

Pre-employment testing can be an effective way to reduce work related injuries. However, there are many discrimination laws (ADAAA, EEOC) that can apply to pre-employment testing that is not done correctly. Settlements for violating the ADAAA/EEOC can be in the hundreds of thousands of dollars. Therefore, when selecting a provider for pre-employment testing, ensure that they have the experience and expertise to develop, implement, and legally conduct your pre-employment tests.

A pre-employment screen must be based on the actual job requirements and therefore requires a job specific Essential Functions statement, accurate Physical Demands Job Description that is tied to the Essential Functions statement, and an accurate Essential Functions Screen that has been validated by current workers and management. If you are going to use a pre-employment screen for a specific job, all workers seeking to do that job must be screened. Additionally, there must be periodic review of the impact that the screen is having on protected classes (Females, workers over 40, etc). If a disproportionate impact on protected classes is evident, review of the screen must occur and any possible changes made that may lessen the impact on protected classes implemented.

Examples of an Essential Functions Statement, Physical Demands tied to the Essential Functions and an ADAAA compliant Essential Functions screen are provided.

If you have any further questions, please contact Robert Pruden PT in the Physical Therapy department at 859-422-4555 or RPruden@bluegrassortho.com.