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Job Descriptions Go Hand-in-Hand With Testing

When functional job descriptions are correlated with post-offer fitness testing protocols, they can be packaged and sold to employers to address specific job placement requirements.

"Every client encounter should be seen as an opportunity to educate the employer about the value this service line can contribute to their bottom line," said Nora Shippelhoute, an exercise physiologist with expertise in ergonomics and on-site testing. Ms. Shippelhoute, who manages the Enloe Occupational Health Center in Chico, CA, presented a workshop on job descriptions and functional testing at RYAN Associates' 2006 national conference on *Providing Healthcare Service to Employers*.

To promote this service line, she said providers need to be prepared to show prospective clients:

- evidence of how the service positively impacts hiring practices, return-to-work programs and regulatory compliance.
- the value associated with adding objective measurements and functional data to an existing job description.
- how functional job descriptions provide the foundation for effective post-offer testing, which is used to determine whether a job candidate can perform essential functions, with or without accommodations.

Education Required

"Client education is critical. A client may call and say, 'I need post-offer physical exams for my prospective employees,' but they really don't want a physical exam, they want a post-offer test. They want a job-match service. They want to make sure they are hiring the most successful candidate for the job," Ms. Shippelhoute explained.

She believes a functional job description is the key to a successful job match.

"That's why an employer wants and needs this service," she said. "It's going to decrease their indirect costs, and reduce lost days and employee turnover. It is also going to improve safety, productivity and job satisfaction for their employees."

Ms. Shippelhoute recommends the use of exercise physiologists and physical therapists to assist with the development of functional job descriptions

and post-offer testing protocols. Enloe charges clients an hourly rate for the provider's time.

"Our clients value the fact that the person who is treating their employees actually helped design the job description and the test protocol," Ms. Shippelhoute said.

Descriptions and Tests

Once an accurate job description has been developed, it is possible to design a customized post-offer test that can be used to document any pre-existing conditions.

According to Ms. Shippelhoute, an optimal job description:

- identifies physical and functional activities.
- defines frequency, distance and duration, with special attention paid to the heaviest items to be lifted, pushed or pulled.
- describes essential and non-essential tasks.
- features an easy-to-use template format.

In developing the exam, Ms. Shippelhoute suggests that providers ask the following questions specific to each job:

1. Is there a functional description in place for the job or does one need to be developed?
2. What level of fitness does the employer want tested?
3. What criteria would cause a failed result? The employer decides how high to set the bar.
4. Is a medical physical required?
5. How will the information be used?

The post-offer test may include techniques such as job simulation, isokinetic testing and muscle mapping. The protocols are applicable to post-offer as well as post-injury, fitness-for-duty and annual tests.

"I tell employers they are going to get more for their money if they invest in functional job descriptions and testing," Ms. Shippelhoute said. "They need to know whether the person can perform essential functions, and with a physical exam, they are not going to get that kind of information."

"We do many physicals exams in our practice (including commercial drivers and personnel in licensed health care facilities), but in many cases we need to know exactly what that job requires."

Enloe's team will not perform a test if the company's job description lacks information the evaluator needs to determine whether an individual is capable of performing the job.

Product Leverage

The job description/functional test product line provides an entrée for employers to access other services such as injury management, drug testing, physical and occupational therapy, ergonomic assessments, wellness and health promotion programs, and occupational and non-occupational disability and absence interventions.

"Providers with the best working knowledge of the job will be sought out for all industrial and non-industrial services such as return-to-work, wellness and prevention," Ms. Shippelhoute said. "We have many clients who come to us for exactly the same package when their employees are injured in a non-occupational setting.

"We have built a relationship with them and we have given them the value of having our providers onsite. So, when an employee is hurt skiing or in a car accident, they take the primary care physician's or the orthopedist's release and refer the employee to us. Then we repeat the same post-offer testing procedure the employee went through when they were hired to assess their level of function."

The product can be marketed directly to employers, insurers and third party administrators who refer their clients to designated providers. Local specialists and even competitors (such as chiropractic practices and urgent care clinics) can be cultivated as referral sources.

Providers must recognize that it is ultimately a data-driven product. Therefore, performance measurement is essential.

"Quality is king and information is the key to kingdom," Ms. Shippelhoute noted. In addition, it is important for the provider to identify the exact costs associated with promoting and delivering the service to order to make it a successful undertaking for all parties.

"You need to continuously monitor expenses and make necessary adjustments to maintain a reasonable profit margin," Ms. Shippelhoute advised.

Ability to Objectively Test Function Critical in Job Accommodation Cases

With reductions in workers' compensation disability awards and the elimination of vocational rehabilitation services in California, more workers are expected to request job accommodations.

Attorneys say a company may be found liable if it fails to comply with an accommodation request, as long as the request is within reason. Under the federal Americans with Disabilities Act (ADA), an employee must be able to perform essential job functions, with or without accommodation, in order to be employed.

However, in a recent appellate ruling (*Green v. State of California*), the court awarded a \$2.3 million verdict to the plaintiff under the state's Fair Employment and Housing Act (FEHA), finding that he was not required to show that he could perform essential functions of his job in order to establish a disability discrimination claim. In that case, the burden was placed on the employer to prove the employee's incapacity as an affirmative defense. The case is being appealed to the state Supreme Court.

"More than ever, employers need to be really clear about essential functions and whether a person has the ability to perform those functions," said Nora Shippelhoute, who manages a hospital-affiliated occupational health program in Chico, CA. "A functional job description and associated post-offer test is going to provide all of the supporting documentation that an employer needs in the accommodation process; it's all going to be objectively measured."

As long as tests are correlated with specific job functions, an employer is protected in the event of a lawsuit. The key thing to remember is that reasonable accommodation is a process, not an event, Ms. Shippelhoute said.

"Post-offer testing protocols need to be sold by providers as an opportunity that is going to help with documenting pre-existing conditions," she added. "In the event of an injury claim and an apportionment decision, pre-existing conditions that were documented at the time of hire become very important to the employer in terms of what happens in the case."

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