

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

836

LAWS AND RULES

May 7, 2008

836 APPEALS OF MEDICAL DISQUALIFICATIONS OF CLASSIFIED EMPLOYEES AND ELIGIBLES

A. The Commission's rules that provide for medical disqualification of eligibles who have a conditional job offer, and laid-off employees and for disciplinary actions against employees are 600, 740, and 902. Government Code Section 12940 provides that an agency may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but prior to the commencement of employment duties, provided that the examination or inquiry is job-related and consistent with business necessity and that all entering employees in the same job classification are subject to the same job classification are subject to the same examination or inquiry. A summary of actions related to medical concerns that may be appealed is as follows:

1. Disqualification of an eligible.
2. Refusal of reemployment, reinstatement, or return from leave of absence based on District health standards.
3. Dismissal for health reasons, including discovery during an initial probationary period of a condition that would have disqualified an individual from employment.
4. Placement of an employee on involuntary illness leave.

B. The procedure set forth below shall be followed in the actions described in Paragraph A, above.

1. The Personnel Commission staff shall notify the individual in writing of the reasons for the action and of the opportunity for written appeal to the Personnel Commission within the next 14 days. The notice shall state that appeal may be made on the grounds listed in Rule 904 or on the basis that the disqualification was not in accord with the health standards set forth in the rules of the Board of Education. If a current employee is involved, a copy of the notice shall be provided to the appropriate administrator.
2. If appeal is made to the Commission, the appellant shall be notified that the matter will be investigated. The appellant shall be invited to submit, in support of the appeal and at appellant's expense, written medical or laboratory reports, X-rays, photographs, or other special exhibits or written statements as appropriate.
3. The Personnel Commission shall determine whether the appeal will be the subject of a special investigation or a hearing by a medical examiner.

CHANGE:

To clarify and revise procedures regarding medical appeals

Remove: August 12, 1998, page 1 of 2. Add: May 7, 2008, page 1 of 2.

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September 8, 2008

- C. A medical examiner is the representative of the Commission and is authorized to grant or refuse extensions of time, to set proceedings for examination of facts to appoint a medical expert or specialist to examine the appellant, and to perform any and all acts in connection with such proceedings that may be authorized by these rules. A medical examiner's findings and recommendations shall be based on health standards established by the Board of Education.

Expense for the services of the medical examiner shall be in the Personnel Commission's budget.

A medical examiner may appoint a medical expert or specialist to examine the appellant and report findings to the medical examiner or may require additional information from the appellant or the District.

The medical examiner shall report her or his findings and recommendations to the Personnel Commission. The Personnel Commission shall provide copies of the findings and recommendation to the appellant, and, if the appellant is an employee, District's Medical Director of Employee Health Services.

- D. The medical examiner's or special investigator's written findings, and recommendation shall be considered by the Commission. The decision of the Personnel Commission shall be rendered in writing. Copies of the decision shall be sent to the appellant, and, if the appellant is an employee, to the appropriate Local District Superintendent or division head.
- E. The decision of the Personnel Commission shall include instructions to the administration regarding the action to be taken as a result of the appeals. If an eligible or eligible given a conditional job offer is given health approval for employment, his/her name shall be restored or added to the eligibility list and retained on the eligibility list for certification for the balance of the life of the list. The adding of names to eligibility lists shall not invalidate appointments made from such lists from the time the lists were established until the names were restored or added.
- F. Failure of the appellant to appear at times established for examination of persons or facts shall be deemed a withdrawal of the appeal, and the case shall be closed.

CHANGE:

Rule amended to update outdated language and clarification of existing procedures.

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Appeals of Medical Disqualifications of Classified Employees and Eligibles

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