

When should we request fitness-for-duty exam?

Q. One of our employees recently told her supervisor that she has a heart condition. She went home early the other day because she wasn't feeling well. Can we request that she get a doctor's note clearing her to work? — G.N., Utah

A. If the employee works in a position for which you have legitimate concerns about whether her health condition could jeopardize her safety, or the safety of employees and customers, then you can condition her return to work upon confirmation of her "fitness for duty."

Write a letter for the employee to give to her physician, requesting the physician to confirm whether the employee is capable of returning to her job. To help the doctor make the decision, provide a copy of the employee's job description. Explain that you would welcome information regarding any accommodations necessary for the employee to perform her job. Make it clear in your letter that you aren't requesting—nor should the doctor provide—any details regarding the employee's diagnosis, general medical condition or other medical information not specifically related to her ability to return to work.

Taking these steps carries some risk. You should require a fitness-for-duty examination only if you have legitimate concerns about health or safety dangers. Simply assuming that an employee may not be well enough to work could expose you to ADA claims that you were regarding her as disabled.