

CORNELL HR REVIEW

PERSONALITY TESTS IN EMPLOYMENT SELECTION: USE WITH CAUTION

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Introduction

Many employers utilize personality tests in the employment selection process to identify people who have more than just the knowledge and skills necessary to be successful in their jobs.¹ If anecdotes are to be believed—Dilbert must be getting at something or the cartoon strip would not be so popular—the work place is full of people whose personalities are a mismatch for the positions they hold. Psychology has the ability to measure personality and emotional intelligence (“EQ”), which can provide employers with data to use in the selection process. “Personality refers to an individual’s unique constellation of consistent behavioral traits”² and “emotional intelligence consists of the ability to perceive and express emotion, assimilate emotion in thought, understand and reason with emotion, and regulate emotion.”³ By using a scientific approach in hiring, employers can increase their number of successful employees.

Personality & Emotional Intelligence

The link between personality and emotional intelligence to job performance is compelling.⁴ Though there is strong evidence that cognitive measurement tools are good predictors of job success, one important reason that they are not perfect predictors is that human personality is an important factor in job success.⁵ But not all are convinced that assessing workers’ cognitive abilities is worthwhile. Annie Murphy Paul, a former senior editor for *Psychology Today* magazine, attacked the \$400 million a year testing industry, comparing personality tests to phrenology—a popular and discredited 19th century personality instrument that measured mental traits by examining the 27 bumps on a person’s head.⁶ With over 2,500 personality and emotional intelligence instruments on the market, Ms. Murphy is likely correct that some of these are ineffective.⁷ Discernment is the solution.

Personality

Personality is “the sum total of ways in which an individual reacts to and interacts with others ... [and] we most often describe it in terms of the measurable traits a person exhibits.”⁸ One of the best supported models for measuring personality involves the “Big Five Model,” with its five basic dimensions that capture most of the variation in human personality.⁹ The traits include neuroticism/emotional stability,¹⁰ extraversion,¹¹ openness to experience,¹² agreeableness,¹³ and conscientiousness.¹⁴ These five job traits

are connected to job performance and are predictors of certain outcomes: “avoiding counterproductive behavior, reducing turnover and absenteeism, exhibiting more teamwork and leadership, providing more effective customer service, contributing more citizenship behavior, influencing job satisfaction and commitment to the firm, and enhancing safety.”¹⁵

There are several tests that measure the Big Five personality dimensions, but the two most popular are the NEO-Personality Inventory and the Personality Characteristics Inventory (“PCI”).¹⁶ The PCI is comprised of 150 multiple-choice questions and asks questions such as “I tend not to say what I think about things” (i.e., testing extraversion) or “I approach most of my work steadily and persistently” (i.e., testing conscientiousness).¹⁷ The first Big Five personality test developed for the business community was the Hogan Personality Inventory (“HPI”), with its focus on normal personality rather than abnormal personality.¹⁸ A 2003 meta-analytic review of 43 studies found that the HPI is an effective predictor of job performance for many different jobs, including customer service representatives, hospital administrators, bus drivers, department managers, and police officers.¹⁹

Personality Test Criticism

There is some debate in the industrial/organizational (“IO”) psychology field as to whether personality measures should be used in employee selection.²⁰ Many believe that personality tests used for employee selection are not valid, and in any event, can be faked.²¹ The earliest personality tests go back at least to 1919, at the dawn of IO psychology.²² In one article that reviewed 113 personality selection tool studies conducted from 1919 to 1952, personality was found to correlate to job success at levels similar to more recent studies.²³ For studies published from 1952 to 1963, one paper noted that the studies indicated that personality had some predictive power, but not at a level that personality should be used for employee selection.²⁴ This same article concluded that

“there is no generalizable evidence that personality measures can be recommended as good or practical tools for employee selection.... The best that can be said is that in *some* situations, for *some* purposes, *some* personality measures can offer helpful predictions. But there is nothing in this summary to indicate in advance which measure should be used in which situation or for which purposes. In short, it must be concluded (as always) that the validity of any personality measure must be specifically and competently determined for the specific situation in which it is to be used and for the specific purpose or criterion within that situation.... It seems clear that the only acceptable reason for using personality measures as instruments of decision is found only after doing considerable research with the measure in the specific situation and for the specific purpose for which it is to be used.”²⁵

A 2010 review of the academic literature found correlations between personality and job success to fall in the .03 to .15 range, which the authors note is “close to zero.”²⁶ To put

these correlations in perspective, personality tests used in employee selection account for approximately 5% of an employee's job success while the other 95% of their performance is unaccounted for by personality.²⁷ Interestingly, the .15 correlation is almost identical to what was noted in the 1960's, meaning there has been no measurable change in the data for the 50 years.

One possibility for the relatively low correlation rates is that the data has not been interpreted properly. A 2011 study has found evidence for a curvilinear relationship between personality traits and job performance, while all the earlier studies assumed a linear relationship.²⁸ This suggests that for complex jobs, high personality scores may correlate better to ultimate job success.²⁹

Emotional Intelligence

As the name implies, emotional intelligence (“EQ”) is not a personality trait but a type of intelligence. Beginning in the 20th century, society has viewed intelligence almost exclusively through the lens of intelligence quotient (“IQ”) tests.³⁰ IQ tests have the advantage of being very reliable, but they are limited in that they measure abstract reasoning and verbal fluency.³¹ In 1990 Peter Salovey and John Mayer proposed an additional intelligence: emotional intelligence.³² Emotional intelligence is comprised of four components: First, people need to be able to accurately perceive emotions in themselves and others and have the ability to express their own emotions effectively. Second, people need to be aware of how their emotions shape their thinking, decisions, and coping mechanisms. Third, people need to be able to understand and analyze their emotions, which may often be complex and contradictory. Fourth, people need to be able to regulate their emotions so that they can dampen negative emotions and make effective use of positive emotions.³³

It is important to note that if EQ is, in fact, a type of intelligence, it really cannot be changed very much—just like a person's IQ remains relatively constant throughout their lifetime.

The marketplace is beginning to recognize the importance of EQ. One survey indicated that 60% of employers would not hire a high IQ candidate with a low EQ.³⁴

When asked why emotional intelligence is more important than high IQ, employers said that employees with high EQ (in order of importance):

- Are more likely to stay calm under pressure
- Know how to resolve conflict effectively
- Are empathetic to their team members and react accordingly
- Lead by example
- Tend to make more thoughtful business decisions³⁵

When these same employers were asked to identify specific behaviors and qualities that demonstrate EQ, they responded that employees who demonstrate high EQ:

- Admit and learn from their mistakes
- Can keep their emotions in check and have thoughtful discussions on tough issues
- Listen as much, or more than, they talk
- Take criticism well
- Show grace under pressure³⁶

The opinions given by the surveyed employers are also echoed in academic literature on the subject. Research indicates that emotional intelligence has predictive validity “in domains such as academic performance, job performance, negotiation, leadership, emotional labor, trust, work-family conflict, and stress.”³⁷ While some contend that emotional intelligence and personality are the same, other studies reveal that emotional intelligence is measuring something apart from personality.³⁸ Specifically, when measuring emotional intelligence as a separate construct, it can be measured separately from intelligence and personality.³⁹ In one 1995 study, it was claimed that emotional intelligence was the most significant job performance predictor.⁴⁰ However, as in many areas of research, the keynote finding of one study does not even make the footnote of a similar study. Such was the case in 2011 when a study, relying on much more data than the 1995 sample, could not support the earlier claim that EQ predicts job performance.⁴¹ Although the exact role EQ plays in the workplace is still up for debate, it is reasonable to assume from the multitude of studies linking EQ to various performance factors that a valid and reliable emotional intelligence test used in selection process should result in useful data.

Applicant Faking

To the extent that personality and EQ tests are used in hiring, the issue of applicant faking needs to be addressed. Faking is defined “as the tendency to deliberately present oneself in a more positive manner than is accurate in order to meet the perceived demands of the testing situation.”⁴² The concern is that a person with high cognitive abilities will have the intellectual skill necessary to identify the answers that will maximize their chances of getting a position. A quick search on the Internet will find advice on how to fake these tests. One article, geared toward lawyers seeking employment with firms who conduct personality or EQ tests, notes:

I'm not convinced that you can't 'game' the test to some extent. So here are my tips for 'passing' the test:

- Resist the urge to be too revealing. The assessment is part of the job interview, not something for your own enlightenment. If you are curious about your psychological profile, take one of the tests out there on your own dime.

- Be a social animal. If you need to lock yourself in a soundproof room to do your work, don't admit it. These days, law firms are very keen on team work. Never mind that most of the big rainmakers tend to be solipsistic egomaniacs. The buzz word is ‘cooperation.’”
- Be sunny. Lawyers are paid to look at the worst-case scenarios, so they tend to be skeptical, if not pessimistic. Despite your inclination to look on the dark side, try to project a positive, ‘I'll-find-a-solution’ attitude. That's what clients want to hear.
- Be cool. If you get angry or take criticism badly, don't admit it. Grit your teeth and say you welcome criticism—and that you always learn from it.
- Review math. Yes, there was a math section on the test that completely threw me. It might help to buy one of those SAT prep books.⁴³

One recent study found faked answers for one quarter to one half of the applicants.⁴⁴ So how can employers who want to use personality or EQ tests in their selection process mitigate against the risk of applicant faking? Counter-measures to faking include the test and retest approach to see if an individual is consistent in their answers, or asking questions that require quick responses.⁴⁵ But counter-measures to faking may result in less reliable and valid results since some tools used to detect faking do not work well.⁴⁶

Skepticism in Personality Testing

There are some skeptics in the general population who are derisive of these tests because they feel the questions posed in them are irrelevant to determining a person's personality or emotional intelligence. For example, one exam used in selecting first year legal associates asks “do you like flowers?”⁴⁷ Clearly an applicant's affection for flowers is not connected to the knowledge, skills, or abilities necessary to be a successful lawyer. It is this type of question that skeptics use to prove, at least to themselves, the total irrelevancy of psychological testing. However, proponents of these tests would say these cynics are wrong because they misunderstand the purpose behind the question. Personality tests may ask a series of irrelevant questions because the test is examining the patterns behind the responses, not the answer to any particular question—it is that pattern that provides insight into the test taker's personality.

Legal Considerations

As more and more companies decide to utilize personality and emotional intelligence tests in the employee selection process, applicant faking and placating skeptics are not the only hazards a company can expect. If not constructed properly, the potential legal ramifications of these tests can be massive. The two most significant legal considerations in using personality and emotional intelligence tests are Title VII discrimination and

discrimination under the Americans with Disabilities Act (“ADA”). While intentional discrimination is certainly possible, the more likely risk for companies acting in good faith involves inadvertent discrimination through the use of valid and reliable instruments.

Title VII Discrimination and Validation Studies

The Federal Civil Rights Act of 1964 generally prohibits employers from discriminating on the basis of “race, color, religion, sex, or national origin” in the employment context, including the employee selection process.⁴⁸ To assist employers in the selection process, Title VII allows professionally developed ability tests as long as they are not “designed, intended or used to discriminate because of race, color, religion, sex or national origin.”⁴⁹ Personality differences between races are small and should not impact the use of personality tests in the employee selection process.⁵⁰ In the first Supreme Court case that examined unintentional discrimination, *Griggs v. Duke Power Co.*, the Court accepted a lower court finding that that the business was not intentionally discriminating against the plaintiffs based on race. The Court then shifted its inquiry to the employer’s use of two commercially available ability tests⁵¹—both still in use today—and held that these facially non-discriminatory tests violated Title VII because the tests had a disparate impact on the African-American plaintiffs and the employer did not prove that the tests were related to job performance.⁵² The *Griggs* Court, however, ended its opinion with agreement that employee selection tools are extremely important to business, but that business needs to use tests that are designed “for the job and not the person in the abstract.”⁵³ Presumably, if the employer in *Griggs* had conducted a meaningful study and determined that the two ability tests were related to job performance, then the Court would have found there was no Title VII violation.⁵⁴ Today, the Court’s jurisprudence has been codified into Title VII. To prevail in a disparate impact case, a plaintiff must establish that at least one of two tests has been violated. The first test requires the plaintiff to prove that an employment practice results in disparate impact which, if proven, shifts the burden to the defendant to demonstrate that the practice in question is consistent with business necessity.⁵⁵ The second test requires the plaintiff to prove that there was an alternative employment practice, the defendant refused to adopt it, and the alternative employment practice would have eliminated or reduced the disparate impact.⁵⁶ Presumably, the employer must also have been aware of the alternate employment practice at the time the defendant was being considered for employment.⁵⁷ Though most of the litigation involving alternative employment practices involves the use of employment tests, plaintiffs have rarely prevailed because their suggested alternatives were neither less discriminatory nor advanced the employer’s purpose in using the test.⁵⁸ This leaves the first test—job relatedness—as the only significant disparate impact issue facing legal employers that use personality tests.

A disparate impact claim is, basically, a plaintiff proving discrimination through the use of statistics. An employer can then defeat a disparate impact claim by “proving business necessity, bona fide occupational qualifications, or validity.”⁵⁹ The bona fide occupational qualification defense only applies to sex and religious discrimination and therefore only applies to a small group of employers.⁶⁰ Business necessity is limited to

safety concerns for those in the protected class (e.g., prohibiting pregnant women from working on a job that would expose them to lead, which would be dangerous for the unborn child).⁶¹ This leaves employers with the need to establish validity for their selection tools. To help government agencies and employers with a uniform understanding of validation, in 1978 the government created the Uniform Guidelines on Employee Selection Procedures (“Guidelines”).⁶² The Guidelines provide options for establishing validity, though modern science is often opposed to the older science enshrined in the Guidelines.⁶³ In one recent case rejecting disparate impact, the Supreme Court held that the City of New Haven, Connecticut had developed an examination that was job related, was necessary for the firefighting business at issue in the case, and had the requisite validity.⁶⁴ This demonstrates the importance of validating tests before administering them.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) prohibits employers from conducting pre-employment medical exams.⁶⁵ Though most employers are only interested in identifying personality traits necessary for a particular position, some personality tests might also have the ability to identify a medical condition, thereby violating the ADA. For example, in *Karraker v. Rent-A-Center*, the Court held that a personality test that could have been used by the employer to diagnose a medical condition violated the ADA. Specifically, the employer used the Minnesota Multiphasic Personality Inventory (“MMPI), which can measure “depression, hypochondriasis, hysteria, paranoia, and mania.”⁶⁶ The Court rejected the “we aren’t using it for that” argument and explained that because the test can reveal mental illness then it should be legally classified as a medical exam.”⁶⁷ In another case, an employer asked candidates whether they agreed or disagreed with the following statements:

- People do a lot of things that make you angry.
- There’s no use having close friends; they always let you down.
- Many people cannot be trusted.
- You are unsure of what to say when you meet someone.⁶⁸

The applicants were concerned that the questions might identify mental illness, which is prohibited by the ADA, so the company agreed to remove the questions from future tests.⁶⁹ Personality tools that are designed by knowledgeable psychologists familiar with employment laws should have no difficulty in avoiding an ADA violation.

Conclusion

Making poor hiring decisions not only has the potential to create a toxic workplace environment, but it can be expensive. Each bad hire costs a business 1.5 times⁷⁰ to 5 times that employee’s salary and benefits.⁷¹ Assuming a \$50,000 combined salary and benefits, the bad hire will cost an employer at least an additional \$75,000. Even though an employer may be challenged in court for using personality and EQ tests in employee selection, the benefits of more successful employees far outweigh potential legal costs. The key is for employers to use valid, reliable, and legally sustainable tests in hiring

employees, not only because this will reduce potential lawsuits but also because it is the only way that employers can scientifically identify the best candidates for the job. X

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¹ Ruth Mantell, *Job Seekers, Get Ready for Personality Tests: More Employers are using Pre-Hire Assessments*, MARKET WATCH (September 12, 2011) <http://www.marketwatch.com/story/job-seekers-get-ready-for-personality-tests-2011-09-12>.

² *Id.* at 491.

³ WAYNE WEITEN, *PSYCHOLOGY: THEMES AND VARIATIONS* 385 (8th ed. 2010).

⁴ Frank L. Schmidt & John E. Hunter, *The Validity and Utility of Selection Methods in Personnel Psychology: Practical and Theoretical Implications of 85 Years of Research Findings*, 124 *PSYCHOLOGICAL BULLETIN* 262 (1998).

⁵ Lee Borghans, Angela Duckworth, et al., *The Economics and Psychology of Personality Traits* 42 Nat'l Bureau of Econ. Research, Working Paper No. 13810 (2008).

⁶ ANNIE MURPHY PAUL, *THE CULT OF PERSONALITY: HOW PERSONALITY TESTS ARE LEADING US TO MISEDUCATE OUR CHILDREN, MISMANAGE OUR COMPANIES, AND MISUNDERSTAND OURSELVES* (2004).

⁷ *Id.*

⁸ STEPHEN P. ROBBINS AND TIMOTHY A. JUDGE, *ORGANIZATIONAL BEHAVIOR*, 135 (14th ed. 2011).

⁹ STEPHEN P. ROBBINS AND TIMOTHY A. JUDGE, *ORGANIZATIONAL BEHAVIOR*, 138 (14th ed. 2011).

¹⁰ STEPHEN P. ROBBINS AND TIMOTHY A. JUDGE, *ORGANIZATIONAL BEHAVIOR*, 138 (14th ed. 2011).

¹¹ STEPHEN P. ROBBINS AND TIMOTHY A. JUDGE, *ORGANIZATIONAL BEHAVIOR*, 138 (14th ed. 2011).

¹² STEPHEN P. ROBBINS AND TIMOTHY A. JUDGE, *ORGANIZATIONAL BEHAVIOR*, 138 (14th ed. 2011).

¹³ STEPHEN P. ROBBINS AND TIMOTHY A. JUDGE, *ORGANIZATIONAL BEHAVIOR*, 138 (14th ed. 2011).

¹⁴ R. R. MCCRAE & P. T. COSTA, *PERSONALITY IN ADULTHOOD: A FIVE-FACTOR THEORY PERSPECTIVE* (2003); STEPHEN P. ROBBINS AND TIMOTHY A. JUDGE, *ORGANIZATIONAL BEHAVIOR*, 138 (14th ed. 2011).

¹⁵ ROBERT D. GATEWOOD, HUBERTO S. FIELD, AND MURRAY BARRICK, *HUMAN RESOURCE SELECTION*, 507 (7th ed., 2011).

¹⁶ Self-report questionnaires are less expensive to administer, which is why they tend to be more popular than approaches that require the administration by a trained psychologist.

¹⁷ ROBERT D. GATEWOOD, HUBERTO S. FIELD, AND MURRAY BARRICK, *HUMAN RESOURCE SELECTION*, 511 (7th ed., 2011).

¹⁸ Hogan Assessments, Hogan Personality Inventor: Overview Guide, http://www.hoganassessments.com/sites/default/files/assessments/pdf/HPI_Brochure.pdf (The HPI utilizes the following seven dimensions:

“Adjustment: confidence, self-esteem, and composure under pressure

Ambition: initiative, competitiveness, and desire for leadership roles

Sociability: extraversion, gregarious, and need for social interaction

Interpersonal Sensitivity: tact, perceptiveness, and ability to maintain relationships

Prudence: self-discipline, responsibility and conscientiousness

Inquisitive: imagination, curiosity, and creative potential

Learning Approach: achievement-oriented, stays up-to-date on business and technical matters”

¹⁹ Joyce Hogan and Brent Holland, *Using Theory to Evaluate Personality and Job-Performance Relations: A Socioanalytic Perspective*, 88 *JOURNAL OF APPLIED PSYCHOLOGY* 100, 103 (2003).

- ²⁰ See generally, Frederick P. Morgeson, et al., *Are We Getting Fooled Again? Coming to Terms with Limitations in the Use of Personality Tests for Personnel Selection*, 60 PERSONNEL PSYCHOLOGY 1029 (2007).
- ²¹ Wesley A. Scroggins, Steven L. Thomas, and Jerry A. Morris, *Psychological Testing in Personnel Selection, Part I: A Century of Psychological Testing*, 38 PUBLIC PERSONNEL MANAGEMENT 99, 105 (2008).
- ²² E. E. Ghiselli and R. P. Barthol, *The Validity of Personality Inventories in the Selection of Employees*, 38 JOURNAL OF APPLIED PSYCHOLOGY 18 (1953).
- ²³ See generally, E. E. Ghiselli and R. P. Barthol, *The Validity of Personality Inventories in the Selection of Employees*, 38 JOURNAL OF APPLIED PSYCHOLOGY 18, 20 (1953).
- ²⁴ See generally, Robert M. Guion and Richard F. Gottier, *Validity of Personality Measures in Personnel Selection*, 18 Personnel Psychology 135, 141 (1965).
- ²⁵ Robert M. Guion and Richard F. Gottier, *Validity of Personality Measures in Personnel Selection*, 18 PERSONNEL PSYCHOLOGY 135, 159-160 (1965).
- ²⁶ Frederick P. Morgeson, et al., *Are We Getting Fooled Again? Coming to Terms with Limitations in the Use of Personality Tests for Personnel Selection*, 60 PERSONNEL PSYCHOLOGY 1029, 1033 (2007).
- ²⁷ Frederick P. Morgeson, et al., *Are We Getting Fooled Again? Coming to Terms with Limitations in the Use of Personality Tests for Personnel Selection*, 60 PERSONNEL PSYCHOLOGY 1029, 1037 (2007).
- ²⁸ Huy Le, In-Sue Oh, Steven B. Robbins, et al., *Too Much of a Good Thing: Curvilinear Relationships Between Personality Traits and Job Performance*, 96 JOURNAL OF APPLIED PSYCHOLOGY 113 (2011).
- ²⁹ Huy Le, In-Sue Oh, Steven B. Robbins, et al., *Too Much of a Good Thing: Curvilinear Relationships Between Personality Traits and Job Performance*, 96 JOURNAL OF APPLIED PSYCHOLOGY 113, 129 (2011).
- ³⁰ WAYNE WEITEN, PSYCHOLOGY THEMES AND VARIATIONS 361-362 (8th ed. 2010) (“An intelligence quotient (IQ) is a child’s mental age divided by chronological age, multiplied by 100.”).
- ³¹ *Id.* at 364, 366.
- ³² Peter Salovey & John Mayer, *Emotional Intelligence*, 9 IMAGINATION, COGNITION, AND PERSONALITY 185 (1990).
- ³³ WAYNE WEITEN at 386.
- ³⁴ Seventy-One Percent of Employers Say They Value Emotional Intelligence Over IQ, According to CareerBuilder Survey, August 18, 2011, <http://m.prnewswire.com/news-releases/seventy-one-percent-of-employers-say-they-value-emotional-intelligence-over-iq-according-to-careerbuilder-survey-127995518.html>
- ³⁵ *Id.*
- ³⁶ *Id.*
- ³⁷ Ernest H. O’Boyle et al., *The Relation Between Emotional Intelligence and Job Performance: A Meta-Analysis*, 32 J. ORGANIZ. BEHAV. 789 (2010) (citations omitted).
- ³⁸ J. C. Rode et al., *Emotional Intelligence and Individual Performance: Evidence of Direct and moderated Effects*, 28 JOURNAL OF ORGANIZATIONAL BEHAVIOR 399 (2007).
- ³⁹ O’Boyle at 806.
- ⁴⁰ D. GOLEMAN, EMOTIONAL INTELLIGENCE: WHY IT CAN MATTER MORE THAN IQ (1995).
- ⁴¹ O’Boyle at 804.
- ⁴² Jinyan Fan, Dingguo Gao, Sarah A. Carroll, et. al., *Testing the Efficacy of a New Procedure for Reducing Faking on Personality Tests Within Selection Contexts*, AMERICAN JOURNAL OF APPLIED PSYCHOLOGY 1, 2 (2012).
- ⁴³ Vivia Chen, *The Careerist Goes on the Couch*, THE CAREERIST (Feb. 1, 2011). <http://thecareerist.typepad.com/thecareerist/2011/02/aceing-the-psych-test.html>.
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- ⁴⁶ Mitchell H. Peterson, Richard L. Griffith, Joshua A. Isaacson, et. al., *Applicant Faking, Social Desirability, and the Prediction of Counterproductive Work Behaviors*, 24 HUMAN PERFORMANCE 270, 286 (2011).

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- ⁴⁷ Vivia Chen, *The Careerist Goes on the Couch*, THE CAREERIST (Feb. 1, 2011) <http://thecareerist.typepad.com/thecareerist/2011/02/aceing-the-psych-test.html>
- ⁴⁸ 42 U.S.C.A. § 2000e-2(a)(1). The shorthand term “Title VII,” used by practitioners and in the literature, refers to this section’s location in Pub.L. 88-352 passed in 1964 rather than to its location in Title 42, Subchapter VI of the U.S. Code.
- ⁴⁹ 42 U.S.C.A. §2000e-2(h).
- ⁵⁰ Hannah J. Foldes, Emily E. Duehr, and Deniz S. Ones, Group Differences in Personality: Meta-Analyses Comparing Five U.S. Racial Groups, 61 *Personnel Psychology*, 579, 605 (2008).
- ⁵¹ The Wonderlic Personnel Test, today called the Wonderlic Classic Cognitive Ability Test, claims to “measure a candidate’s ability to understand instructions, learn, adapt, solve problems and handle the mental demands of the position.” <http://www.wonderlic.com/assessments/ability/cognitive-ability-tests/classic-cognitive-ability-test> (last visited July 4, 2012). The Bennett Mechanical Comprehension Test is used for assessing mechanical aptitude, “with a focus on spatial perception and tool knowledge rather than manual dexterity.” <http://www.pearsonassessments.com/HAIWEB/Cultures/en-us/Productdetail.htm?Pid=015-8341-430&Mode=summary> (last visited July 4, 2012).
- ⁵² *Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1971).
- ⁵³ *Griggs v. Duke Power Co.*, 401 U.S. 424, 436 (1971).
- ⁵⁴ *See, Griggs v. Duke Power Co.*, 401 U.S. 424, 431 (1971).
- ⁵⁵ 42 U.S.C.A. § 2000e-2(k)(1)(A)(i).
- ⁵⁶ 42 U.S.C.A. § 2000e-2(k)(1)(A)(ii).
- ⁵⁷ 2 Lex K. Larson, EMPLOYMENT DISCRIMINATION §24.01, at 24-5 (2d ed. 2012).
- ⁵⁸ 2 Lex K. Larson, EMPLOYMENT DISCRIMINATION §24.01, at 24-8 (2d ed. 2012).
- ⁵⁹ ROBERT D. GATEWOOD, HUBERTO S. FIELD, AND MURRAY BARRICK, HUMAN RESOURCE SELECTION, 39 (7th ed., 2011).
- ⁶⁰ *Id.*
- ⁶¹ *Id.*
- ⁶² Created by the Equal Employment Opportunity Commission, Civil Service Commission, Department of Labor, and the Department of Justice.
- ⁶³ Robert M. Guion and Scott Highhouse, *Essentials of Personnel Assessment and Selection*, 87 (2006).
- ⁶⁴ *Ricci v. DeStefano*, 557 U.S. 557, 587-588 (2009).
- ⁶⁵ 42 U.S.C.A. § 12112(d)(2)(A).
- ⁶⁶ *Karraker v. Rent-A-Center, Inc.*, 411 F.3d 831, 833 (7th Circuit, 2005).
- ⁶⁷ *Id.* at 837.
- ⁶⁸ Eve Tahmincioglu, *Employers Turn to Tests to Weed Out Job Seekers: Some Screens May Violate Law, But Applicants Rarely Have Choice*, Today Money, 8/15/2011 <http://today.msnbc.msn.com/id/44120975/ns/today-money/t/employers-turn-tests-weed-out-job-seekers/>
- ⁶⁹ *Id.*
- ⁷⁰ *See Kay Lazar, Employers Test with a New Attitude: Controversial Questionnaires Screen Applicants for Hire Purposes*, Boston Herald, Apr. 18, 1999, at 3.
- ⁷¹ Survey: Bad Hires Cost Big Money, Philadelphia Business Journal (April 11, 2006) <http://www.bizjournals.com/philadelphia/stories/2006/04/10/daily19.html>