

## Publications

### Seventh Circuit Holds That Unlawful Medical Inquiries Trigger Claims Under the ADA for Non-Disabled Employees

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#### CLIENT ALERT | 4.30.2025

On April 1, 2025, the U.S. Court of Appeals for the Seventh Circuit (which has jurisdiction over Illinois, Indiana and Wisconsin) issued a landmark ruling that could allow non-disabled workers to recover back pay under a provision of the Americans with Disabilities Act (ADA). This decision raises concerns that non-disabled workers might use legislation designed to protect disabled individuals for their own financial gain, potentially creating confusion for employers who are attempting to accommodate qualified individuals with disabilities in good faith.

In *Nawarra v. Cook County*, Nawara, who was a non-disabled former corrections officer at a county jail, was required by the Sheriff's Office to undergo a fitness-for-duty examination and sign medical information release forms before returning to work after being involved in heated altercations with his superior officer and other employees. Nawara sued Cook County and the Sheriff before signing the forms, alleging that the examination requirement and inquiry into his mental health violated the ADA. The District Court held that the Sheriff's Office violated the ADA's prohibition against unlawful medical examinations but declined to award him damages. Nawara appealed to the Seventh Circuit.

The Seventh Circuit held that an employee may invoke the ADA's protections concerning medical exams and inquiries concerning whether or not the employee is disabled or perceived to be disabled. Therefore, a violation of the medical inquiry and examination provisions is discrimination on the basis of disability regardless of disability or perceived disability. This means the ADA's remedies applied to Nawara, and he was authorized to recover back pay and have his seniority restored. The Seventh Circuit declined to address whether an employee who has not experienced an adverse employment action would be eligible for back pay under the ADA.

Employers should ensure that any medical exams or related inquiries are conducted in accordance with the ADA's and any applicable state law requirements. In particular, employers should ensure that medical exams and inquiries are job-related and consistent with business necessity. Contact your Vorys attorney if you have any questions

regarding the Nawara ruling, the ADA, or issues related to medical inquiries and examinations.

