

## Employer Considerations for Post Offer Testing



Have you ever hired someone only to find out later the individual was unable to physically perform the essential functions of the position for which the individual was hired?

Conducting a pre-employment physical examination can reveal whether an individual can successfully and safely perform the essential duties and responsibilities of the position for which he or she is being considered. These examinations are sometimes referred to as post-offer employment testing (POET) programs as the exams are required to be conducted *after the job is offered* in order to protect the employer against unlawful discrimination in the selection and hiring process.

These exams may include health inquiries and physical examinations, including psychological tests and physical or mental health assessments and can assist in determining whether any reasonable accommodations may be needed. Keep in mind that some positions, such as drivers regulated by the Department of Transportation (DOT), may be required to complete a fitness-for-duty examination.

When considering post-offer employment testing, ensure a standard protocol of testing is established for each position. If an exam is required, it must be required of all persons entering the same job category.

The occupational clinic that is tied to your program should conduct a worksite tour and evaluation to understand each position and the environment in which it will be performed. The medical provider of the exams should be able to provide a written review of the applicant's capability to perform the job.

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The selected post-offer employment testing must be related to the job the individual will be performing.

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**So what should an organization consider before implementing post-offer medical examinations?**

### Benefits

- Matches an individual's capabilities to the essential physical aspects of the job.
- Helps avoid potential workplace injuries, thereby reducing worker's compensation costs and premiums.
- Allows the employer to offer another position for which the individual can perform the essential functions or to legally refuse to hire someone if reasonable accommodations cannot be made.

In accordance with the Equal Employment Opportunity Commission (EEOC) and the Americans with Disabilities Act (ADA), if you refuse to hire someone based upon the results of the medical examination, the refusal must be based on both business necessity and job relevance. A post-offer employment test may disqualify an individual who is deemed to be a direct threat – meaning a significant risk of substantial harm - to the health and safety of the individual and/or others. Your assessment should clearly document the reason for the decision and if applicable, explain the organization’s inability to provide reasonable accommodation without causing undue hardship to the business.

Want to talk through the pros and cons of post-offer employment testing? MRA’s [HR Hotline](#) can help you!


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### Challenges

- May be costly and time-consuming to develop, administer and receive results.
- Potential exposure due to concerns about the privacy and confidentiality of medical and personal information. Organizations need to file medical records separately from other employee files.
- Risk of violating applicable regulations (i.e., unlawful refusal to hire a job applicant because of a record of disability).

### MRA’s HR Hotline can help you!

 866-HR-Hotline | 866.474.6854

 [InfoNow@mranet.org](mailto:InfoNow@mranet.org)

 [mranet.org/24-7/hr-hotline](http://mranet.org/24-7/hr-hotline)

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