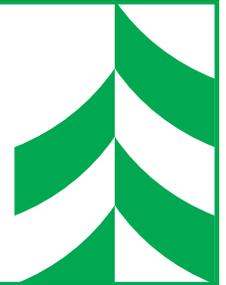




## HIRING AND RETENTION

# eLINE



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## PHYSICAL CAPABILITY TESTING BEFORE HIRING — BENEFITS AND POTENTIAL PITFALLS

A study by University of Massachusetts estimates the 10% of employees who are physically unable to safely perform their jobs account for 75% of injuries in the workplace. An aging workforce could increase this statistic over the next few years. Therefore, it's in the best interests of both employers and workers to make sure job candidates are physically capable of safely performing the jobs for which they are applying. Physical capability testing as a part of an organization's hiring practices documents a job candidate's physical skills and abilities related to a specific job.

"Historically, you just hired people and hoped they were strong and capable enough," says Risk Solutions Manager Jim Kremer. "About 20 years ago, some employers started to do physical exams, which didn't get to the heart of the issue either." The next logical step, Kremer says, is to work with a physical or occupational therapist to identify the physical requirements of particular jobs and develop tests to assess those requirements for each job candidate.

### What are the benefits to employers?

Standardized and objective physical capability testing for new hires can reduce overexertion injuries in a safe and defensible manner. At the same time, the testing can:

- **Develop a better job profile and description.** Because physical capability testing requires a physical or occupation therapist to closely examine a job's duties, this gives employers a chance to reengineer jobs that present the greatest risks. "If you have a job that requires the worker to lift 100 pounds, for example, you

might want to reconsider reengineering that job and maybe investing in some equipment," says Kremer.

- **Significantly reducing workers' compensation costs.** Employers — especially those requiring physical labor of some sort — are well aware of the importance of maintaining workplace safety and managing workers' compensation costs. The Occupational Safety and Health Administration (OSHA) reports that the indirect costs of a workplace injury are estimated to be up to five times that of the direct cost.
- **Improve worker productivity and job satisfaction.** The direct costs of an injury not only include the injured employee's medical bills, but also a reduction or loss of productivity among the remaining workers members because they are short handed.
- **Improve employee hiring and retention.** "Most employers know from experience that they can't afford to make bad hires," Kremer says. The costs of hiring, training and obtaining optimal worker productivity can be immense. The damage that high turnover can do to any business is significant.
- **Keep employees healthy.** In addition to our obligation and desire to keep employees safe and healthy, every employer wants a good reputation for providing a safe work environment.

### Potential pitfalls

Employers need to be cautious about how the test is structured. If the test appears too much like a medical exam, it may violate the Americans with Disabilities Act if



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it occurs before an offer is made. If the test tends to reject members of a protected class, it must be job-related to avoid claims of disparate impact.

The Americans with Disabilities Act (ADA) limits an employer's ability to make disability-related inquiries and require medical examinations. Specifically, at the pre-offer stage, ADA prohibits all disability-related inquiries and medical examinations, even if they are job related. Only after an offer of employment is made, can an employer require a medical examination, such as vision, pulmonary function, or range of motion tests. To avoid discrimination, the medical examinations must be required for all those being offered employment in the same job category, be job-related, and consistent with business necessity.

However, physical capability testing may be required pre-offer if it is not a "medical exam" under the ADA. This means it is a test which measures an individual's ability to perform actual or simulated job tasks. For example, if the job requires lifting 20 pounds repetitively, it may make sense to have applicants demonstrate their ability to lift 20 pounds under similar circumstances as the job would require. The EEOC uses the following criteria to evaluate whether a test is considered a medical exam:

- Whether the test is administered by a health care professional
- Whether the test is interpreted by a health care professional
- Whether the test is designed to reveal an impairment of physical or mental health
- Whether the test is invasive
- Whether the test measures an employee's performance of a task or measures his/her physiological response to

performing the task (such as measuring heart rate or blood pressure)

- Whether the test normally is given in a medical setting
- Whether medical equipment is used

"Mistakes can be costly if employers structure the physical capability test too much like a medical exam for applicants," says HR Consultant Rebecca Kellner, JD.

### Importance of a clear job description

It can also be costly to employers if the test is found not to be job-related or consistent with business necessity. Employers' best tool to defend the job-relatedness of a physical capability test is having a well-written job description that is kept up-to-date.

"A thorough job analysis is best completed by a physical or occupational therapist," Kellner says. "The analysis outlines both the essential job functions and the critical job demands that must be completed for each job category tested."

Employers should conduct a review of the job description regularly to ensure no changes have been made to the work requirements and update the description when changes are made to the work flow. This job analysis can also be a valuable tool for employers when evaluating requests for accommodations or creating a return-to-work program.

If you are thinking of instituting a physical capability test, contact our Risk Solutions Managers or HR Consultants at [info@AssociatedFinancialGroup.com](mailto:info@AssociatedFinancialGroup.com) or call 800-258-3190.



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