



Job Ready Services

October 2012 Issue

Our Services:

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



What If an Employee Fails a Fit for Duty?

Your employee has been on “light duty” for 3 months with a 20 lb lifting restriction. You receive a note from the physician today that states the employee is released to “full duty work” with no restrictions. What happened to that employee in the past 24 hours that has suddenly deemed them “full duty” when they could not lift over 20 lbs. yesterday? Even worse is the possibility that the employee could have returned to regular work days, weeks or months earlier.

The ADA states that a doctor’s note does not negate the need to comply with the ADA guidelines which state that a Fit for Duty exam can be completed upon the return of the employee to work after an illness/injury or extended leave. As long as the exam is job related and consistent with business necessity, a fit for duty exam is necessary to determine the true ability of that employee to safely perform the essential functions of their job.

The ADA also says that there are triggers that can precipitate the need for a Fit for Duty Exam:

- There is a reasonable belief that the employee cannot do their job.
- Employee is returning to work after leave.
- Employee is returning to work with a specific problem.
- Medical providers need objective data for MMI.
- A wellness program identifies a potential employee risk.

Further, any individual that performs a heavy labor job can be tested periodically to determine continued safe ability to do their job. Employers are well within their rights under ADA to set up a policy to periodically test those employees who perform heavy labor jobs.

If an employee fails to meet the job requirements for their job, there are several options:

- Set a timeline for re-testing the employee to give them time to improve. (For example, one of the employers for which we test gives their employees 3 months to improve and then re-test. If they still do not meet the job requirements, they are given 1 month to find other employment.)
- Contact the physician and determine if rehab or work conditioning is needed to reduce or eliminate restrictions.
- Have an interactive dialogue with the individual and determine eligibility for FMLA, STD, LTD or ADA accommodations. (For example, perhaps the employee can go out on FMLA to get a surgery to correct the problem – this is much better than waiting for the employee to get injured and file a worker’s comp claim!)
- Offer temporary or modified work.
- Offer a job transfer if qualified.
- Offer reasonable accommodations within business necessity.

Additionally, FFD or Physical Abilities testing can document and determine the progress of injured workers’ rehabilitation and their continued compliance with such.

There are many reasons to do a FFD test immediately after an injury (or when an employee is medically stable).

- To provide objective information about the employee’s ability to return to work, instead of a “guesstimate” of the employee’s restrictions (as often provided by a physician).
- To shorten time out of work due to misunderstanding of employee’s abilities vs. physical demands of job.
- To document any changes in condition since the employee was tested at the post-offer stage (i.e. what pre-existing

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“What if an Employee Fails a Fit for Duty?” cont.

- conditions were present at the time of hire vs. changes [if any] since the injury?)
- To document any patterns of behavior that might impede the employee’s recovery or rehab process. Are there “red flags” present that need to be addressed now versus later in the process?
 - To document the employee’s progress in the rehab process (is the patient making good progress in PT or has he/she reached a plateau?)
 - To document compliance with treatment recommendations and rehabilitation.

Objective functional testing at regular intervals ensures a fit workforce with reduced risk of injury.

Reminders About Work Conditioning

1. Provides **the best opportunity for return to work** – fills the gap between medical treatment and return to work
2. It is a **daily** program
3. It provides opportunities and documentation for **sustainability** in return to work
4. It is **NOT** more physical therapy
5. It provides training in **job specific tasks** as well as strengthening and endurance
6. Can be used to expand an **invalid FCE** and provides better information about employee’s true abilities

For more information about work conditioning and the best time to refer, call Job Ready Services!

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We’re on LinkedIn,
Pinterest and Facebook!

*Be sure to follow or “like”
Job Ready Services*

Just a Quick Reminder...

We are on the following networks:

- **Align Networks**
- **Care IQ/Corvel**
- **Universal Smartcomp**
- **First Health**

...and we have bilingual staff!

Lunch and Learn

January Lunch & Learn (date to be determined)
Opioid Abuse in Worker’s Comp Patients
Dr. Hsiupei Chen, Rex Pain Management

Details will be released soon, and look for possible lunch & learns in November or December

Upcoming Events

NC Safety & Health Council – Debra Lord, speaker (November 15 & 16)

