What are the risks of using pre-employment tests?

Q. We're considering using an online pre-employment screening test designed to determine if an applicant is the right fit for our business. Are there any risks associated with using such tests?

A. Yes, there are. Although pre-employment tests can sometimes add objectivity to the selection process, there are many compliance issues to consider.

First, consistency is critical. All applicants for the same position should take the same test under the same conditions, and the test must accurately measure skills essential to job performance. Pre-employment tests should be validated to ensure that they measure the knowledge or skills that an applicant would need to perform the job.

The Uniform Guidelines on Employee Selection Procedures of 1978 can help with compliance issues. The guidelines set forth a single set of employment standards on all employers covered under Title VII anti-discrimination law. They can help determine whether an employer policy or practice causes a "disproportionate adverse impact" on the employment opportunities of any race, sex or ethnic group. (Download the guidelines at **www.eeoc.gov/policy/docs/factemployment_procedures.html**.)

Pre-employment testing must also adhere to the employment provisions of the ADA. If a test screens out or tends to screen out a person with a disability, the test must be job-related and must be consistent with business necessity.

Even if a test is job-related and justified by business necessity, an employer has an obligation to provide a specific reasonable accommodation, if necessary. The reasonable accommodation obligation applies to testing by protecting persons with disabilities from being excluded from jobs that they actually can do, because a disability either prevents them from taking a test or negatively influences a test result.