

## 14.6 DISABILITY

In cases of long-term disability during which an employee is unable to return to work for a period of time that would cause an undue hardship for the county to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the county, the employee will be separated from employment with the county if FMLA leave is expired and no other benefits or leave are available. *(Legal reference: U.S. Americans with Disabilities Act of 1990.)*

Former Employee shall be eligible to apply for open positions with Austin County as long as the following provisions are met:

- 1) The former employee has not worked for at least 3 calendar months
- 2) In order to be a bona fide, separation there can be no prior agreement between the County and the employee that was separated from employment due to a Long-Term Disability, that he/she will be rehired following the separation and the returning employee may not be given preferential status when applying for a vacant position.
- 3) Strict adherence to normal leaving employment procedures were followed at the time of the employee's resignation.

The employee must have a bona fide separation of employment and have been separated for a minimum of 3 calendar months. A bona fide separation means there is no prior agreement or understanding between Austin County and the employee that the employee would be rehired after resigning. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.