

## MDM&C Update

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### ***Coronavirus - Information for Connecticut Employers***

Among the issues that the employers face in dealing with the coronavirus is whether the employer can order an employee to undergo a medical examination. That was the issue that the Connecticut Appellate Court faced in *Joyner v. Simkins Industries, Inc.*

As a result of the transfer of some work, the employee's workload increased and she complained of being "stressed out." The employee called out sick and three days later she had her doctor submit a note stating that she was suffering from a "medical condition" and unable to return to work for approximately two weeks.

The employee was scheduled to return to work on a Monday. She was ordered to submit to a medical examination the Friday before she was to return to work. She refused and was terminated.

The employee claimed that her termination violated the public policy found in the Americans With Disabilities Act, which limited medical examinations and inquiries by employers.

The appellate court disagreed and affirmed the trial court's granting of summary judgment. The court noted that the employee had said that she felt overworked and had been absent for several days. She submitted a vague doctor's note that simply referred to her having a medical condition with no explanation as to why she needed two weeks off. In these circumstances the court concluded that the employer's request for a medical examination to determine her fitness for duty was justified.

The court held that an employer could conduct a medical inquiry without violating the ADA, if the employer reasonably questioned whether the employee could perform her essential functions or if the employer has a reason to suspect that the employee is abusing its attendance policy.

Thus an employer could, if there were legitimate questions about whether an employee was truly sick, order the employee to undergo a medical examination or seek information from the employee's doctor that would justify the absences.

If you have any questions about this or any other employment issue, please feel free to contact **Bernard E. Jacques** at [bjacques@mdmc-law.com](mailto:bjacques@mdmc-law.com).

### *Offices*

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