



## Pre-Employment, Post-Offer Health Exams and Fit for Duty Exams

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal 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 municipal 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 MTAS website material.

Sincerely,

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## Table of Contents

Pre-Employment, Post-Offer Health Exams and Fit for Duty Exams .....	3
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## Pre-Employment, Post-Offer Health Exams and Fit for Duty Exams

**Reference Number:** MTAS-1944

Employers have the right to ask applicants and employees to undergo *job-related* physical and mental evaluations to determine fitness for duty. At a health exam a physician will often ask about family history. While this is important for the health provider in making assessments and recommendations, this information does not need to be shared with employers and is not relevant to fit for duty exams. In fact, employers should state upfront that they do not want to receive any information that may be protected under GINA, unless otherwise lawfully allowed and applicable under a federal, state, or local law or in the course of voluntary wellness programs. It is not relevant to employers that an employee has a family history of breast cancer, genetic diseases, or diabetes.

What is relevant is whether the employee can perform the *essential functions of the job either with or without accommodation*. Employers should instruct health provider offices to not include family history or genetic information on the forms that are returned to the employer. In the event that the employer handles a large quantity of these medical forms, the employer should consider having someone, who is well versed in GINA, screen all forms when they come in to the employer prior to distribution to the appropriate department. This may apply to ADA, FMLA and other health forms as well.

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*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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