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# What To Expect From a Doctor's Note

## Working Together

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Employees who are absent from work for protracted periods of time due to illness or injury submit various types of medical documentation to their employers. Such documentation does not always provide a definite answer to an employer's most pressing question; namely, when will the employee return to work? Instead, the doctor's notes often indicate only that the employee is undergoing treatment, or is unable to return to work, or is expected to have another appointment in the future.

Now a recent decision of the Connecticut Appellate Court, Thomson v. Department of Social Services, provides guidance on what an employer can expect from a doctor's note. The context was an employee's request for reasonable accommodation for a disability, the accommodation being an indeterminate leave of absence (family and medical leave was not available) to recover from a flare-up of a chronic asthma condition. The problem was that the employee simply asked for a leave of absence of more than thirty days, but provided no information as to when she might be expected to return to work.

The Court began by recognizing that a medical leave of absence is a recognized form of accommodation. However, the Court went on to say that the duty of reasonable accommodation does not require an employer to hold an employee's position open indefinitely, especially in the absence of any indication from the employee as to an expected date of return. Instead, the Court held that a reasonable accommodation is one that enables an employee to return to work "presently, or in the immediate future."

In the Thomson case, the physician stated that the employee was unable to work, that the situation was "ongoing," that significant improvement could be expected in one or two months, and that the employee would be able to return to work when reevaluated, but without indicating when reevaluation would occur. The employer sought further information, but the employee did not respond. The Court ruled that this amounted to no more than a request that the job be held open indefinitely while the employee attempted to recover, which was not a reasonable accommodation.

It's worth noting that although the case was brought and decided under Connecticut's Fair Employment Practices Act, the Appellate Court relied on federal cases decided under the Americans With Disabilities Act in reaching its conclusion. That is consistent with the usual practice of Connecticut state courts in employment discrimination cases; they look to federal law as a guide in interpreting our state anti-discrimination statutes.

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The takeaway is that although an employer must be open to the possibility of a limited leave of absence as an accommodation, and should make inquiry of an employee who does not offer sufficient information, the employer has a right to enough specificity to allow an assessment of whether the accommodation is reasonable. Of course, the employer has the same right when the absence is due to an illness or injury where no chronic disability is involved.

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