

Employee Medical Examinations

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According to the EEOC's guidance on Disability Related Inquires and Medical Examinations of Employees Under the ADA, an employer may require current employees to undergo medical examinations if they are "job related" and "consistent with business necessity." Blood and urine tests to determine the current use of illegal drugs fall outside the definition of "medical exams" and are permissible under the ADA, subject to any state reasonable suspicion requirements, or other legal restrictions.

To show job relatedness and business necessity an employer must have a reasonable belief, based on objective evidence, that an employee will be unable to perform the essential functions of their job because of a medical condition, or that their medical condition will pose a direct threat to their own safety or to the safety of others. If an employee having performance problems caused by a medical condition refuses to submit to an exam, the employer may impose discipline just as it would for any other employee having similar performance problems.

Employers may also require a medical exam when an employee requests a reasonable accommodation and the need for accommodation is not obvious, or when required by federal law (i.e., DOT certifications). Further, companies may require an employee to undergo an exam when returning from a medical leave of absence if it believes the employee's present ability to perform their essential functions will be impaired by a medical condition, and the exam is limited to a determination of whether the employee is able to perform those functions.

An employer may insist that a doctor of its choosing conduct the exam if an employee asking for an accommodation fails to submit sufficient documentation from their own physician, and attempts to clarify the information fail. In addition, when an employee poses a direct threat an employer may require an employee to see a doctor selected by the company, provided that doctor has expertise in the employee's specific medical condition and familiarity with the essential functions of the employee's job.

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