

WorkSTEPS Program

I. General

At their June 15, 2000 meeting, the Executive Management Team voted to adopt a policy requirement of all members of the workers' compensation program (CRMA II) to enact the model policy and regulations, and to apply the functional employment testing uniformly to the following minimum categories of employees: ¹

Post-Job Offer Medical Examinations

Maintenance/Operations/Facilities
Bus Drivers/Mechanics
Custodians/Custodian Supervisor
Food Service
Teachers' Aides

Post-Injury Medical Examinations

Maintenance/Operations/Facilities
Bus Drivers/Mechanics
Custodians/Custodian Supervisor
Food Service
Teachers
Teachers' Aides

This is to clarify that the above categories are minimum standards for CRMA II members. The policy and regulations do not specify the categories of employees for which medical examinations are to be carried out. This is to allow flexibility if member districts wish to apply the functional employment testing program to broader categories of employees.

Functional employment testing should be applied uniformly and without exception to all employees in these job categories who have suffered an injury that could significantly impact the employee's ability to perform his or her essential job functions safely and without injury. Functional employment testing will be conducted:

- 1) Following a job offer and prior to beginning work for a new position in the district or laterally transferring into a new job category.
- 2) Upon returning to work with no work restrictions following a work related injury that resulted in 30+ calendar days of lost work days or modified work days or a combination thereof.
- 3) Upon returning to work with no work restrictions following a non-work related injury or medical condition that resulted in 30+ calendar days of lost work days or modified work days or a combination thereof. Applying this policy uniformly and without exception helps to avoid even the appearance of discrimination against disabled or injured employees.

II. Post-Job Offer (pre-employment) Functional Employment Test

This test is given after a contingent offer of employment. It includes a comprehensive test of safety, strength, and ability to perform the most physically demanding essential job functions. This test should not measure the applicant's overall abilities or performance.

The district will require physical examinations for all applicants in same or similar positions within the district. The district reserves the right to require applicants to bear the costs of post-offer, pre-employment medical examinations.²

The district retains the right to choose the licensed WorkSTEPS health care provider (currently all WorkSTEPS examinations are performed by Barrows Physical Therapy), taking into account new providers who obtain WorkSTEPS licenses and the proximity of qualified health care providers.

Since the results of the test could be the basis for denial of employment, the purpose of the test must be job-related and conducted as a business necessity.

Confidentiality

District employees shall maintain the confidentiality of all employee medical information, as follows:

The health care provider should report to the district only the employee's job-related functional limitations and the fitness to perform the employee's present employment, not the medical cause or diagnosis.

The employee may provide his or her express written consent for the disclosure of further medical information. Such written consent shall be signed and dated by the employee.

The district shall collect and maintain the test information as a confidential and separate medical record, except as necessary to provide managers, supervisors and co-workers with information about job-related functional limitations, or to provide emergency personnel with information as needed to provide necessary care for the employee.

Consistent with this policy, the district reserves the right to receive and/or disclose such medical information in any other situation allowed by state or federal law.

Procedures for WorkSTEPS Testing

Pre-Employment/Post-Offer Testing

Pre-employment, post-offer testing must be preceded by appropriate company policy stating the intention of the employer to implement this testing in a non-discriminatory fashion. Upon adopting this policy, job applicants would be processed for testing in the following fashion:

Applicants for a job are evaluated, the best applicant is chosen, and the offer of the job is made to that applicant CONTINGENT UPON satisfactory completion of the post-offer WorkSTEPS test.

The WorkSTEPS test is given and a CAPABLE/ NOT CAPABLE recommendation will be forwarded to the employer's Human Resources Department as soon as possible and according to WorkSTEPS standard protocol.

Applicants who are capable of performing the essential job functions will continue the application and hiring process and be put to work.

The employer typically pays for this test directly to the WorkSTEPS provider.²

Drug screening is not completed by Barrows Physical Therapy or any other WorkSTEPS provider and is an expense paid for by the school district. All drug screening procedures should be performed by a facility licensed for such testing, prior to the WorkSTEPS testing. Only after a drug test is reported as negative should the WorkSTEPS exam be conducted by Barrows Physical Therapy or other authorized WorkSTEPS provider. This sequence in procedures will help save districts' money.

Education Code 45122 - Classified Applicants and Employees

Whenever a governing board of a school district requires a physical examination to be taken by a classified employee(s) either by rule or by its direction or the direction of its authorized district administrator, or when classified employees are required by law to submit to a physical examination for continuance in employment, the board shall either provide the required examination, cause it to be provided, or provide the employee with reasonable reimbursement for the required examination.

If the governing board requires a physical examination or an examination is required by law as a condition of preemployment, it may cause the required examination to be given. It may, if an applicant is required to take a preemployment physical examination, provide for reasonable reimbursement if the applicant is subsequently employed by the district.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240) of this chapter.

III. **Post-Injury Medical Examinations**

Upon receipt of a physician's Release to Return to Work with no work restrictions, the employee is sent to the WorkSTEPS provider immediately for testing. The WorkSTEPS provider completes the functional post-injury WorkSTEPS test as described in the pre-employment, post-offer section. If the returning employee is found capable of performing the essential job by the WorkSTEPS Return to Work test, they should be immediately returned to regular duty. The following regulations should be implemented as board policy:

A. **General Regulations**

1. All medical tests of employees and applicants for purposes of assessing their ability to perform the essential functions of his or her job shall adhere to the following guidelines:
 - a. Examinations will be conducted when an employee's illness or injury may have a substantial and injurious impact on the employee's job performance.
 - b. Examinations of current employees will be conducted at the district's expense.
 - c. Time spent by the employee attending the examination shall be compensable work time.
 - d. The district shall retain the right to choose the health care provider (currently Barrows Physical Therapy for WorkSTEPS examinations), taking into account the nature of the examination needed and the proximity of licensed WorkSTEPS providers.
 - e. The examination will be job-related to the individual and conducted as a business necessity.
 - f. Physical examinations are intended to measure the employee's job-related functional limitations and his or her ability to perform the essential functions of his/her job safely and without reasonable risk of injury. The examination should not measure the employee's general abilities or performance.
 - g. Where applicable, examinations will be limited in scope to the health condition that caused a need for leave or other absence from work.

B. **Non-Industrial Injury**

When an employee suffers a non-industrial injury, which has required time off and/or modified work in their regular job duties, the district will send the employee for a return-to-work test, based on the same regulations indicated above. The employee will receive written notification from the district regarding this examination. (Exhibit A)

C. Employees Found Not Capable of Performing Essential Job Functions

The school district will receive a documented copy of the not capable 'Return-To-Work' test. The district representative will then notify both the employee and treating physician of the results via telephone and formal letter (exhibit b).

WorkSTEPS protocol recommends that the injured employee contact a physician familiar with the physical demands of the employee's particular job, participate in physical therapy, and obtain a complete medical clearance from their treating physician.

After additional therapy is completed, with a doctor's release, another 'Return-To-Work' exam with Barrows Physical Therapy or authorized WorkSTEPS provider is then scheduled. The injured worker may still remain on modified duty or a 'bridge assignment', with the school district while receiving treatment for the industrial injury. After receiving a CAPABLE from Barrows, the employee then returns to regular, unrestricted duty.

If an injured worker is not capable of performing their essential job functions and/or has permanent work restrictions, an Interactive Process meeting should be considered.

V. Job Descriptions

Each school district should have their own, specific job descriptions for the WorkSTEPS Program.

¹ This is only a minimum requirement of the CRMA policy, a District may, by Board Resolution, include other job descriptions in their District. However, the minimum may not be decreased.

² Presently the cost for exams, for both "Post Offer-Pre Employment" and "Return to Duty" are reimbursed to our Districts by CRMA II. (2017 revised)