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HANSEN POWELL & MEHL, P.C.

Medical Privacy in the Workplace

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**SOURCES OF MEDICAL INFORMATION
ABOUT DISTRICT EMPLOYEES**

Official Requests for Leave

- Leave under the Family Medical Leave Act (“FMLA”)
 - Certification of serious health condition
 - WH-380E
- Temporary Disability Leave (“TDL”) - a note from a physician establishing:
 - inability to work
 - date leave is to begin, **and**
 - anticipated date of return to work.

Official Requests for Leave

- Leave pool/bank requests
 - District policy should require proof of catastrophic illness or injury.
- Requests for extended periods of state or local leave requiring medical documentation per DEC (LOCAL).

Other Absences

- “Calling in sick” or “calling out” to a supervisor even without an official request for a “leave of absence.”
- Practice Pointer: If the employee tries to provide actual medical information to the campus or department-level supervisor, train them to punt that immediately to whomever serves the Personnel/Human Resources function for the district. Helpful for a couple of reasons:
 - Possible that the absences may qualify for FMLA or ADA protection, which HR should be trained to spot.
 - Those employees should also be trained in handling any of the medical information that is received.

Inquiries and Examinations Under ADA(AA)

- <https://www.eeoc.gov/policy/docs/guidance-inquiries.html>
- What is permitted depends on the stage in the employment cycle.

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