

Best Hiring Practices Aid Accident Prevention

Fewer accidents lead to lower workers' compensation costs

By David P. Rhodes and Laura H. Rhodes

IDENTIFYING IDEAL JOB CANDIDATES is a challenge for many employers today, particularly when faced with record-low unemployment rates and mounting production demands. Under pressure to fill positions, employers may bypass effective hiring practices, and many will pay for their haste with higher accident rates, which ultimately lead to higher workers' compensation (WC) costs. Since poor selection and hiring practices will likely produce higher WC claims and related costs, which will adversely affect the availability and affordability of WC insurance, SH&E professionals must encourage

their employers to incorporate best hiring practices such as job descriptions, behavior description interview techniques, pre-employment testing and new-hire orientation as part of their overall loss prevention strategy.

Workers' Compensation & Recent Trends

WC laws are designed to protect employees and their families from the financial consequences of accidental injury, disease or death arising from or during the course of employment (IIA 256). Since each state promulgates its own

WC laws, the levels of benefits and insurance requirements differ considerably (Milkovich and Boudreau 543). In no state are WC benefits necessarily the only remedy available to an injured worker. Depending on the language of the applicable statute, a worker may bring negligence action against his/her employer, fellow workers, another contractor on the same job, or some other entity or individual alleged to have caused the compensable injury (Hagan, et al 153).

According to the National Council on Compensation Insurance's (NCCI) year-end analysis for 2000, net written WC premiums for private carriers were up for the first time since 1993. Despite this increase in overall premiums, few carriers made a profit in the WC line during 2000. NCCI is projecting that the calendar-year combined ratio for 2000 was 118 percent for the industry, the fifth consecutive year that the ratio has deteriorated from the prior year. (The combined ratio is a formula used by insurance companies to relate WC premium income to claims, administration and dividend expenses. Figure 1 presents the formula for calculating this ratio.)

NCCI also reports that indemnity and medical lost-time claim severity continued to increase, while A.M. Best estimates that one-third of property/casualty companies will fail or be consolidated by the end of 2003 (Blanco 2). In the authors' opinion, these factors will cause a "hardening" of the WC market, creating a condition where fewer insurance companies will be available to employers. This loss of competition in the industry will lead to a further increase in premiums.

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Controlling WC Costs: The Role of Best Hiring Practices in Accident Prevention

For most employers, WC costs make up two to 10 percent of payroll costs (Mathis and Jackson 496). To control these costs, a company must implement loss prevention and control measures that typically lead to fewer on-the-job injuries and illnesses and, thus, result in reduced insurance claims and associated costs. To control WC insurance costs, an employer must:

- Reduce the number of employee injuries.
- Properly manage injuries that do occur.
- Effectively finance the cost of these injuries

(Rogers 1-3).

As part of an effective accident prevention strategy, a company must recognize that its hiring practices—specifically selection and placement—are an important part of the effort to control accident-related costs, including WC (Rhodes). According to Harris and Brannick, organizations that staff most effectively link their staffing strategies to their corporate culture—that pattern of shared values and beliefs which give employees meaning and provide them with rules for behavior (99; Kleiman 30). These “aligned” companies know their core purpose and incorporate it into all staffing-related activities. Such companies are rare, however.

One such rule for behavior is that employees will perform their tasks in a safe manner in order to avoid accidents and associated costs. To best ensure this, an applicant’s attitude toward safety should be gauged during the interview process and used as a hiring criterion. The following five practices can be used to optimize employee selection and placement with respect to safety:

- Interview Process: Preparation.
- Job Descriptions.
- Interview Process: Behavior-Based Interview Questions.
- Pre-Employment Testing.
- New-Hire Orientation.

Interview Process: Preparation

All members of the management team—including SH&E professionals—must be aware of the requirements of several laws as they pertain to the selection and placement process. Employers must exercise caution throughout all phases of the hiring process to ensure that they do not violate federal and state discrimination laws. Relevant federal laws include:

- Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex or national origin;
- Civil Rights Act of 1991, which, among other things, provides monetary damages in cases of intentional employment discrimination;
- Equal Pay Act of 1963, which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
- Age Discrimination in Employment Act of 1967, which protects individuals who are 40 years of age or older;

Figure 1

Calculating the WC Combined Ratio

The WC combined ratio is calculated by dividing the sum of incurred losses and expenses by earned premium. It indicates the profitability of the insurer’s operations by combining the loss ratio with expense ratio. The formula for calculating this ratio is:

$$\frac{(\text{incurred losses} + \text{incurred underwriting expenses})}{\text{earned premiums}}$$

The combined ratio does not take investment income into account. Examples: A ratio of 0.98 means the insurer has made two cents (2 percent) of underwriting profit; a ratio of 1.17 means it has an underwriting loss of 17 cents (17 percent) for each premium dollar.

Rupp’s Insurance & Risk Management Glossary

• Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces all of these laws, and oversees and coordinates all federal equal employment opportunity regulations, practices and policies. Of these laws, ADA has a significant impact on applicant selection and placement. This federal statute requires employers to focus on an applicant’s abilities rather than his/her disabilities; it applies to all employers, including state and local government employers, with 15 or more workers.

ADA prohibits discrimination on the basis of disability in all employment practices. That is, before making an offer of employment, an employer may not ask job applicants about the existence, nature or severity of a disability, but may ask applicants about their ability to perform job functions. A job offer may be conditioned on the results of a medical examination, but only if that exam is required for all entering employees in the same job category. In addition, the exam must be job-related and consistent with business necessity. Therefore, to avoid lawsuits, personnel involved in the interview process should be trained to avoid asking questions that are not job-related. The sidebar on pg. 48 lists several important ADA definitions that outline who is protected by the law and what constitutes illegal discrimination.

Job Descriptions

A written job description is an essential tool in the employee selection and placement process. Not only can it help to prevent accidents by ensuring that an applicant is qualified for that job, it also helps to prevent misunderstandings about job expectations. A written job description allows the interviewer to focus questions on key job functions, and ensures that each

ADA Definitions

Individual with a Disability: An individual with a disability under the ADA is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. Major life activities are those that an average person can perform with little or no difficulty such as walking, breathing, seeing, hearing, speaking, learning and working.

Qualified Individual with a Disability: A qualified employee or applicant with a disability is someone who satisfies skill, experience, education and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

Reasonable Accommodation: Reasonable accommodation may include, but is not limited to, making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring; modification of work schedules; providing additional unpaid leave; reassignment to a vacant position; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials or policies; and providing qualified readers or interpreters. Reasonable accommodation may be necessary to apply for a job, to perform job functions, or to enjoy the benefits and privileges of employment that are enjoyed by people without disabilities. An employer is not required to lower production standards to make an accommodation. An employer generally is not obligated to provide personal use items such as eyeglasses or hearing aids.

Undue Hardship: An employer is required to make a reasonable accommodation to a qualified individual with a disability unless doing so would impose an undue hardship on the operation of the employer's business. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a business' size, financial resources, and the nature and structure of its operation.

applicant receives the same information and opportunity. Furthermore, the precise explanation of duties and responsibilities tells an applicant in clear terms what will be expected and gives the employer a guideline needed to hire, supervise, evaluate and promote with maximum effectiveness (Rhodes).

In general, a job description indicates specific tasks, duties and responsibilities and should include the following components:

- required knowledge, skills and abilities;
- education and experience;
- physical requirements;
- working conditions (Pritchard 2).

SH&E professionals are perhaps most qualified to provide input on the physical requirements and working conditions components. These criteria are also important in a post-injury or transitional employment program. To return an injured employee to work, the task performed must be documented for the medical provider, who will use it to identify transitional employment opportunities, a crucial element in an effective post-injury management program.

Most federal laws do not mandate job descriptions, although several exceptions exist. One concerns jobs in which employees handle or dispose of hazardous

waste (such as paint thinner)—although the governing regulation (40 CFR 264.16) does not prescribe a format or degree of specificity for these descriptions. In addition, neither ADA nor its guidance mandate job descriptions. However, employers that do develop job descriptions will find that the law has significant impact on format and content. Specifically, since ADA provisions focus on essential functions, an employer must ensure that all essential functions are covered in the job description (Pritchard 3).

Various resources related to job description development are available from the Dept. of Labor (www.dol.gov). These include the *Dictionary of Occupational Titles*, which was developed in the mid-1930s by the U.S. Employment Service to supply standardized occupational information to support job placement activities. It is now also used for employment counseling, occupational and career guidance, and labor market information. The publication contains a glossary of definitions organized by occupational code numbers, and includes a task element statement describing worker actions; the objective of these actions; machines, tools, equipment or work aids used; materials processed, products made, subject matter dealt with, or service rendered; the nature and complexity of instructions followed; and the job tasks actually performed by the worker. Table 1 provides a template for determining the physical requirements of a job description (Mathis and Jackson 239).

Job Analysis

To prepare a thorough written job description—in particular, physical requirements and working condition specifications—an employer should perform an analysis of the position. DOL defines a “job analysis” as a systematic process to identify tasks, duties and responsibilities and working conditions associated with a job and the knowledge, skills, abilities and other characteristics to perform that job (DOL-ETA 3-8). According to Pritchard, the core processes in work analysis are 1) gather data; 2) analyze/synthesize data; and 3) document findings (2).

Such an analysis can also help an employer determine the essential functions of a position, a key provision of ADA, as well as potential accommodations for employees with disabilities. For example, individuals with musculoskeletal disorders (MSDs) such as carpal tunnel syndrome, tendonitis, sciatica or a herniated disc may be covered under ADA. According to the law, an accommodation is any change or adjustment to a job or work environment that allows a qualified employee with a disability to participate in the job application process; perform the essential functions of a job; or enjoy the benefits or privileges of employment. For those with MSDs, accommodations may range from alternative keyboards to tool balancers or scissor lifts. Before determining what accommodations might be effective, however, an employer must know a job's essential functions as well as the limitations of the individual performing the job. Again, SH&E professionals can play a crucial role in outlining job requirements

which can be used to ensure that a new employee is the best fit for a given job.

Several resources are available to help the employer analyze and determine a job's physical requirements:

- *OSHA Job Hazard Analysis (JHA), Publication 3071, Revised 1998.* This resource provides guidance on how to perform a JHA that covers each step of a job; identifies existing or potential hazards; and determines the best way to perform the job in order to reduce or eliminate the hazards. Its key elements are: 1) job description; 2) job location; 3) key steps (preferably in the order in which they are performed); 4) tools, machines and materials used; 5) actual and potential safety and health hazards associated with these key job steps; and 6) safe and healthful practices, and apparel and equipment required for each job step. A JHA should also address the elimination or mitigation of exposure to ergonomic risk factors (such as repetition, force, awkward postures, contact stress and vibration) that contribute to MSDs.

- *OSHA 29 CFR 1910.134, Bloodborne Pathogens Standard: Appendix C, Respirator Medical Evaluation Questionnaire.* This appendix provides information for determining a job's physical requirements, including the definition of light, moderate and heavy work (see sidebar at right).

- *Job Accommodation Network (JAN).* Found at www.jan.wvu.edu, JAN is an international consulting service that provides information about job accommodations and the employability of people with functional limitations. It also offers guidance on writing physical requirement descriptions, as well as information on making workplace accommodations for people with disabilities.

- *Compliance directives.* In its compliance directive (CPL 2-1.28A) for the Powered Industrial Truck Operator Training standards, OSHA notes that a disability (e.g., hearing impairment, illiteracy) can give rise to safety concerns and offers this guidance:

Question: Can an employee with poor vision in one eye or a hearing impairment be allowed to operate a powered industrial truck?

Answer: The employer has the responsibility under this training standard to ensure that each operator is capable of performing duties required of the job. ADA addresses the issue of whether employers may impose physical qualifications upon employees or applicants for employment. It permits employers to adopt medical qualification requirements necessary to ensure that an individual does not pose a "direct threat to the health or safety of other individuals in the workplace," provided all reasonable efforts are made to accommo-

Table 1

Dictionary of Occupational Titles

This table shows the content and format of physical requirements of a job description.

Physical Requirements	Rarely	Occasionally	Frequently	Regularly
Seeing				
Hearing				
Standing/Walking				
Climbing/Stooping/Walking				
Lifting/Pushing/Pulling				
Fingering/Grasping/Feeling				

OSHA Definition of Light, Moderate & Heavy Work

Light (less than 200 kcal per hour): Examples of a light work effort are **sitting** while writing, typing, drafting or performing light assembly work; or **standing** while operating a drill press (one to three lbs.) or controlling machines.

Moderate (200 to 350 kcal per hour): Examples of moderate work effort are **sitting** while nailing or filing; **driving** a truck or bus in urban traffic; **standing** while drilling, nailing, performing assembly work or transferring a moderate load (about 35 lbs.) at trunk level; **walking** on a level surface about two mph or down a five-degree grade about three mph; or **pushing** a wheelbarrow with a heavy load (about 100 lbs.) on a level surface.

Heavy (above 350 kcal per hour): Examples of heavy work are **lifting** a heavy load (about 50 lbs.) from the floor to your waist or shoulder; working on a loading dock; **shoveling**; **standing** while bricklaying or chipping castings; **walking** up an eight-degree grade about two mph; climbing stairs with a heavy load (about 50 lbs.).

date otherwise-qualified individuals. The employer should consult with appropriate medical personnel to assist in determining operator physical qualifications.

Completing a JHA in order to prepare a job description will also help an employer identify appropriate control measure(s). These may include engineering controls, such as workstation, tool and equipment design or redesign; work practices such as proper lifting techniques and housekeeping procedures; administrative controls, such as worker rotation, task rotation and increased rest breaks; and required personal protective equipment, such as knee pads, vibration gloves and similar devices.

Interview Process: Behavior-Based Interview Questions

DOL reports that more than 87 percent of employees fail, not because they are incapable, but because of attitude (Kleiman 8). An interview is designed to gather information on a candidate and clarify information from other sources. To assess an applicant's attitudes toward safety, an employer

Figure 2

Figure 2

Insurance Premium Rating & Development

Payroll x Classification Base Rates x Experience Rating = Premium

Payroll is indicative of the size of the workforce and the number of hours worked. It measures workers' compensation exposure in the same manner that the number of cars and drivers gauges exposure for auto insurance.

Classification base rates are derived from recent data that reflects the inherent risks and average losses of all insureds in a given occupation. Insureds with similar risks assume the same classifications base rate. In the following example, a company located in Pennsylvania, is charged a base rate of \$68 for every \$100 of payroll.

Experience rating allows for an adjustment to a company's premium rate. It reflects a site's claims history compared to other business in the same classification. Premiums are adversely affected if losses are worse than average; premiums are positively impacted if experience is better than average.

Premium is the price the insured pays for coverage. It is a fair and adequate amount that has been determined to cover anticipated losses and expenses of a respective business.

Example:

Above-Average Losses

$$\$1,250,000 \times \$68.00/100 \times 1.5 = \$1,275,000$$

Average Losses

$$\$1,250,000 \times \$68.00/100 \times 1.0 = \$850,000$$

Below-Average Losses

$$\$1,250,000 \times \$68.00/100 \times 0.75 = \$637,500$$

may wish to develop behavioral description interview questions. These inquiries focus on past behavior based on the premise that "the best prophet of the future is the past." Questions are based on a job analysis of situations or decisions likely to be faced on the job (Mathis and Jackson 298). When responding to these questions, an applicant must give specific examples of how s/he has performed a certain procedure or handled a problem in the past.

For example, suppose a firm is seeking to hire a forklift truck operator. The candidate is asked to describe a situation in which s/he has performed a materials handling task. The interviewer should look for three key elements in the response: description of the situation or task, action taken and outcome. This process is much more probing than a traditional interview (Milkovich and Boudreau 281).

Pre-Employment Testing

Kleiman reports that testing is the best predictor of success on the job (25). The use of nondiscriminatory pre-employment testing can be of great benefit in identifying superior candidates. The general rule for such testing (like any other phase of the selection process) is that the test must be a valid, reliable, job-related predictor (SHRM 47). To facilitate accident prevention, an employer may consider employee screening tests and drug testing.

• **Written tests to determine safety-related characteristics.** Several pre-employment tests are commercially available, including the Job Candidate Profile and HRTest; both are geared toward hourly workers and may be used to determine their attitude toward safety (e.g., measuring the likelihood that an applicant will avoid situations and actions that can lead to on-the-job injuries). In selecting such a test, the employer should ensure that the test has been carefully validated by the vendor and satisfies the standards of the EEOC and ADA.

• **Drug and alcohol testing.** Concern about substance abuse at work is appropriate, given that accident rates, absenteeism and WC costs are higher for workers who use illegal substances (Mathis and Jackson 584). Employees and applicants who use illegal drugs are not protected by ADA when an employer acts on the basis of such use. In addition, several states do not provide WC to individuals who were under the influence of drugs and/or alcohol at the time of injury. Furthermore, tests for illegal use of drugs are not considered medical examinations and, therefore, are not subject to ADA's restrictions on medical exams.

New-Hire Orientation

According to OSHA, research has identified length of time on the job as a variable related to a disproportionate share of injuries and illnesses at the worksite on the part of employees. In other words, new employees have higher incidence rates (OSHA "Training Requirements"). Furthermore, according to Humetrics Inc., a national consulting firm that helps companies improve hourly employee recruiting, interviewing and selection, 30 percent of WC claims are filed within the first 90 days of employment. An effective new-hire orientation program can combat this trend—and lead to lower turnover and improved morale. Corning Glass reported that 70 percent of employees who rated orientation highly were likely to stay on the job at least three years (Mathis and Jackson 325). Orientation has three objectives:

- 1) Teach job procedures.
- 2) Help new hires establish relationships with co-workers, including subordinates and superiors, and introduce them to the employer's business practices; this helps to develop realistic job expectations and positive attitudes toward the employer.
- 3) Give employees a sense of belonging by showing how their job fits into the overall organization (Milkovich and Boudreau 418).

To establish an effective orientation program, the employer should ensure that new hires comprehend the written training materials and that OSHA training requirements are covered. In addition to technical issues, employers should evaluate their written

Table 2

Schedule Rating Categories

Category	Available Range of Modification (Credit to Debit)	Credit Applied (%)	Debit Applied (%)	Reason/Basis
Premises	10% to 10%			
Classification Peculiarities	10% to 10%			
Medical Facilities	5% to 5%			
Safety Devices	5% to 5%			
Employees— Selection, Training, Supervision	10% to 10%			
Management— Cooperation with Insurance Carrier	5% to 5%			
Management— Safety Organization	5% to 5%			
		0%	0%	*Maximum = ____%

training materials to determine the reading level required of applicants to comprehend the materials. Employee literacy is, therefore, a concern.

Employee Literacy

In linking literacy to SH&E training, the Labor Occupational Health Program points out that employees with reading and writing difficulties are often highly skilled in their craft and that completing high school or college does not guarantee reading and writing skills. The National Adult Literacy Survey was a comprehensive study of adult literacy conducted in 1992 by the Educational Testing Service (www.americanliteracy.com) for the U.S. Dept. of Education. The study measured the English literacy skills of a random sample of more than 26,000 individuals age 16 and over in the U.S. Participants were asked to respond to a series of commonly encountered literacy tasks such as reading a bus schedule, using an automatic teller machine or understanding a judge's instructions to a jury. Each participant received proficiency scores in three different areas: prose, document and quantitative literacy.

Results in each area were divided into five levels, with those at Level 1 being least proficient and those at Level 5 being most proficient. The study found that 21 to 23 percent of American adults—some 40 to 44 million people—functioned at the lowest level. At most, people at Level 1 can perform tasks that involve "brief, uncomplicated text" such as totaling the entry on a bank deposit slip or locating information in a short news article, but many do so with difficulty while others are unable to do so at all.

This presents a serious problem for hiring employers. Most reading materials used on typical jobs require a ninth- to twelfth-grade reading level. For example, MSDS provide information for training

employees in the safe use of materials. These sheets describe a product's ingredients, its hazards, protective equipment to be used, safe handling procedures and emergency response guidance. Yet, the average worker cannot understand 40 percent of the information in an MSDS—a key source of information about chemical hazards on the job (Szudy and Arroyo 3).

OSHA addresses literacy in CPL 2-1.28A:

Question: Can an employee be allowed to operate a powered industrial truck if the employee can't read?

Answer: Yes, during training and evaluation, a determination must be made whether the employee has the knowledge and skills to perform the job. For example, if the employee cannot read and comprehend the operator's manuals for the types of trucks the employee will operate, then this information would have to be taught by means other than having the employee try to read the truck manuals.

Therefore, information obtained during the initial employee evaluation can be used to, among other things, determine how best to train that employee.

Impact of Hiring Practices on WC Rating Plans

WC insurance carriers typically evaluate a client's hiring practices using information provided by the employer on the insurance application or gathered by loss control representatives during on-site visits. This information, along with details on other risk management characteristics, is used to develop the premium during the rating process. Risk management quality is a measure of the insured's management—a sort of report card on the insured's ability and desire to control operations and hazards. In

SH&E
professionals
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fied to pro-
vide input on
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requirements
and working
conditions
components.

many states, the WC insurance rating mechanism affords an insurance company the opportunity to credit good hiring practices and debit a company for poor practices through scheduled rating. Let's review the WC insurance rating process that includes the application of scheduled rating which evaluates a firm's hiring practices.

Premium is the consideration in a contract of insurance. The premium (or cost for transfer of liability) is developed through the rating process (except for those self-insuring). It is a highly complex and sophisticated process. First, a company is assigned a WC classification by the insurance underwriter based on a description of its operations. The rating bureaus establish these classifications, which represent a homogeneous group of employers. Each employer is also assigned an associated rate based on expected indemnity and medical payments by the insurance carrier. These rates are published in a manual from the ratings bureau and are used by the insurer in preparing their insured rate.

The cost of WC insurance is determined by multiplying payroll by the classification base rate by the experience rating (Figure 2). The experience rating is used to measure actual losses incurred by the employer versus those expected for the same classification. A unity modification (1.00) is earned for employers whose incurred losses equal that expected for the classification. A credit modification (below 1.00) rewards an employer for incurring losses below the level expected for a classification, while a debit modification (above 1.00) penalizes an employer for experiencing greater-than-expected losses.

Payroll is used as the premium base because it is exposure-sensitive, practical, available and verifiable. Experience rating is a procedure that uses the past insurance claims experience of the policyholder to predict its future premium. Of the three factors used to calculate premium, a company has the most control over its experience rating—through proactive accident prevention strategies such as best hiring practices. Classification base rates and payroll factors remain fairly consistent, but the individual experience rating will change to reflect a company's losses.

A schedule rating plan allows a debit or credit based on an individual risk characteristic versus the risk classification group characteristics not reflected in the experience rating mechanism. An insurance company may file a schedule-rating plan for state approval for a specific timeframe ranging in some states from 25 to 40 percent debit or credit of a portion of the premium.

For example, for a company operating in Pennsylvania, the use of schedule rating by an insurance company can have a significant impact on the affordability of coverage. The Pennsylvania Compensation Rating Bureau's procedures allow schedule rating plan adjustments of the total rate for risks eligible for experience rating to the expense portion of the rate only (PA Compensation Rating Bureau).

The schedule rating plan allows an underwriter to debit or credit a portion of the premium based on the several characteristics (Table 2). The "Employees: Selection, Training and Supervision" category can be used by an insurance underwriter to modify the premium 10 percent (credit to debit). Consequently, insurance companies may be reluctant to underwrite WC coverage for companies with poor hiring practices. This will reduce the availability of markets for a company, resulting in higher premium costs.

Conclusion

By reducing the number of employee injuries, an employer can control accident costs—and ultimately WC costs. Effective hiring practices such as those detailed here should be viewed as a key component of an organization's loss control strategy. In addition, as more carriers begin to scrutinize hiring practices as part of their rating and coverage process, employers will be further served by adopting and implementing such practices. ■

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