

# Who pays for pre-Employment medical exams?

**Q. We require new employees to undergo pre-employment medical exams. May we require a new employee to cover the cost of the exam? We have 35 employees.**

**A.** No. For employers of 25 or more employees, North Carolina law prohibits an employer from requiring any *applicant* to pay for the cost of a medical examination or for the cost of furnishing any medical records required by the employer.

Under the federal ADA, medical exams are typically permissible, within defined parameters, only *after* an offer of employment has been made, but before employment has begun. Courts have not yet addressed whether a post-offer employee might still be considered an “applicant” under the North Carolina statute, but the language of the statute is broad enough to suggest he or she would be.