

WHEN AN EMPLOYEE HAS A SEIZURE—WHAT NEXT?

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Jeff Dretler was quoted in *SHRM* on July 31, 2015. The article “When an Employee Has a Seizure—What Next?” addressed what steps should be taken when an employee has a seizure in the workplace.

Jeff said multiple factors are involved when analyzing safety concerns after someone has a seizure at work, such as:

- The nature of the workplace and the employee’s position. If the employer is a food-processing plant and the employee works with heavy equipment, or the employer is a hospital and the employee is a nurse, there are safety concerns not only for the employee but for the general public.
- The impact of any state or federal regulation applicable to the industry or the position.
- Whether the workplace is unionized, in which case the rights of an employer to take actions, such as to reassign employees or place employees on leave, may be addressed in the collective bargaining agreement.

Regardless, Jeff added that there are steps almost any employer can take to address safety concerns after an employee has a seizure at work. The employer:

- Can require the employee to submit a note from his or her doctor attesting to his or her fitness for returning to duty in his or her usual role or a modified role, with specific attention given to the environment that the worker will be in and his or her particular duties.
- May require that the employee submit to a “fitness-for-duty” examination in addition to or instead of providing a doctor’s note.

- Can put in place an emergency action plan designed to address medical emergencies on the job and train employees without reference to a particular employee's problem.
- Can ask the employee what steps it can take to create a safe environment for him or her.

But there also may be the risk of potential liability to third parties, such as customers or the general public, Jeff said.

Potential liability arises as well under the ADA. However, "if the employer has made the relevant medical inquiries, conducted appropriate colloquy with the employee and still believes removing the employee from duty is the most prudent choice for the safety of the public, it may be in the employer's best interest to run the risk of any possible employment discrimination lawsuit that may result," Jeff remarked.

To read the full article, please visit [SHRM](#).