

# Human Resources Recommendations



## Employment Tests & Selection Procedures

Placing the right employees in the right positions should be the goal of every employer. Solid pre-placement/post offer practices can help an employer reach this goal.

Employers often use tests and other selection procedures to screen applicants for hire and recommend employees for promotion. There are many different types of tests and selection procedures, including cognitive tests, personality tests, medical examinations, credit checks, and criminal background checks.

The use of tests and other selection procedures can be a very effective means of determining which applicants or employees are most qualified for a particular job. However, use of these tools can violate the federal anti-discrimination laws if an employer intentionally uses them to discriminate based on, race, color, sex, national origin, religion, disability, or age (40 or older). Use of tests and other selection procedures can also violate the federal anti-discrimination laws if they disproportionately exclude people in a particular group by race, sex, or another basis, unless the employer can justify the test or procedure under the law.

## Types of Employment Tests & Selection Procedures

Examples of employment tests and other selection procedures, many of which can be administered online, include the following:

- Cognitive tests assess reasoning, memory, perceptual speed and accuracy, and skills in arithmetic and reading comprehension, as well as knowledge of a particular function or job;
- Physical ability tests measure the physical ability to perform a particular task or the strength of specific muscle groups, as well as strength and stamina in general;
- Sample job tasks (e.g., performance tests, simulations, work samples, and realistic job previews) assess performance and aptitude on particular tasks.
- Medical inquiries and physical examinations, including psychological tests, assess physical or mental health;
- Personality tests and integrity tests assess the degree to which a person has certain traits or dispositions (e.g., dependability, cooperativeness, safety) or aim to predict the likelihood that a person will engage in certain conduct (e.g., theft, absenteeism);
- Criminal background checks provide information on arrest and conviction history;
- Credit checks provide information on credit and financial history.
- Performance appraisals reflect a supervisor's assessment of an individual's performances; and
- English proficiency tests determine English fluency.

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## Employment Tests & Selection Procedures (Continued)

### Governing EEO (Equal Employment Opportunity) Laws

- Title VII of the Civil Rights Act of 1964 – Prohibits employment discrimination based on race, color, religion, sex, or national origin. With respect to tests in particular, Title VII permits employment tests as long as they are not “designed, intended or used to discriminate because of race, color, religion, sex or national origin.”
- Title I of the Americans with Disabilities Act (ADA) prohibits private employers and state and local governments from discriminating against qualified individuals with disabilities on the basis of their disabilities. The ADA specifies when an employer may require an applicant or employee to undergo a medical examination, i.e., a procedure or test that seeks information about an individual’s physical or mental impairments or health. The ADA also specifies when an employer may make “disability-related inquiries,” i.e., inquiries that are likely to elicit information about a disability. When hiring, an employer may not ask questions about disability or require medical examination until after it makes a conditional job offer to the applicant. After making a job offer (but before the person starts working), an employer may ask disability-related questions and conduct medical examinations as long as it does so for all individuals entering the same job category. An employer may ask questions about disability or require medical examinations only if it does so in a job-related and consistent with business necessity.
- The Age Discrimination in Employment Act (ADEA) prohibits discrimination based on age (40 and older) with respect to any term, condition, or privilege of employment. Under the ADEA, covered employers may not select individuals for hiring, promotion, or reduction in force in a way that unlawfully discriminates on the basis of age.

### Employer Best Practices For Testing & Selection

- Employers should administer tests and other selection procedures without regard to race, color, national origin, sex, religion, age (40 or older), or disability.
- Employers should ensure that employment tests and other selection procedures are properly validated for the positions and purposes for which they are used. The test or selection procedure must be job-related and its results appropriate for the employer’s purpose. While a test vendor’s documentation supporting the validity of a test may be helpful, the employer is still responsible for ensuring that its tests are valid.
- If a selection procedure screens out a protected group, the employer should determine whether there is an equally effective alternative selection procedure that has less adverse impact and, if so, adopt the alternative procedure. For example, if the selection procedure is a test, the employer should determine whether another test would predict job performance but not disproportionately exclude the protected group.
- To ensure that a test or selection procedure remains predictive of success in a job, employers should keep abreast of changes in job requirements and should update accordingly the test specifications or selection procedures.
- Employers should ensure that tests and selection procedures are not adopted casually by managers who know little about these processes. A test or selection procedure can be an effective management tool, but no test or selection procedure should be implemented without an understanding of its effectiveness and limitations for the organization, its appropriateness for a specific job, and where it can be appropriately administered and scored.

All pre-placement procedures should be scrutinized by top management to ensure an open and honest hiring policy. Hiring should not be left to chance alone.



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