

Legal guidelines for personality tests

To maximize testing effectiveness and minimize legal risks, the American Business Law Journal provides the following ten guidelines for the use of personality tests for personnel decisions in employment settings:

1. Only trained professionals should administer and evaluate personality tests. This will increase the probability that test results are interpreted accurately.
2. Only use tests that are developed by experts in the testing field and are consistent with published professional standards.
3. Test data, including specific answers and raw scores, should be confidentially maintained. Recommendations and conclusions resulting from the use of personality tests should only be disseminated to authorized individuals for job-related purposes.
4. Employers should avoid putting labels on an individual that may inhibit future job opportunities or affect the person's personal life.
5. Employers should use the most updated version of an available test. For example, the MMPI-2 eliminates many offensive test questions that appear on the original MMPI. Use of updated tests may help to eliminate potential invasion of privacy claims.

(Kimberli R. Black: "Personality Screening in Employment" American Business Law Journal, March 1994; 32, 1)

Legal guidelines for personality tests (continued)

6. Employers should use tests in conjunction with other screening techniques. This will increase the likelihood of making an accurate assessment of an individual's ability to do well in a job.
7. Employers should obtain a job applicant's or employee's written consent before administering an exam.
8. Only use tests that have been shown to be related to the job in question.
9. Employers should select a test that is commonly used for the particular job in question. For instance, projective measures are predominantly used in the clinical setting and are not readily adaptable to the employment context.
10. Employers should consider the needs of disabled individuals when conducting personality tests. The Americans with Disabilities Act (ADA) prohibits the use of tests that screen out individuals with disabilities.

(Kimberli R. Black: "Personality Screening in Employment" American Business Law Journal, March 1994; 32, 1)