SCOPE

All employees of the classified service of the City University of New York

BACKGROUND

On September 22, 2003, Governor George E. Pataki signed Chapter 577 of the Laws of 2003. This legislation amended Section 71 of the Civil Service Law regarding reinstatement after separation from the service due to an occupational disability.

POLICY

CUNY will consider the reinstatement of an employee who has been separated from service by reason of a disability resulting from an occupational injury or disease in compliance with Chapter 577 of the Laws of 2003, amending Section 71 of the Civil Service Law.

An employee separated from service by reason of a disability resulting from occupational injury or disease, as defined in the Workers’ Compensation Law, may apply for reinstatement within one year after the termination of such disability.
An employee separated from service by reason of a disability resulting from an assault sustained in the course of his or her employment may apply for reinstatement within **two years** after the termination of such disability.

**PROCEDURE**

**Eligibility**

CUNY classified service employees who have been separated from the service by reason of a disability resulting from occupational injury or disease.

**A. Occupational Injury or Disease, Not Assault**

Within one year after the termination of such disability resulting from an occupational injury or disease, as defined in the Workers’ Compensation Law, such employee may apply to the College Appointing Officer for a medical examination to be conducted by a medical examiner selected by the College Appointing Officer.

**B. Assault Sustained in the Course of Employment**

Within two years after the termination of such disability resulting from an assault sustained in the course of an employee’s employment, such employee may apply to the College Appointing Officer for a medical examination to be conducted by a medical examiner selected by the College Appointing Officer.

1. If upon medical examination, the medical examiner certifies that such employee is physically and mentally fit to perform the duties of his or her former position, he or she shall be reinstated to his or her former position, if vacant, or to a vacancy in a similar position or a position in a lower grade in the same occupational field.

2. If no appropriate vacancy exists to which reinstatement may be made, or if the workload does not warrant the filling of such vacancy, the name of the employee shall be placed upon a preferred list for the employee’s former or similar position.

3. Such an employee shall be eligible for reinstatement from such preferred list for a period of four years from the date of medical and physical qualification.

4. In the event that such employee is reinstated to a position in a lower grade, the employee’s name shall likewise be placed on a preferred list.

Reinstatement Following Workers’ Compensation Disability Separation
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