional time is necessary to respond to the request, the reasons for the delay and the approximate time frame for the response will be provided to the employee in writing, if requested. The Employer may request additional medical documentation in accordance with 5 CFR 339. The request for additional medical documentation will be made to the employee or his/her physician. However, in cases where the documentation is requested from the employee's physician, the Employer's medical consultant will make the request.
- C. If the request for a temporary assignment is denied, the reason(s) for the denial will be provided to the employee in writing, if requested.
- D. All medical documentation acquired under this Article, whether submitted by the employee or obtained through medical examinations, will be treated confidentially and the Employer will observe all requirements of the Privacy Act and other appropriate legal authorities. Medical documentation will be maintained in accordance with applicable provisions of 5 CFR 293 and 5 CFR 297.

SECTION 2

After thirty (30) calendar days, if the employee still requests a temporary assignment, the Employer may, in accordance with 5 CFR 339, require medical documentation to justify the extension of the temporary assignment.

SECTION 3

An employee experiencing health-related problems potentially attributable to working at a computer and/or an associated workstation will promptly inform the Employer (either

directly or through the Union) in writing of all pertinent details. The Employer, in conjunction with the Employer's ergonomic consultant(s) (e.g., FOH) or consulting physician(s), as appropriate, will expeditiously undertake to determine whether the ergonomic adjustments might resolve documented problems and will implement reasonable measures. If those measures do not correct the problem, the employee may submit medical documentation, in accordance with 5 CFR 339, for the Employer's further consideration. If review of the documentation by the Employer's consulting physician supports a determination that damage to the employee's health will likely result from continued work on the computer and/or on associated workstation, the Employer will attempt either to take further reasonable measures at the employee's workstation or, where reasonably practical to reassign the employee to other appropriate work. The Employer may, at its option, offer a voluntary medical examination in such circumstances. Nothing in this Section is intended to alter either an employee's right to request, or the Employer's duty to respond to a request for reasonable accommodation of a qualified handicapped individual's documented disabling condition.

SECTION 4

The provision of Section 1 above does not preclude an employee from filing an application for disability retirement or workers compensation, if appropriate, at any time.