

GUEST EDITORIAL:

Post-offer Employment Testing – The Missing Link in Safety

MICHELLE MORGAN, VICE PRESIDENT OF JOB READY SERVICES, LLC
– Special to The Charlotte/Triangle/Triad Construction News

Studies show that 10% of the American workforce is physically unable to do their job and 80% of an employer's injuries and costs come from that 10%. Back injuries account for half of all Worker's Compensation and Second Injury Fund claims – costs approaching the \$20 billion mark annually. In NC alone, Worker's Compensation costs are \$2.4 billion annually. These figures do not include indirect costs such as: higher insurance premiums, higher employee turnover, OSHA fines, absenteeism, associated labor costs & production loss, legal fees, lost benefits, personnel replacement, etc.

Contractors need to identify those persons who are physically able to do the job and do not have pre-existing conditions that may put them at risk of injury before they begin work. This will not only reduce their costs by as much as 80%, but will result in a safer, more productive workforce. Many contractors do not know they have the right to negate the hire of someone who is not safe to perform their job or who is at risk of harm on the job due to a pre-existing condition. However, the ADA and EEOC both give the employer that right.

Larry Feeler, CEO and founder of WorkSTEPSO, a national employment testing company, was quoted in the May 2007 issue of Joplin Business Journal: Employers make 3 assumptions at the outset when hiring workers: "Workers are perfect when they are hired; workers never grow old and what happens to the worker is [the employer's] fault. Without evidence, what can you do?" Comprehensive post-offer employment testing provides that evidence.

Much the same as a drug test, employees can be hired contingent on passing this physical testing. Without this information, the hiring process becomes irresponsible - allowing persons who were not safe to do the job to be hired and putting themselves as well as others at risk of injury. Even the best safety and wellness programs will be ineffective in reducing the likelihood of preventing an injury if the employee cannot physically and safely perform the physical demands of the job from day one.

Drug testing and background checks only give you part of the picture of that employee. Have they had previous worker's comp injuries that may put them at risk of further injury on the job for which they have applied? Do they have uncontrolled high blood pressure? If a person does get injured, does the employer have any baseline information of that person's physical condition (joint stability, strength, flexibility, etc) *before* they were placed on the job?

Current challenges in our workforce include:

- **An aging workforce** (by 2010, 25 million workers will be 55 and older)
- **Economic downturn** – displaced workers applying for jobs they are neither qualified or physically able to do
- **ADA Amendment Act** passed Jan 2009 – broadened the categories of "disability" – more employees will be asking for reasonable accommodations
- **New OSHA administration** – indications appear to be that the agency will be more punitive in nature and the "Ergonomic Standard" may re-appear, which may result in more citations and fines for employers

Employers need to be ready for these challenges by having processes in place that utilize objective information about workers' abilities to not only prevent injuries, but to prove persons' abilities prior to a claim. Exercise due diligence in evaluating jobs to determine physical demands required to do the job as well as what transitional duty may be available for someone who has restrictions. If you are already testing your employees, ask yourself if the testing is truly identifying those persons who are safe to do the job and don't have pre-existing conditions that put them at risk.

Post-offer employment testing may well be the "missing link" in safety. Consider evaluating your employees to enhance and improve your safety programs. A healthy, fit workforce results in a renewed focus on the safety and wellness of your employees. Take care of your employees while controlling your costs.

Michelle Morgan is Vice President of Job Ready Services, LLC, located in Raleigh, NC. For more information about post-offer employment testing or other employer services, view Job Ready website: www.jobreadyservices.net or visit the WorkSTEPS website: www.worksteps.com.

Publisher's viewpoint

By Robert Kruhm



Your Help is Needed Now for North Carolinians to Preserve Employee Choice

NC contractors need to get in touch with their representatives in Congress to vote against the so-called Employee Free Choice Act, a bill that could dramatically change the way we do business.

Recent polls show strong majorities of the public want to keep the current protections in place. Numerous editorial pages in the North Carolina news media and across the country also have expressed support for keeping the private ballot.

Organized labor's top priority in Congress is passage of the "Employee Free Choice Act." The measure would dramatically change US labor law. Today, employees are entitled to a private-ballot election when deciding whether they want union representation in their workplace. Elections are overseen by the National Labor Relations Board, which has numerous procedures in place to ensure fair, fraud-free elections. Because of NLRB safeguards, employees can cast their vote confidentially, without peer pressure or coercion from unions or employers.

If Congress passes the Employee Free Choice Act, employees effectively lose their right to private-ballot elections. The bill would establish a so-called "card-check" union organizing system, in which a majority of employees simply sign a card in favor of union representation. Another provision of the bill—providing for mandatory arbitration in first contract negotiations—is even more troubling.

Please educate our lawmakers now on the following points:

- A card-check process increases the risk of coercion;
- Private ballots are a basic American right;
- An employee's decision to join a union should be made in private.

Take time to write a personal letter to your representatives in Congress. Help defeat card check legislation and protect secret-ballots in the workplace and NC jobs.

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Publisher: Bob Kruhm
Interim Editor: Mark Buckshon
Contributing writers: Ellison Clary, Ron Chepesiuk, Gabriella Jacobs, Bea Quirk
Production/Design: Memo Productions, Raymond Leveille
Administration: Amada Arthurs
Accounts and Finance: Susan Yu

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