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Navigating Through the Fog of Fitness for Duty Evaluations

2021 CALPELRA Annual Training Conference

November 18, 2021

9:45-10:45

San Carlos 3

The appropriate time and manner to order an employee to submit to a fitness-for-duty evaluation is one of the most challenging questions that an employer will face. These questions are complicated further by the legal framework that applies to fitness-for-duty evaluations, especially when the laws provide conflicting standards or guidance. This session focuses exclusively on fitness-for-duty evaluations and the tools to effectively use them in the workplace. You'll learn about the various legal principles that govern fitness-for-duty evaluations, including disability laws under the ADA and FEHA, medical leaves of absence under FMLA and CFRA, medical privacy standards under the constitution and privacy statutes such as CMIA and HIPAA, and special POST standards for peace officers. You'll learn about the circumstances that can justify a fitness-for-duty, and, more importantly, those that do not. You'll also learn about the common mistakes that employers make and how to avoid them, with real life scenarios that highlight how to best handle fitness-for-duty issues. And you'll learn the importance of having a policy on fitness-for-duty evaluations and leave, and of updating job descriptions to proactively address common fitness-for-duty issues.