



PROBLEMS REGARDING SUBJECTIVE INTERVIEW TECHNIQUES

¹From www.Employment-Testing.com John Saterfiel of Saterfiel & Associates

During many discussions that I have regarding the use of various pre-employment assessments, I am usually asked if personality assessments are really that fair to the applicant. The question itself presupposes that the interview itself is a more fair and equitable process, which is far from the truth. I would rather be judged by a validated personality assessment any day than by the subjective interview process. At least the interviewer will get a fair picture of both my strengths and weaknesses from the employment assessment report.

Having worked in Human Resources Management for my whole career, I know firsthand about the pitfalls of the interview process. I have done my fair share of interviewing and recruiting as well as having supervised corporate recruiters. Standard interviewing processes alone are about as effective as a coin toss. Don't take my word for it, look at some of the research.

There are many objective studies that prove that the hiring decision is made subconsciously within the first 4 to 20 seconds of meeting a candidate. Consider that the majority of that decision is made based upon the visual impact of the candidate. One headhunter used this factor very effectively by requiring that all of his clients wear a blue suit, white shirt, and red tie to the interviews he set up and he had one of the highest placement rates in the industry! I hope that you seriously consider what you have just read. The implications are a real eye opener! We are not talking about hiring the best actor, we are talking solely about the power of visual impact.

Research tells us that we will make most of our hiring assumptions before the candidate even opens his mouth! We will even judge factors like intelligence based on appearance. If the candidate is lean and wiry, wearing gold rim glasses, we will assume that he is intelligent and energetic. If the candidate has a large frame (not necessarily fat) we will assume that he is lower in intelligence, a bit awkward and somewhat on the lazy side.

The real danger here is that these are subconscious determinations that have been made without any rational process. Since we are not actually aware of this, we are at a great disadvantage in trying to remain objective. All of the questions asked from this point onward will be asked in a manner that will only confirm our previously made subconscious decision. The whole process is biased from the very beginning. That is one of the main reasons that companies use personality assessments, to add objectivity to the selection process. Personality assessments are not at all influenced by warm and fuzzy feelings nor are they bedazzled by visual sensory perception.

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How effective are standard interviewing techniques?

About seven years ago, the Society for Human Resource Management did a study where Human Resource managers were asked about certain H/R functions and how valid their decisions were. Most of the professionals rated recruiting as the top function. Most of the professional recruiters rated themselves as having about 50% effectiveness and the best rated themselves about 60% effective.

I have always believed that I was an excellent recruiter and had believed that at best I was about 60% effective when going it "blind" without the use of a good personality assessment. The study also examined how effective and valid standard interviewing techniques are. The study indicated that in the majority of cases, the interview process added zero credibility to the hiring decision. In the best cases, it only added 10% validity to the process. Despite this finding, recruiters still find a sense of pride in their interviewing skills.

Other factors affecting validity of the interview process

Numerous other studies show that standard interviewing procedures add at most only 3 to 7% validity to the hiring decision. Take the simple fact that in even the most objective interviews, all it usually takes is the discovery of two weaknesses before the candidate is rejected. A good pre-employment assessment will give the interviewer a good sense of the overall strengths and weaknesses of the candidate. Every strength carries a weakness with it and vice-versa. Most interviews focus on uncovering only the negatives. The use of a quality personality assessment will help to provide a more objective view of the candidate and will frequently show that some of the areas regarded strictly as weaknesses also have positive factors associated with them.

Consider also that most interviews for administrative and management positions last from 20 minutes to one hour. How can we really learn enough about a candidate in that short period of time to justify a hiring decision? For hourly employees, the time allotted is generally 15 to 20 minutes. You would have to spend weeks with a candidate to obtain the amount of information that a premium personality assessment can provide you with in the short amount of time that it takes to read the evaluation report. From a practical standpoint, it may take months before some of the behaviors that are discussed in the personality report become apparent. What if you had to write a report detailing and predicting the future performance of the candidates you interview. How much would you be able to write and how accurate do you think it would be?

From a practical standpoint, most interviews are conducted by recruiters with very little training. Recruiting is the hot seat in any organization and as soon as a promotional opportunity becomes available, most recruiters want out. It is very stressful to have to sit in judgment over applicants day in and day out. Without some objective tools such as pre-employment assessments to help a recruiter

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make an informed decision, his subjective judgment is about the only thing that he can base his decision on.

In most cases, the only information that we can get from previous employers is the position held and dates of employment. There is really no way to verify many of the statements and claims made on applications and resumes so we end up basing our decisions on "gut feelings" and primitive instincts. We know that most people will freely exaggerate and some will even outright lie on applications and resumes. Let's face it, if you are going to make better hiring decisions in the future, you are going to have to have more and better information than you are getting right now. A quality personality assessment can help you satisfy that requirement.

The primitive brain at work

Every interviewer has his own "hot buttons" which will cause a candidate to be rejected or embraced under the "halo effect." Very few interviewers can tell you what their personal "hot buttons" are because they arise from the subconscious instincts. You have heard of left brain and right brain theories. There is a third type of brain, the primitive brain, which controls our "fight or flee" responses. The primitive brain has no analytical abilities, it is entirely reactive. When a negative hot button is pressed, a switch in the primitive brain may be said to be switched to the "off" position and the candidate is rejected by subconscious instincts, much like an overload switch.

The decision is made to not hire the candidate and we move on to interview the next candidate. The only problem is that the primitive mind switch is still set to the "off" position so no matter how good that next candidate really is, he really does not stand a chance unless that switch somehow moves back to the "on" position. These are the cases where a candidate knows that he was well qualified for a job and yet despite his best efforts, he just couldn't get the interview going in his direction. After the interview is over, he will exclaim that he doesn't know what went wrong but he knows he doesn't have a ghost of a chance of getting the job.

Just how many candidates will be "wasted" due to this mechanism is unknown. Some interviewers have learned to take a break when they start to feel "dull" or "brain dead." This is probably one of the best indicators that the primitive mind has taken over and the switch is set to the "off" position. To date, I have not read any study that examines the relationship of the primitive mind as it regards the interviewing of minority candidates but I do strongly suspect that it does have negative consequences.

An example of the primitive brain mechanism at work

The problem here is that on the conscious level, there is no real way to know what signals the primitive brain is sending out. I know a very competent human resources manager that has a phobia about snakes. All someone has to do is mention the word and he will break out in goose bumps. He does not know how or where he developed this irrational fear, he just knows that he has it. If this manager were interviewing a candidate with a snake tattooed on his forearm, that manager is going to react to the

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image of the snake. If he is consciously aware of the tattoo, he is smart enough to know that the negative feelings that he has about the candidate probably have nothing to do with the candidate's qualifications but rather his own phobia of snakes.

His conscious awareness of the problem allows him to somewhat overcome those negative feelings. The subconscious mind is a remarkable recording device that registers many details that do not register on the conscious mind. Suppose that the tattoo is on the lower upper arm and is not directly visible to the interviewer and he has no conscious awareness of the image of the snake. It is quite possible that the image of the snake was observed by the subconscious mind as the candidate entered the room even though the image did not register consciously. All the interviewer knows in this situation is that he does not like the candidate and for that reason alone, the candidate will not be hired.

Use of validated assessments

I have observed that companies that use the better validated pre-employment assessments will learn to trust them more than they do their "gut feelings." It becomes much easier for them to remain open and objective, at least until they see the assessment reports. At that point they do have some objective information to start their decision-making processes with. The use of pre-employment assessments does take a lot of the stress off of the interviewer and allows him to focus on the major areas of concern.

I sometimes have clients that call and tell me that they have what appears to be a good candidate, but something just does not "feel" right. They are unsure whether or not it is worthwhile to have the test results processed. I explain where a lot of those fears originate but do not discount the fact that sometimes those feelings are based on real perceptions. I advise the client to process the results because if there were any rational job related subconscious concerns about the candidate, they will probably be revealed in the assessment results.

Many of those concerns can be brought out into the open on a pre-employment assessment evaluation report. Sometimes applicants that are low in sociability do not fair so well during the interview process. Because they do not "open up" during the interview, the interviewer does not get any of the warm and fuzzy feelings that candidates with high sociability levels deliver. The candidate with the lower sociability level may actually be the best candidate for the job, but because the interview was a little cold, the candidate does not stand much of a chance. A good personality assessment will evaluate a number of factors and will place the lower sociability level into proper focus.

Some applicants are prone to exaggerate their levels of achievement and performance. Sometimes this is simply a matter of an applicant telling the recruiter what he thinks the recruiter wants to hear, other times it involves complete fabrications. The primitive brain is very adept at detecting these situations, but there is one major malfunction that occurs. If the candidate lies with enthusiasm, the primitive brain will accept the fabrication as true. If the candidate tells the truth blandly and without enthusiasm it will be evaluated by the primitive brain as a falsehood. A good personality assessment is usually

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much more accurate at detecting distortion and can be effectively utilized to either confirm or relieve your suspicions.

Stay objective until all of the information is at hand....

I have had occasions where a client told me that a candidate did not work out as well as he had expected. I will usually make a point to sit down with the employer and discuss the problem. In the vast majority of cases, the problem is clearly indicated in black and white in the written report. I will usually tell the employer something to the effect, "Let's see what went wrong so that we can make sure that this never happens to us again." I usually point out the behavior involved in the problem and read to him the exact wording used in the report that addresses the problem.

The employer usually wonders how he missed that particular point. The explanation is that he did not miss it. He had already made up his mind to hire the individual before he read the report. That is why he only tested one candidate. The wording in the report just wasn't strong enough for him to overturn his previously made decision to hire the candidate. Experience indicates that it takes some very powerful wording to overrule a decision that has already been made. The best advice here is to do your best to remain objective and do not make any decision until all of the necessary information is at hand. If you were buying an expensive piece of office equipment you would certainly look at the specifications prior to making your purchasing decision. You should use the same approach in your employee selection process.

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LEGALITY ISSUES SUPPORTING THE USE OF PRE EMPLOYMENT TESTING

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There are legal trends that strongly support the use of pre-employment testing. Employers have been forced to defend an ever increasing number of negligent hiring lawsuits that seek redress for crimes committed by their own employees. Those crimes range from rape of a customer in her home by a pizza delivery driver to assaults, homicides, and theft against co-workers and customers alike.

The lawsuits contend that the employer negligently placed an applicant with dangerous propensities, which should have been easily discovered by reasonably diligent investigation, into an employment situation where it was foreseeable that the subject employee posed a threat of injury to others. While employers cannot safely ask questions like, "How often do you have fits of uncontrolled homicidal rage?", they can still minimize their legal exposure through the use of pre-employment assessments.

Pre-employment testing does provide another way to produce documented evidence that the employer did make a reasonable and prudent investigation of the applicant's fitness.

Misinformation Regarding Pre-employment Assessments

There has been a lot of misinformation published regarding the legality of using personality assessments. Unfortunately, many of those articles were written by attorneys who did not differentiate between clinically oriented psychological assessments and pre-employment assessments which were specifically designed and developed for business and industrial use.

One such four page article appeared in a leading human resources magazine. One of the hot tips in his article was to ask if the test had ever been validated by the EEOC and, if so, the positions to which that validation applies. Test validation does not mean a government stamp of approval. Validation refers to the statistical documentation or study that evidences that the pre-employment assessment does indeed measure what it purports to measure (which is generally done by or under the direction of the test publisher).

The EEOC does not validate pre-employment assessments nor does the Office of Federal Contract Compliance. As far as employment assessments are concerned, the extent of their authority is to audit or investigate unacceptable procedures when a discrimination charge has resulted from adverse impact.

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Their investigation pertains to all employee selection procedures. There have been very few disparate impact cases involving pre-employment assessments because those assessments generally do not have an adverse impact on any protected group. That does not preclude misuse of an employment assessment by requiring unreasonably high or restrictive standards that would not be a bona fide occupational qualification.

One issue that you should be aware of is that test publishers are not required to defend their assessments or even provide the necessary evidence to support their validity studies. While the test publisher would seem to have a professional obligation to do this, it would be of little value for them to comply if their validity studies did not meet the generally accepted professional standards as required by the Uniform Guidelines on Employee Selection Procedures. Reputable test publishers such as Candidate Resources, Inc. will provide that information and will also stand ready to defend their validity studies.

Legal Issues Regarding Psychological Assessments

Not all assessments are suitable for use as pre-employment assessments. Specifically, psychological assessments that were designed for clinical or diagnostic use should not be used. Certain exceptions do exist for jobs that could endanger the public safety such as police officers, fire fighters, and airline pilots. All of the cases that I had read involving lawsuit awards have been cases where a clinically inclined psychological assessment was used. The courts have consistently ruled against the general use of those psychological assessments in the business environment.

The use of clinically inclined instruments would also fly in the face of the Americans With Disabilities Act since they are mainly designed to diagnose abnormal behavioral patterns. The ADA states that an employer "shall not conduct a medical examination or make inquiries as to whether such applicant is an individual with a disability or as to the nature and severity of such disability."

Clinically oriented psychological assessments are also invasive instruments and could open the threat of an invasion of privacy lawsuit. That was the issue involved in *Saroka v. Dayton Hudson* which we will review shortly. Most clinically oriented psychological assessments are sold only to licensed psychologist. Your credentials are usually going to be questioned when you first try to purchase those instruments so I seriously doubt that many companies are using them by accident.

Saroka V. Dayton Hudson

A class action invasion-of-privacy and employment discrimination lawsuit was filed in 1989. The lawsuit was filed on behalf of security applicants at Target's 113 California stores. The plaintiff applied for a security guard position with Target Stores and was required to take the California Psychological Inventory (CPI) and the Minnesota Multiphasic Personality Inventory (MMPI). The plaintiff contended that the test questions probed into his private thoughts and deepest feelings and were not job

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related. The court agreed that the some of the test questions did indeed invade the applicants' privacy because they asked about religious beliefs and sexual preferences.

Among the true/false questions were:

- I believe my sins are unpardonable.
- I am very attracted to members of my own sex.
- Evil spirits possess me sometimes.
- I have no difficulty starting or holding my bowel movement.
- My sex life is satisfactory.
- I have never been in trouble because of my sexual behavior.
- I feel sure there is only one true religion.
- I go to church almost every week.

Target needed to show some compelling reasons for the invasion of privacy and demonstrate that the test served a job related purpose to justify that invasion of privacy. While the court acknowledged that Target had an interest in employing emotionally stable persons as security officers, Target did not show how information pertaining to an applicant's sexual preferences or religious beliefs would have any bearing on emotional stability. Therefore the questions were deemed as not being job-related. Target settled the lawsuit for over \$2 million without admitting wrongdoing or liability.

I am sure that the company would not ask those same questions directly in an applicant interview. That would represent an unlawful inquiry. As a general rule, there is little legal difference in asking the question in an interview or soliciting the response from an assessment questionnaire.

Some companies will utilize outside psychologists for interviews and assessments because they mistakenly believe that the psychologist can ask questions that would be illegal for the company to ask. By sending the candidate to the psychologist's office, the company believes that it has impunity. The psychologist is acting on behalf of, and as an agent for the company. If your company is in this predicament, I would suggest that you discuss the situation with your company's attorneys.

Review of the Candidate Resources System by Federal Agencies

The pre-employment assessments published by Candidate Resources have been through numerous FDIC audits as a result of their use in banks. EEOC offices in several cities are familiar with Candidate Resources' systems, especially the EEOC office in Dallas, Texas, which maintains an extensive file on their assessments.

The Achiever has been reviewed by the Employment Standards Administration Office of Federal Contract Compliance Programs, an agency of the U. S. Department of Labor. That office stated that there is no need to have the Achiever validated within each company because there is only a slight possibility of an adverse effect on a protected group, and in particular, because there are no passing or failing scores.

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Despite these numerous reviews by Federal agencies, Candidate Resources maintains validity of its programs through the construct validation process, and ongoing concurrent validation studies for clients. The use of these validation processes has meant that no employer has received an adverse finding for using Candidate Resources' systems.

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TO TEST OR NOT TO TEST

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Whether to test or not is not really the question. If your company has any kind of recruiting or selection process, I can just about guarantee that some form of applicant screening, background checks, skills testing or other selection procedure is being utilized. Just about anything a company does regarding the selection process becomes a test of sorts. A quick review of the "Uniform Guidelines on Employee Selection Procedures" will help to clarify the issue. Many human resource professionals erroneously believe that the Uniform Guidelines only apply to personality testing or other forms of employment testing procedures. It would be more appropriate to say that employment testing and assessment programs are included under the guidelines.

The Uniform Guidelines on Employee Selection Procedures

Section 1607.2(B) states, "These guidelines apply to tests and other selection procedures which are used as a basis for any employment decision. Employment decisions include but are not limited to hiring, promotion, demotion, membership (for example, in a labor organization), referral, retention, and licensing and certification, to the extent that licensing and certification may be covered by Federal equal employment opportunity law. Other selection decisions, such as selection for training or transfer, may also be considered employment decisions if they lead to any of the decisions listed above."

So what are selection procedures?

The guidelines define a selection procedure as "any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs, or probationary periods and physical, educational, and work experience requirements through informal or casual interviews and unscored application forms."

What is not covered by the guidelines?

Well that hard to say exactly, except that recruitment practices are not considered by the Uniform Guidelines to be selection procedures. Go figure! Just bear in mind that any successful recruiting

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process will jump into a selection procedure. Just about anything or any action which affects an employment decision is covered by the Uniform Guidelines. Now before you start validating all of those subjective selection procedures, get acquainted a little more with the Uniform Guidelines. The guidelines do not require a user to conduct validity studies of selection procedures where no adverse impact results.

The Bottom Line

The bottom line is that you cannot discriminate on grounds of race, color, religion, sex, or national origin. You cannot use employment testing in a discriminatory manner such as requiring every employee to have high scores in mental acuity in jobs where it would not be a bona fide occupational qualification. The use of a good validated employment assessment does not result in adverse impact, rather it helps to ensure compliance with Federal regulations.

Adverse Impact and the Four-Fifths Rule

The Uniform Guidelines on Employee Selection Procedures state the following:

"A selection rate for any race, sex, or ethnic group which is less than four-fifths (4/5)--or 80%--of the rate for the group with the highest rate will generally be regarded by the Federal enforcement agencies as evidence of adverse impact, while a rate greater than four-fifths rate will generally not be regarded by Federal enforcement agencies as evidence of adverse impact."

EXAMPLE: Out of 120 job applicants (comprised of 80 white and 40 minority), 48 whites were hired, and 12 minorities were hired.

48 out of 80 white applicants = 60%
12 out of 40 minority applicants = 30%

This hiring pattern results in adverse selection of minorities, since 1/2 as many minorities are hired as whites (or 30/60), whereas the hiring ratio must equal 4/5th as many minorities as whites.

The guidelines were developed under the wisdom that it is a whole lot easier to stay out of trouble than it is to get out of trouble. It is definitely easier to stay out of trouble by using a validated selection procedure rather than relying strictly on subjective processes that cannot be validated. One of the main advantages of using a good pre-employment assessment such as the Achiever is that it adds more objectivity and validity to the whole selection process.

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