

- Asking an employee to provide medical documentation regarding her or his disability
- Asking an employee's coworkers, family members, doctor, or another person about the employee's disability
- Asking about an employee's genetic information
- Asking about an employee's prior workers' compensation history
- Asking if an employee is taking any medication or drugs or has done so in the past
- Asking an employee broad information that is likely to elicit information about a disability

Drug Testing

Drug testing is permitted to detect the use of illegal drugs. The law, however, is neutral as to its encouragement.

UGESP

The UGESP do not apply to the ADA or its regulations. This means that the guidance and requirements for employers' selection systems under the Civil Rights Act may or may not be the same as those required for compliance with the ADA.

Drug Testing

Drug testing is surrounded by an amalgam of laws and regulations at the federal and state levels. Special law for the Department of Transportation requires alcohol and drug testing for transportation workers in safety-sensitive jobs.¹⁴⁹ The organization should seek legal and medical advice to determine whether it should do drug testing and, if so, what the nature of the drug-testing program should be. Beyond that, the organization should require and administer drug tests on a contingency (postoffer) basis only, to avoid the possibility of obtaining and using medical information illegally. For example, positive drug test results may occur because of the presence of a legal drug, and using these results preoffer to reject a person would be a violation of the ADA.

SUMMARY

This chapter continued the discussion of proper methods and processes to be used in external selection. Specifically, substantive, discretionary, and contingent assessment methods were discussed, as well as collection of assessment data and pertinent legal issues.

Most of the chapter discussed various substantive methods, which are used to separate finalists from candidates. Like initial assessment methods, substantive