



County Technical Assistance Service

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Periodic Testing and Monitoring under the ADA

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Periodic Testing and Monitoring under the ADA

Reference Number: CTAS-2031

Periodic medical monitoring is sometimes required for job positions that deal with public safety. For example, police officers and firefighters may be required to pass an annual medical examination. This is the exception to the rule; in most cases employers can not require periodic medical monitoring.

An employer may require an employee who has completed alcohol rehabilitation to be periodically tested for alcohol if the employer has reasonable belief that the employee will pose a direct threat without testing.

Employee Assistance Program (EAP) counselors may ask employees about physical and mental conditions if the EAP counselor does not work for the employee's employer. EAP counselors must keep confidential any information revealed by employees. EAP counselors have no power over employment decisions.

There are other federal laws that require an employer to make disability-related inquiries and that may require employees to complete a medical evaluation. Compliance with these laws does not violate the ADA.

Disability-related inquiries and medical examinations that are part of a voluntary wellness program do not violate the ADA. A wellness program is voluntary if employers do not require participation and do not penalize employees for not participating.

For affirmative action purposes, employers may ask employees to voluntarily self-identify as persons with disabilities.

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