

Amendment 3 to Council Bill No. 14-2018

**BY: The Chairperson at the
request of the County Executive**

**Legislative Day 5
Date: May 7, 2018**

Amendment No. 3

(This amendment clarifies when a third opinion will be obtained, clarifies that the third medical opinion shall be mutually agreed to by the parties, and provides that costs shall be paid by the County.)

1 On page 3, strike lines 24 through 30, inclusive and substitute:

2 “(E) OPTION FOR SECOND OPINION ON INABILITY TO PERFORM ESSENTIAL FUNCTIONS. BEFORE AN
3 EMPLOYEE IS DISMISSED UNDER SUBSECTION (D) OF THIS SECTION, THE EMPLOYEE MAY OBTAIN A
4 SECOND MEDICAL OPINION ON THE EMPLOYEE’S ABILITY TO PERFORM THE ESSENTIAL DUTIES OF
5 THE EMPLOYEE’S POSITION. IF THE SECOND OPINION FINDS THAT THE EMPLOYEE HAS THE ABILITY
6 TO PERFORM THE ESSENTIAL DUTIES, THE COUNTY MAY ACCEPT THE SECOND OPINION OR THE
7 COUNTY MAY SEEK A THIRD OPINION IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.
8 (F) THIRD OPINION. IF THE COUNTY DETERMINES THAT A THIRD OPINION IS NECESSARY, THE
9 COUNTY SHALL OBTAIN A THIRD MEDICAL OPINION FROM AN INDEPENDENT, BOARD CERTIFIED
10 MEDICAL OR MENTAL HEALTH PROVIDER:

11 (1) WHO SHALL BE MUTUALLY AGREED TO BY THE EMPLOYEE AND THE COUNTY;

12 (2) WHOSE COSTS SHALL BE PAID BY THE COUNTY; AND

13 (3) WHOSE OPINION SHALL BE BINDING ON THE PARTIES.”.