

Pre-Employment Physical vs. Post Offer Employment Testing: Can You Afford to Not Know the Difference?

Katie McBee, PT, DPT, OCS, MS ,CEASII



Keeping America on the Job!



Objectives

- Understand the most common components of a Pre-Employment Physical.
- Know the components of a Comprehensive Post Offer Employment Test.
- Understand an employers and employees rights for post offer employment testing.
- Be able to discuss the benefits of a comprehensive post offer employment test.



Why Post Offer Test?

Job Demand:



Job Candidate:



WORKSTRATEGIES
Keeping America on the Job!



INDIANA SAFETY AND HEALTH CONFERENCE | POET TESTING

*Journal of the American Board Of Family Practice*¹

WORKSTRATEGIES
Keeping America on the Job!

- “Concluded that American physicians are failing to perform adequate pre-employment physical examination. ”
- “In 68% of the cases studied, employers provided physicians with no information about the physical requirements of the job for which a prospective employee was being tested, thus rendering the test process and back-related evaluations virtually meaningless.”
- “Moreover, 31% of the physicians routinely ordered spinal x-rays that have little screening value and expose workers to unnecessary doses of radiation.”



INDIANA SAFETY AND HEALTH CONFERENCE | POET TESTING

Physician Physicals



- “While a physician’s physical can be a strong indicator of an individual’s overall health, these types of physicals have little to do with whether or not an individual can safely perform the essential functions of the job.”
- “The regulatory guidelines for the physician physical and the DOT physical are so benign that the majority of applicants can easily pass them, even though they may have a serious condition.”
- “Twenty-four percent reported no disqualifications”
- “One-half routinely reported alcohol and drug abuse to employers, and of these, only one-half obtained a waiver for the release of such information.”



If Sprains and Strains account for the majority of your injuries, does you physical protect you?



- A comprehensive past medical history
- A comprehensive musculoskeletal screen
- Cardiovascular baseline assessment
- Lift testing
- Job specific Testing



Key Legislation Affecting Employee Rights

Before your Company even looks at the first resume or application:

- Be aware of key antidiscrimination employment laws
 - Title VII of the Civil Rights Act.
 - Civil Rights Act of 1991.
 - Age Discrimination in Employment Act (ADEA).
 - Pregnancy Discrimination Act (PDA.)
 - American With Disabilities Act (ADA).
 - Also be aware of laws affecting affirmative action
 - Immigration Reform and Control Act.
 - The Rehabilitation Act.
 - Vietnam Era Veterans Readjustment Assistance Act & Job for Veterans Act.
- And don't forget about the Immigration Reform and Control Act (IRCA)!



Post Offer Employment Testing

- An employer has every right to ensure that employees entering their work force can perform the physical demands of a job without risking injury to themselves or others.



Comprehensive Post Offer Testing Program Benefits



- Identification of employment candidates who may pose safety risk during testing
- Screening out unwilling candidates
- Physical demands screening
- Positional tolerance / agility screening
- Functional Baseline Data Collection
- Medical risk identification

Potential Cost Savings Through

- Injury prevention (hiring physically qualified individuals)
- Less Turn Over
- Musculoskeletal Baseline that can be utilized post injury (Apportionment Savings)



INDIANA SAFETY AND HEALTH CONFERENCE | POET TESTING

Essential Function Testing



INDIANA SAFETY AND HEALTH CONFERENCE | POET TESTING

10

Job Descriptions

- A comprehensive risk management program begins with ADA/EEOC complaint job descriptions.
- **WorkTask Analyses** identify the essential job functions and the physical abilities required to complete job functions.
- Foundation for hiring and return to work post injury.



Sample Job Description

WORKSTRATEGIES		WorkTask Analysis	
<i>Keeping America on the Job!</i>			
EMPLOYER INFORMATION			
Job Position:	Field Service Representative	Type of Business:	Water Distribution
Employer:	Water Company	Department:	
Location:	USA	City:	Madisonville
Address:	100 Water Lane	Zip Code:	40350
State:	USA	Contact Title:	Operations Supervisor
Contact Name:	HR Dept.	Phone:	123-456-7890
Phone:	123-456-7890	Fax:	123-456-7890
Email:	hr@water.com		
Brief Description of Employer's Business: Water Utility, distribution, repair and maintenance.			
WORKSTRATEGIES REPRESENTATIVE INFORMATION			
Name:	Kate Miller	Title:	123456
Company:	WorkStrategies	City:	Madisonville, regional Director
Address:	1237 Oak Ave	Zip Code:	40317
State:	IN	Email:	kmiller@wstrategies.com
Phone:	800-953-4934		
JOB DESCRIPTION			
Job Title:	Field Service Representative	Classification:	<input type="checkbox"/> Entry <input type="checkbox"/> Mid <input type="checkbox"/> Senior <input type="checkbox"/> Very Senior
Job Performance:	<input type="checkbox"/> Part of Team <input type="checkbox"/> Traveler/Itinerant	Job to Job Ratio:	<input type="checkbox"/> 1 to 100 hrs. <input type="checkbox"/> 1 to 100 hrs. <input type="checkbox"/> 1 to 100 hrs. <input type="checkbox"/> 1 to 100 hrs.
Max Weight Lifted:	50 lbs.	Employment Hours:	8 hrs, weekend ok <input type="checkbox"/> 40 hrs, weekend ok <input type="checkbox"/> Flex Hours and Overtime
Brief Description of Job: Employee in this position is assigned a list of job tasks for each shift that include routine servicing, repair of and on changing meters, and trouble shooting. The employee in this position has to take 24 hr call on rotation with other employees in addition to 40 hours a week.			
Educational Requirements: (Specify Training, Experience, Certification and/or Licensing): NA			
Dress Code: Protective Gear: Vest or jacket with reflective coating, steel toed boots, hard hat, ear plugs, water boots and snow shovels.			
Tools / Equipment: Lot Key, Check Valve for larger fits, shutoff wrenches, electric pump, hot to probe ground for pipes, compressor in truck, truck, back to back to pump, small and large meters, miscellaneous tools to work on water pipes and meters and hand pump to get water out of heads.			



Essential Function Testing



Reporting Process: Immediate



**Select Medical Corporation
Post-Offer Employment Evaluation**

Jobby 2011-01	All Service Rates
Age: 42 Height: 5'8" Weight: 250	Field of Error:
Revision Date: 10/22/07	PDC Level: Heavy
	SOC Code:

RECOMMENDATIONS

Summary of Test Results
We offer you the following opinion concerning the individual's present abilities to safely and successfully perform the essential functions of the position for which he/she was tested:

IS CAPABLE of performing the essential functions of the position sought and does not have any present or past medical condition/impairment that we believe would pose a significant risk to himself or others should he be placed in the position sought.

JOB SPECIFIC

Name	Description	WFOI	Body Mechanics	Mat Requirement
Job Specific Test I	Candidate must be able to step up to 21" step 3 times with either leg. Candidate can utilize handle on either side at 58-63" height. Candidate should be encouraged to work at a comfortable pace determined by the candidate.			Yes
Job Specific Test II	Candidate must be able to push and pull object 1 foot with up to 75# of force required to initiate movement of object and handle at 20" above ground. Candidate must be able to perform this activity for 1 repetition. An alternate method if the job-flow is available during testing is to use a fire extinguisher as the object to push/pull. Handle should be placed at 50" vertical height and the candidate will be required to demonstrate ability to operate 75# of force pushing and pulling 3 times each.			Yes
Job Specific Test III	Candidate must be able to demonstrate the ability to reach 20" forward under a 24" vertical height shelf. Candidate will perform this activity 3 times with either arm.			Yes

XXXXX, PT _____

At your request, a functional employment test was administered to XXXXXXXXXX. The purpose of the test is to determine whether the individual possesses the ability to safely and effectively perform the required job functions for the specific position in question.

The test procedure is designed to be compliant with the employment testing procedures and legal principles set forth in the Americans with Disabilities Act (ADA), and pursuant to other 5-act and other laws.

As a part of the testing process, the individual has been apprised of his or her right to request a reasonable accommodation under the ADA. The individual has either not requested such an accommodation in the testing process, or any such request has been resolved by the employer pursuant to the requirements of the ADA prior to testing.

The test was conducted based upon the physical demands of the job as reflected in the ergonomic analysis/description and the development of job specific lifting tasks specified in your company.

Full Screen
Close Full Screen



Post Offer Employment Tests

- ◆ These tests allow employers to manage the function of employees from new hire through retirement.
- ◆ Use of functional tests by employer results in safer, more productive workforces with fewer injuries, reduced turnover and significant reductions in workers compensation costs.



The Case For Measuring Function Pre-Hire Through Retirement



Worker's Comp Assumes

1. Worker's are perfect when hired.
2. Worker's never grow old.
3. Whatever happens to the worker, the employer caused.



Research Validates:

WORKSTRATEGIES
Keeping America on the Job!

- **10%** of the American work force is physically incapable of performing the essential functions of their jobs safely
- **75%** of work related injuries occur among this same 10%.



POETs

Results:

- ◆ Reduced incidence and costs related to work injuries by an average of 50% (with some clients having achieved reductions as high as 86%) during first year implementation with increased reductions in second and third years!



POETs Legal Compliance

- ◆ Protocols and procedures should be reviewed for by a national employment labor law firm for legal compliance with the Americans' With Disabilities Act and with the new Americans' With Disabilities Amendment Act (ADAAA).

◆ DIAL vs. EEOC

- ◆ Data can be used in litigation on a number of occasions to reduce awards, provide case closure and negate fraudulent lawsuits.



Quality Post Offer Testing

- ◆ Providers should be required to complete intensive certification training before being allowed to offer Functional Employment Testing Program to employers.
- ◆ Providers should be required to participate in on-going bi-annual re-certification training. They should receive ergonomic, medical, clinical and legal compliance training necessary in the delivery of functional employment test programming.



BENEFITS

In most instances, federal law allows the employer to withdraw the offer of employment if a test candidate:

1. is belligerent, obnoxious, or demonstrates a poor attitude during the test, or with regard to undergoing a post offer test
2. lies on the medical history
3. can't lift enough weight to qualify to attempt the essential functions



BENEFITS (cont'd)

4. Has significant medical condition (i.e. carpal tunnel, torn rotator cuff, etc.) that would pose a 'direct threat' to self or others
5. Isn't capable of safely performing any of the essential functions .



BENEFITS (cont'd)

- ◆ Limits employer liability for pre-existing conditions (apportionment) due to the use of "individualized assessments" following AMA guidelines / recognized medical procedures. Also limits medical treatment to "return to previous status only" !!



Actual Experience

- ◆ Employment testing database contains over 1M employment tests and shows “not capable” rates of 7-14% (10.2% average).
- ◆ Employers using employment testing are experiencing injury reductions and cost savings averaging between 50%- 86% !!!
- ◆ Functional testing will prevent one claim in every 10 employees with a minimal savings of \$10,000 to \$30,000 in an uncomplicated case.



RESULTS

Does Employment Testing Work?



POET Testing

Let me leave you with this. I can provide the greatest value for my clients by doing one thing: "Get (POET Testing) in place." I want to keep telling the story that in one year Hospice put some 100 people on the payroll that have not been injured in any way. In a matter of only a few years nearly all will be tested and will be working without injury. How else would "I" accomplish such a feat?

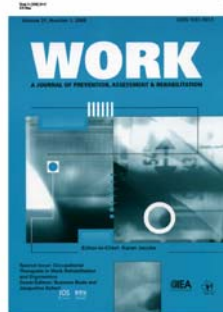
Wayne

Wayne Jensen
Director of Safety

Stahl & Associates Insurance, Inc. - Oldsmar
813-818-5300 office
727-789-2823 fax
www.stahlinsurance.com



POET Reference



- Five injuries were reported in the tested group
- non-tested group had 54 injuries
- Non-tested group had more significant injuries with time lost
- The total return on investment by this program was \$4,541,059.
- *Discussion: Post Offer Pre employment testing can be a cost effective way to decrease the amount of injuries with nursing staff.*

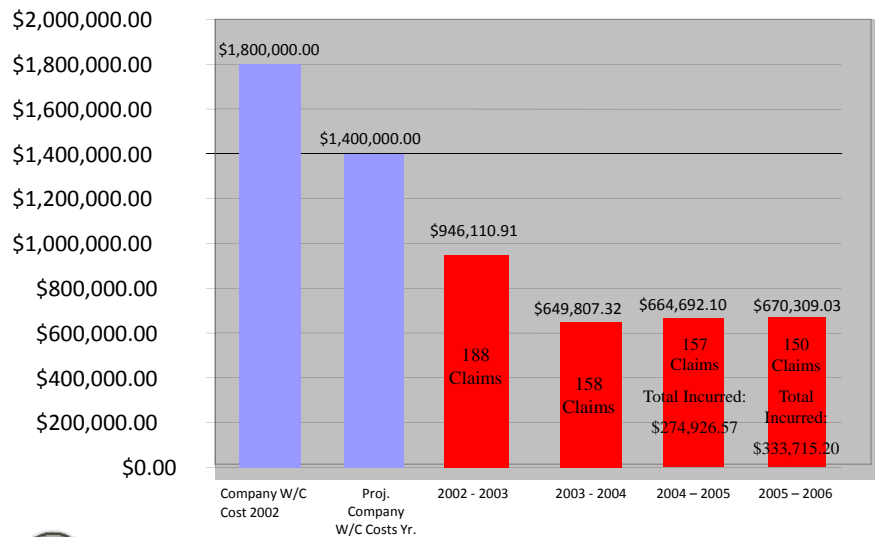


Fleetwood Outcomes 10,000 Employees Nationwide

- ◆ Injury frequency was reduced from 32.4 (per hundred) in 1999 to 6.9 to date in 2006
- ◆ Loss prevention and claims processes initiated in 1999, to lower exposure, have led to reductions in Letters of Credit of \$10.1 Million (Reserves)
- ◆ The cost of risk for Texas injuries has been reduced from \$2.2 million annually to \$631,000 annually.



Fleetwood Texas Locations



Missouri D.O.T.

We began our statewide program in January of 2006. After our first year of using your program, we **reduced our lost time incidents by 61% and our lost workdays by 69%**. We were so thrilled with our results we began studying other physically demanding job titles and have just begun testing those applicants. In addition to the reduction in both lost time incidents and lost workdays, we are proud to say **we saved the tax payers of Missouri \$7,000,000.00 by reducing our workers' compensation costs!**

Another bit of good news is that during the first two quarters of 2007, we have reduced our lost workdays another 55% and our lost time incidents by an additional 36%. As you can tell, we are very pleased with the results of our program.

We look forward to our continued partnership in the future.

Jean Endsley, M.S.

Employee Safety and Health Manager



ROI Outcomes - Airline

- Between 1st and 2nd year of testing for main hub they hired 200+ more employees with >60 less injuries.
- 3% Medical screen-outs including “Potential Ramp Agents”:
 - BP of 200/120 mm/Hg – on kidney dialysis
 - Gentleman with Hx of 3 back surgeries awaiting Spinal Cord Stimulator
 - Lady with 3 herniated discs in back that could lift 20# maximum



Questions?



Keeping America on the Job!

Katie McBee 502-552-4914
KMCBEE@SelectMedical.com



References

- Holleman WL, Matson CC, **Preemployment evaluations: dilemmas for the family physician.** J Am Board Fam Pract. 4(2):95-101.
- Faris, Jason. **Lowering nursing injuries using post offer pre-employment testing.** Work 31 (2008) 39-45 39.

