

In The News

Akerman Lawyers Arlene Kline and Paige Newman Publish *Law360* Article Providing ADA Ruling Guides On Post-Leave Job Fitness Tests

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Labor and Employment partner [Arlene Kline](#) and associate [Paige Newman](#) co-authored an article for *Law360* providing ADA ruling guides on post-leave job fitness tests. In the article, the authors warn employers that have blanket policies requiring employees who are returning from an extended leave of absence to undergo medical or psychological examinations to be guided by a recent ADA ruling, and to take care to revise personnel policies and practices to help avoid allegations of violations of the ADA. They suggest that the need for such examinations should be evaluated on a case-by-case, individualized basis, so that the company can analyze whether there is a justification rationally related to a business need for requiring a particular employee to submit to an examination.

“Employers must ensure that any requirements imposed on an employee returning from a leave of absence are both job-related and consistent with a business necessity,” the authors wrote. “Employers should only require an employee to submit to a physical or psychological examination where the employee’s physical or psychological ability to return to work is in question, or would affect his ability to perform his job.”

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