

United Federation of Teachers

52 Broadway
New York, N.Y. 10004
212-777-7500

Dear UFT Member:

This letter is a follow-up to our phone conversation and summarizes the medical arbitration process.

As part of the Collective Bargaining Agreement, “a regular employee shall have the right to an independent evaluation by a medical arbitrator selected from rotating panels of doctors to be selected by mutual agreement of the Board and the Union.” You have a right to medical arbitration if the finding of the Medical Bureau has resulted in one or more of the following for twenty or more consecutive school days:

1. Placement on a leave of absence without pay.
2. Disapproval of a leave of absence without pay for restoration to health.
3. Disapproval of line of duty.
4. Denial of use of CAR days (cumulative absence reserve).
5. The finding that you are not fit to work.

and/or:

1. Medical disapproval of a restoration to health sabbatical.
2. The Medical Bureau has recommended a disability retirement.

You have ten school days from the day you are notified of the Medical Bureau’s decision to apply for medical arbitration. To apply, you must contact your UFT Borough Office and ask for the UFT representative who is responsible for medical arbitration applications. On your application, you will be asked to select the specialty of the arbitrator. Be sure to check off only one specialty. You will also be asked to supply the name, address and phone number of one of your doctors who will receive a copy of your Medical Bureau chart and conduct a phone conversation with the arbitrator. Submit the application according to the UFT representative’s instructions.

When your arbitration appointment is scheduled, you will receive a letter by certified and regular mail from the Medical Bureau containing the name, address and phone number of the arbitrator and the date and time of the exam. The letter will advise you to call the arbitrator’s office and confirm your appointment and find out your share of the fee.

The arbitration fee is shared equally by you and the Department of Education. Your share of the fee must be paid at the time of your appointment. It is non-refundable regardless of the arbitrator's decision and it is not covered by insurance.

When you appear for your appointment, make sure you bring copies of all relevant medical documents that you believe will convince the arbitrator that the Medical Bureau made the wrong decision. Before you leave the exam, remind the arbitrator of the name and phone number of the doctor that you named on your application. The phone conversation between your doctor and the arbitrator is a very important part of the arbitration process. You might want to provide the arbitrator with the days and times that your private doctor would most likely be available to speak. The arbitrator will also contact by phone the Medical Director at the Medical Bureau.

When the arbitrator has spoken with your doctor and the Medical Director, he/she will write a report with a decision. A copy of the report will be sent to your private doctor who had the phone conversation with the arbitrator, and a copy will be sent to the Medical Director at the Medical Bureau.

You will then receive a letter from the Medical Bureau advising you of the decision.

As stated in the Collective Bargaining Agreement, "The arbitrator's decision shall be rendered within 10 days after he/she has completed the evaluation of the employee, and if made within his/her authority under this Agreement shall be accepted as final and binding by the Board and the employee."

If you have any further questions about medical arbitration please call me at 212-598-7711 from 10 AM to 6 PM. I could also be reached by e-mail at tbennett@uft.org.

Fraternally,

Thomas Bennett
Special Representative