TEN STEPS FOR LAWFUL USE OF TESTING IN THE INTERVIEW PROCESS

1. Use professionally developed tests. A carefully and thoughtfully developed test in accordance with professional standards, including statistically validated measurements, increases the probability that the test is valid for the job.

2. Validate the test. The employer must determine that the test is job related. Unless you are using a recognized, validated test that is applicable to your workforce, assess the job first and then validate your test within the workforce. Give the test to existing employees and compare their scores with their job performance ratings. If the comparison demonstrates a significant correlation between the test scores and job ratings, the test is validated.

3. Validate the test prior to using it in the selection procedure. While there is no requirement under law to do so and while courts have held that validation in connection with a lawsuit satisfies an employer's obligation, it is a very poor, and potentially very expensive, time to do so.

4. Be sure the validation process is current. If your validation study is ten years old, the job and the appropriate labor market may have changed significantly in the interim.

5. Test essential attributes. The employer must endeavor to test attributes that closely relate to successful performance of the job.

6. Appropriately weight the attributes tested. All parts of the test should be weighted to reflect the importance of the tested attributes to the job. For example, if basic math skills constitute 10% of the job and are part of the test, do not give those math skills tested any more than a 10% weight in the test.

7. Give an appropriate weight to the test results. Do not make the test results the sole basis of the hiring decision. Selection by reason of the highest scores on a test can be discriminatory. Therefore, the result of the test should only be one criterion for the selection process and should be no more than 33% of the hiring decision. If the selection process as a whole does not have an adverse impact on a protected group, the fact that a component of the process does, will not automatically invalidate the hiring process.

8. Consistently use the test at the same point in the interview process. If the employer is not consistent with where in the process the test is given, unsuccessful applicants may view this inconsistency as evidence of a discriminatory motive by the employer, especially if some applicants are tested and some are not because of the test being given at different levels of the interview process.

9. Consistently administer the test. Have a professional or an experienced HR person administer the test. The use of a professional or a human resources specialist with a thorough knowledge of the employer's EEO duties will help eliminate claims that there is discrimination in the way the test is administered.

10. Have alternative test formats. Otherwise you may be discriminating against persons with a disability. For example, a blind applicant would need a reader for a written test; or the test should be available in Braille.

This Top 10 List was created by **Tom Case**, Employment Law Attorney and **Lori Link**, Certified Behavioral Coach and consultant. If you have any ideas or would like to comment, send your e-mail to Tom at tomcase@airmail.net or Lori at Coach@resource-link.com. Copyright 1998, Thomas L. Case and Lori Link. May be reproduced or transmitted in its entirety only, including this copyright line and attributions.

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