

HireSelect®

Ensuring Legal Defensibility & Validity

Legal Defensibility

Laws and Professional Standards Governing the Use of Tests

Employers who want to ensure that their employment testing program is legally compliant should be aware of the federal laws and professional standards that govern the use of employment tests. Specifically, the EEOC's Uniform Guidelines on Employee Selection Procedures, created in 1977, provide the central interpretive framework for understanding the proper uses of employment tests. Subsequent to the UGESP the American Psychological Association's Standards for Educational and Psychological Testing, and the Society for Industrial & Organizational Psychology's Principles for the Validation and Use of Personnel Selection Procedures have served to codify the professional standards for the development, validation and use of employment tests.

The Rule of Job-Relatedness

The EEOC and the UGESP explicitly recognize the use of employment tests as a means for selecting employees. The requirements for the proper use of tests outlined in the UGESP also apply to all selection procedures used by an employer. The principal thrust of the UGESP regarding the use of employment tests is that all selection procedures (including tests) must be job-related. Implementing a valid testing program begins with the selection of tests that can be shown to be job-related.

There are a number of ways in which an employer may demonstrate the job-relatedness of its selection testing procedures. The most widely recognized means of selecting tests that are job-related is to perform a job requirements analysis. A job requirements analysis will establish the knowledge, skills, and abilities (KSAs) that are required in order for an individual to successfully perform a specific job. By selecting tests that measure these same KSAs, an employer can thereby be assured that its selection assessments are measuring job-related competencies. For example, a bank teller's daily work requirements might include adding and subtracting numbers, looking up customer activity, and filling out paperwork. Therefore, using an employment test that measure's an applicant's fluency with basic mathematical concepts and ability to read and write would be both legally defensible and consistent with business necessity.

How We Help

HireSelect's Job Profiler allows employers to create an interactive Job Requirements Analysis that quantifies the importance of 40 different Knowledge, Skills, and Abilities (KSAs), and recommends the test(s) that will best measure those job-related KSAs. The Job Profiler leverages the U.S. Department of Labor's O*Net database, which features job requirements for over 1,000 positions. Utilizing the Job Profiler to inform test selection helps ensure that the tests will measure job-related capabilities.

Test Validity

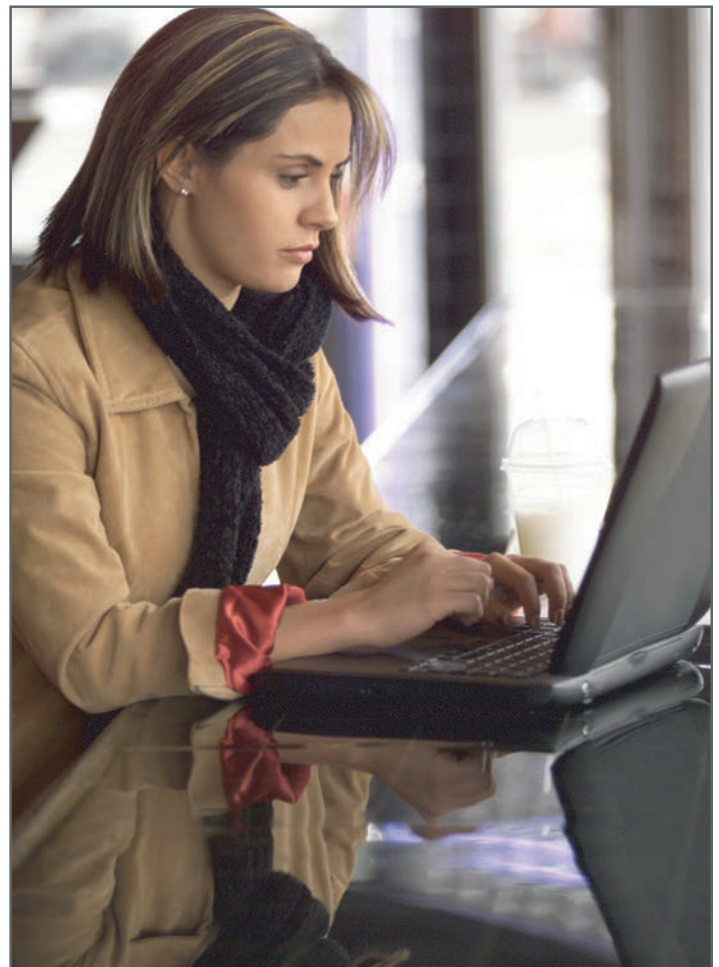
Types of Validity Evidence

A test is said to be valid if sufficient evidence has been gathered to show that the test's results are meaningful and that they should be interpreted in the way that the test publisher intended. There are many different aspects to test validity, but establishing a test's validity- the process of test validation- involves gathering evidence to provide a scientific basis for interpreting the test scores in a particular way. Psychologists speak about several different types of validity, or types of validity-supporting evidence:

Construct Validity refers to the extent to which a test correlates with a theoretical scientific construct such as general intelligence, mechanical aptitude, or extraversion. Essentially, if a test has construct validity this means that it measures what it is supposed to measure.

Content Validity is a function of how well the subject matter of a test relates to its intended content domain. Establishing a test's content validity involves demonstrating that test items reflect the knowledge or skills required for a particular job.

Criterion Validity is a measure of how well one set of variables or outcomes predicts another set of outcomes or variables. In the context of employment testing, the criterion validity of a selection test is established by observing a correlation between test scores and job performance. Organizational psychologists speak of two types of criterion validities: concurrent validity (in which test scores for current employees are simultaneously compared to a measure of their job performance) and predictive validity, in which test scores for applicants are compared to their subsequent job performance.



How We Help

Criteria Corp's test validation methodologies are based on the professional standards of the American Psychological Association and the Society for Industrial & Organizational Psychology. Criteria's test development initiatives are overseen by its Scientific Advisory Board, made up of leading psychologists and psychometricians from Harvard University, Penn State University, Stanford University, and the University of Pennsylvania. The construct, content and criterion validity of the tests in HireSelect has been documented in test manuals, case studies, and other documentation available to all HireSelect customers.

Test Validity (continued)

Measuring the (Criterion) Validity

If an employer's selection testing program is truly job-related, it follows that the results of its selection tests should accurately predict job performance. In other words, if a employment testing program is job-related, there should be a positive correlation between test scores and job performance. It is therefore true that besides satisfying legal compliance requirements, it is in an employer's operational and financial interest to utilize selection tools that are truly job-related. This is because utilizing job-related tests means that test results should predict future job performance, and so has the potential to significantly improve an employer's hiring accuracy rate.

In the unlikely event that an employer's testing program is challenged, the UGESP requires evidence of validation. The most direct method an employer can use to demonstrate the validity of its testing program would be to perform a validity study that compares test scores to job performance for its workforce, and demonstrates a correlation between the two.

How We Help

Criteria Corp has conducted dozens of validity studies with employers in many different industries, and will collaborate to perform validity studies for any of its customers. To conduct a validity study, Criteria prepares a statistical analysis that compares test results with job performance metrics either for current employees (concurrent validity) or for an employer's applicant pool (predictive validity). The customer typically provides performance data for its employees, and the validity study includes a measure of the strength of the statistical correlation between test results and job performance.





Test Validity (continued)

Validity Generalization

Although the general expectation in the UGESP is that a validation study will be conducted locally—i.e. with respect to the specific employer’s workforce or applicant pool—since the UGESP were issued more than 30 years ago professional standards have evolved significantly. This fact has been widely reflected in post-UGESP judicial decisions, which have served to clarify and refine legal standards for establishing the validity of selection procedures.

A substantial body of research (reflected in the more recently updated SIOP Standards as well as in the APA’s Principles) has concluded that for certain types of tests, especially tests of cognitive aptitude, validity evidence can be generalized across a broad range of jobs. Using meta-analysis and other statistical techniques, industrial-organizational psychologists have concluded that in many cases the validity of tests as predictive tools “can be generalized from one employment setting to another without need for a local validation study” because the “validity of cognitive ability testing is not situation-specific...because cognitive ability is universally relevant to and useful in predicting job performance.”¹ This practice of “validity generalization” means that employers may also choose to rely on “transportable validity” from test publishers who have demonstrated the validity of a specific instrument in a wide variety of employment settings, without needing to produce a local validity study of their own.

How We Help

In collaboration with its customers and research partners, Criteria Corp has performed dozens of validity studies that demonstrate the concurrent and predictive validity of its tests across a wide variety of employment settings. For the most widely used tests in HireSelect — aptitude tests (CCAT and WTMA), skills tests such as the CSBT, and personality tests like the SalesAP — there is much transportable validity evidence upon which HireSelect customers can rely when implementing their own testing programs.

¹Testimony of expert witness Kenneth Willner at EEOC meeting of May 16, 2007.