

JRS Services:

- Functional Capacity Evaluations
- Work Conditioning
- Job Analyses
- Fit for Duty Testing
- Employment Testing

JRS at Conferences:

May 17-19 –NCIC Safety Conference – Greensboro, NC

May 20 –Archway (Resource Captives Group) workshop – Charleston, SC

June 2 –NC ASSE luncheon – Raleigh, NC

June 13 –NC APWA Conference – Asheville, NC

June 21-22 –Capital Associated Industries workshop



Is Honesty an Essential Job Function?

Job applications do not usually ask if someone is honest, but there are many opportunities and reasons that people sometimes feel compelled to lie when applying for a job. Perhaps they have a criminal record or perhaps they have had a history of substance abuse. Background checks and drug tests can easily identify these problems, but are there ways to determine the physical safety of the employee? A past diagnosis or injury may or may not pose an “imminent threat” to safety, depending on the physical demands of the job.

In a recent case in Virginia, an employee fell in the men’s bathroom, hitting his shoulder on the sink. He immediately reported the injury and filed for worker’s comp and was awarded worker’s comp benefits. However, the employer appealed, stating that the employee **did not disclose a previous similar shoulder injury** (for which he was receiving treatment at the time of the fall) to two different physicians who treated him for the worker’s comp injury. The court ruled in favor of the employee, stating the employer could not show that the employee “hid” the injury from the physicians and there was **no evidence to show that the previous injury was separate from the current injury at work.** (Having objective baseline information on this employee prior to placement and then again after injury, would have identified differences, if any, between the 2 injuries.)

By gathering **objective baseline measurements and physical abilities** prior to job placement, most of these misrepresentations and fraud can be eliminated. That being said, not all past



medical history precludes someone from being able to do a particular job. This is precisely why **objective** information is needed. In a recent case in Georgia, an employee was denied employment based merely on a physician’s diagnosis of a prior total knee replacement in a pre-employment exam. At no point did the physician ask the employee to **demonstrate his safe ability to perform the essential functions of his job.** ADA came down hard on this employer – as they should. No objective information was obtained about the employee’s ability to do the job, nor was he allowed to demonstrate his safe ability to perform his job.

In a recent Job Ready case, an employee arrived at the office for his post-offer employment test. His medical interview revealed no past medical history that would indicate any risks to his safety in performing his job (which included lifting 160 lbs). However, when the physical therapist began the musculoskeletal exam and found a 5” scar on his back, she questioned whether he “forgot” to tell her about his back surgery (not something one usually forgets).

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*"[An employee] who is honest and physically safe to do the job is the **least** an employer should expect."*



Is Honesty an Essential Job Function? Cont.

He promptly told her, "It's none of your business." Since it was the therapist's job to keep him safe during the test and in our office, she informed him it was her business. He replied, "My attorney says I don't have to tell you anything." With that, the test ended, the employer was notified and the offer was rescinded. The irony is, if the employee had been honest about the past history and had obtained a release from his physician, he may

have been capable of doing this job!

Honesty is the best policy after all, and should be an essential function of any job. Employers should never expect a "perfect" employee, but one who is honest and physically safe to do the job should be the **least** an employer should expect. For more information about post-offer employment testing, contact Job Ready.

Here we grow again!

After celebrating our 5th anniversary in April, we are adding yet another staff member. Welcome our new Technician, **Kathryn Willamor**. Kathryn is originally from Raleigh, but has been living in Charlotte for the past 8 years. She will be officially moving to Raleigh soon, with her husband, James. We are glad to have Kathryn join us!

Be Sure to Register for Our Upcoming Lunch and Learns!

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We're also on LinkedIn!
Be sure to follow
Job Ready Services

Friday, June 3, 2011

12:00 pm – 1:00 pm at the Job Ready office

Upper Extremity Tendinopathies in the Workplace - Dr. John Erickson, Raleigh Hand Center

Learn about Rotator Cuff, DeQuervain's, Trigger Finger and Epicondylitis tendinopathies that often occur in the workplace. Learn about treatment, surgical vs. non-surgical treatment, outcomes and new treatments "on the horizon."

Cost: \$10.00

CEU's approved:

CCM – 1 hour

AOHN – 1 hour

CEU's pending approval: CRC – 1 hour

Register by June 1:

<http://www.jobreadyservices.net/index.php/education/lunch-and-learns-seminars/>

Thursday, July 21, 2011

12:00pm – 1:00pm at the Job Ready office

The NEW Functional Capacity Evaluation - Debra Lord, PT, President of Job Ready Services

Learn about new technology in FCE's that provide objective information about sincerity of effort and physical capacities. Learn what to do with an "invalid" FCE and learn why doing an FCE early on is preferential to doing one at the "end" of a case.

Cost: \$10.00

CEU's pending approval: CCM and CRC

Registration details coming soon or contact Michelle Morgan to register.