

Regulation 17 to be amended as follows:

Regulation 17 - DISMISSALS, DEMOTIONS, SUSPENSIONS AND APPEALS

17.07 - SEPARATION DUE TO NON-SERVICE INCURRED DISABILITY. An employee refused by an appointing authority on the advice of the Chief of the Municipal Medical Dispensary the right to perform the duties who, after undergoing a medical examination pursuant to Regulation 9.141, is judged by the examining physician to be unable to perform the essential functions of his their position because of due to a non-service incurred physical condition or medical connected disability, that employee shall have his their employment terminated or continued in accordance with the following provisions:

17.07-1 — ADDITIONAL EMPLOYMENT STATUS DURING LEAVES. In the event the employee concedes his disability or physical condition and remains absent from work on sick leave, vacation leave, compensatory time, leave without pay, or any other permissive leave available to him. The employee may request additional leave from their appointing authority pursuant to the established practice to request such leave. The responsibility of obtaining such leaves or renewals thereof is solely the employee's.

17.07-2 — REASONABLE ACCOMMODATION MEDICAL REEXAMINATIONS. If as and when the employee believes he has recovered and/or is able to return to work, he may apply to the Chief of the Municipal Medical Dispensary for examination or reexamination. Such an application made to that officer by personal appearance at his office prior to the expiration of a leave with or without pay shall suspend the application of Regulation 22.021 until five (5) days after notice of the determination by that officer is mailed to the employee. The employee may request the appointing authority provide him with a reasonable accommodation, including reassignment, pursuant to Regulation 34.

17.07-3 - SEPARATIONS AND APPEALS. A determination by the Chief of the Municipal Medical Dispensary that the employee, following reexamination as provided in subsection 17.072, is still disabled or in unsatisfactory physical condition shall serve as authorization for the appointing authority to take one or more of the following actions: If the employee has exhausted all available leave, and their appointing authority has denied any requests for additional unpaid leave, and, after undergoing a medical examination pursuant to Regulation 9.141, is judged by the examining physician to be unable to perform the essential functions of their position due to a non-service connected disability with or without a reasonable accommodation, and the employee is unwilling to pursue reassignment as a reasonable accommodation, the appointing authority may:

17.0731 If it is considered appropriate, offer the employee, if he applies therefor within five (5) days of the offer, a leave of absence without pay for a reasonable period based on the advice of the Chief of the Municipal Medical Dispensary, or

17.0732 Offer the employee, if he applies therefor within five (5) days of the offer, a leave of absence without pay for a reasonable period to permit him, if

~~possible, to be employed in another position compatible with his disability or physical condition, either on the basis of a transfer or voluntary demotion, or~~

17.07-3-13 Offer to accept the employee's resignation in good standing (with the possibility of reinstatement) if submitted within five (5) days of the offer, or

17.07-3-24 If the employee fails to accept such offer as may be made under the provisions of subsections 17.0731, 17.0732, or 17.0733, if any, or if no such offer is made, the appointing authority shall dismiss the employee with the appropriate notice of intention to dismiss and dismissal not Dismiss the employee with the appropriate notice of intention to dismiss and dismissal notices.

618045
15

RECORDED - CLERK'S OFFICE
JULY 11 1988
FBI - MEMPHIS