

Independent Medical Examination of Employees Policy

In an effort to provide a safe and productive work environment conducive to academic and administrative pursuits, William Paterson University of New Jersey may require employees to submit to Independent Medical Examinations, (“IME”), under specific circumstances as defined by Sections A, B & C below. Any IME shall be performed by a physician or licensed professional selected and paid for by the University and is intended to provide the University with sufficient unbiased medical information from which to make an informed decision as an employer.

This policy specifically addresses the use of IME’s under the “Faculty and Professional Staff Handbook- Leave of Absences” section, the “Special Sick Leave” provisions of Article XXIV, Section D of the current AFT Statewide Agreement, the University Payroll and Benefits Guidelines for Sick Leave-Unclassified and Classified Employees, and the University policy on “Return From Sick Leave Procedures.” This policy is not intended to alter existing union agreement provisions regarding sick leave as expressed in the AFT Statewide Agreement, or the CWA and IFPTE Agreements but rather should be read consistent with those provisions as modified by N.J.A.C. 4A: Chapter 6 and by the above referenced expressions of University policy, practice and procedure. The Policy is not intended to modify existing procedures and practices concerning the use of Sick Leave by law enforcement officers.

A. Basis for Requesting an IME of an Employee.

1. The University may require one or more IMEs at any appropriate time as prescribed by University policy, procedures and practices, state and federal law and Union Agreements. The following conditions however, will be considered triggers requiring an IME, unless significant circumstances warrant deviation from this policy.
 - a. The employee requests a reduction in his/her full workload due to a medical condition or, if already on partial sick leave, would further reduce his/her existing workload. ¹
 - 1) A reduction of workload is defined as any medical limitation that would require that the employee not participate in every aspect of a normal workload at a normal level of participation.
 - 2) A normal (or full) faculty workload includes, but is not limited to, any of the following: teaching the required number of regular load courses (face-to-face, hybrid or online), holding office hours for student assistance; and full participation in committee assignments and other University related duties.
 - b. The employee requests a workload reduction due to a medical condition that would require him/her to not participate in normal workload activities on a particular day of the week, time of day or time of the year.
 - c. The employee requests a workload reduction under circumstances where existing University policy, practice or Union Agreement provides that the approval of the Sick Leave request may be conditioned on obtaining appropriate medical documentation.
 - d. The employee has utilized 15 or more sick leave days for the employee’s medical condition within a 12 month period.

¹ Section A.1 (a) applies to Special Sick Leave under Article XXIV Section D of the current AFT Statewide Agreement, although the general principles contained in Section A.1 (a) of this policy are applicable to all non-aligned University employees and those employees covered under the CWA and IFPTE Agreements.

- e. There is conflicting, inadequate, vague, confusing or inconsistent medical documentation concerning the employee's medical condition based on either the medical documentation provided by the employee or on the results of the initial IME.
- f. The employee's initial or subsequent request for sick leave is for duration of six months or more.
- g. The employee is currently on sick leave and it has been more than six month since the employee submitted any medical documentation to justify a continuing absence from work and use of accrued sick leave.
- h. An employee has been on sick leave for more than six months without an initial or updated IME.
- i. An employee requests sick leave immediately before or after a pending or anticipated disciplinary action or change in work assignment.
- j. There is evidence of abuse of sick leave including, but not limited to, evidence of engaging in work-like activities during sick leave.

B. Procedures for Requesting an IME of an Employee.

1. Any request by an employee for sick leave and/or reduction of workload pursuant to this policy should be sent with the supporting medical documentation to 973-720-3694, the confidential fax within the Payroll and Employee Benefits Office. Medical documentation should not be given to supervisors.
2. Upon receipt, the Associate Vice President of Human Resources, in consultation with the Director of Payroll and Employee Benefits, shall make a determination of whether an IME will be required pursuant to this policy. If deemed appropriate, the Office of Human Resources will arrange for a medical evaluation by an appropriate healthcare provider and notify the employee of the reason for the request and the specifics of the appointment.
3. The cost of the exam will be absorbed by the University and the employee will not be charged earned time to undergo the examination.
4. Refusal on the part of the employee to submit to the examination or the failure to cooperate may result in the denial of the requested sick leave and reduction in workload, and in disciplinary action up to and including termination.
5. Based on the results of the medical evaluation, the recommendation by the Healthcare provider, the requirements of the position, and the individual circumstances of each request the Office of Human Resources will decide on specific action to be taken.
6. The results of the exam will be considered confidential information contained within the Office of Human Resources and shared only with those who have a need to know for decision making purposes.
7. The employee shall receive written notification from the Payroll and Employee Benefits Office detailing the outcome of the IME.
8. Any action taken under this policy will be compliant with state and federal laws as well as University policies and procedures and provisions of the applicable Agreement.

C. Confidentiality

The University will maintain the confidentiality of all medical information relating to requests for sick leave. This information will be used only to make decisions in regard to the provisions of this policy. Any questions regarding this policy should be directed to the Associate Vice President of Human Resources and/or the Payroll and Employee Benefits Office.