Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
435-673-3553

Administrative Letter A093

Pre-employment Medical Examinations

Administrative Letter #93 Pre-employment Medical Examinations - Approved 09/04/2013; Updated 07/07/2017; 09/19/2024

DATE: Reviewed and Updated September 2024 – HR Department

SUBJECT: Pre-employment Medical Examinations

Under the Americans with Disabilities Act of 1990 (the "ADA"), an employer may require a fitness for duty medical examination only after the applicant has been given a conditional job offer.

In an employer requires post-offer medical examinations, it must make sure that:

- all entering employees in the same job category are subjected to the examination, regardless of disability; and

- all medical information obtained must be kept confidential.

For the purposes of the District **"all entering employees"** will be defined as all employees who are newly hired, rehired, have a break in service in that job category, or transferred into a job category that requires a fitness for duty medical examination. Current job categories that require a fitness for duty examination include custodians, severe paraprofessionals, food service workers, bus attendants, and school nurses.

Reference:

29 C.F.R. § 1630.14 (b) Employment entrance examination. A covered entity may require a medical examination (and/or inquiry) after making an offer of employment to a job applicant and before the

applicant begins his or her employment duties, and may condition an offer of employment on the results of such examination (and/or inquiry), if all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.

> (1) Information obtained under paragraph (b) of this section regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that:

(i) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(ii) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(iii) Government officials investigating compliance with this part shall be provided relevant information on request.

(2) The results of such examination shall not be used for any purpose inconsistent with this part.

(3) Medical examinations conducted in accordance with this section to not have to be job-related and consistent with business necessity. However, if certain criteria are used to screen out an employee or employees with disabilities as a result of such an examination or inquiry, the exclusionary criteria must be job-related and consistent with business necessity, and performance of the essential job functions cannot be accomplished with reasonable accommodation as required in this part. (See 29 CFR §1630.15(b) Defenses to charges of discriminatory application of selection criteria.)

https://www.eeoc.gov/policy/docs/guidance-inquiries.html