

Pre-screening: Is it Legal? Is it Effective?

Lisa Harpe, Ph.D.
Consultant – Industrial Psychologist
Lisa.harpe@peopleclick.com
(919) 645-2975

Peopleclick Research Institute

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About the Speaker

- Received Ph.D. in Industrial Organizational Psychology, North Carolina State University, 1996
- Responsible for development, implementation and evaluation of hiring, promotion, performance appraisal and training systems
- Validates hiring and promotion tests, personnel policies and recruiting systems while providing statistical litigation support in employment discrimination cases
- Active within the industry presenting study results and information on employment practices to employees, management, government officials, and professional organizations via presentations, training and reports

Overview



- Introduction
- Types of Pre-screening
- Legal and Business Implications
- Recommendations

Polling Question :

- What is your job function?
- Academic
- Practitioner Working for One Employer
- Independent Consultant
- Other

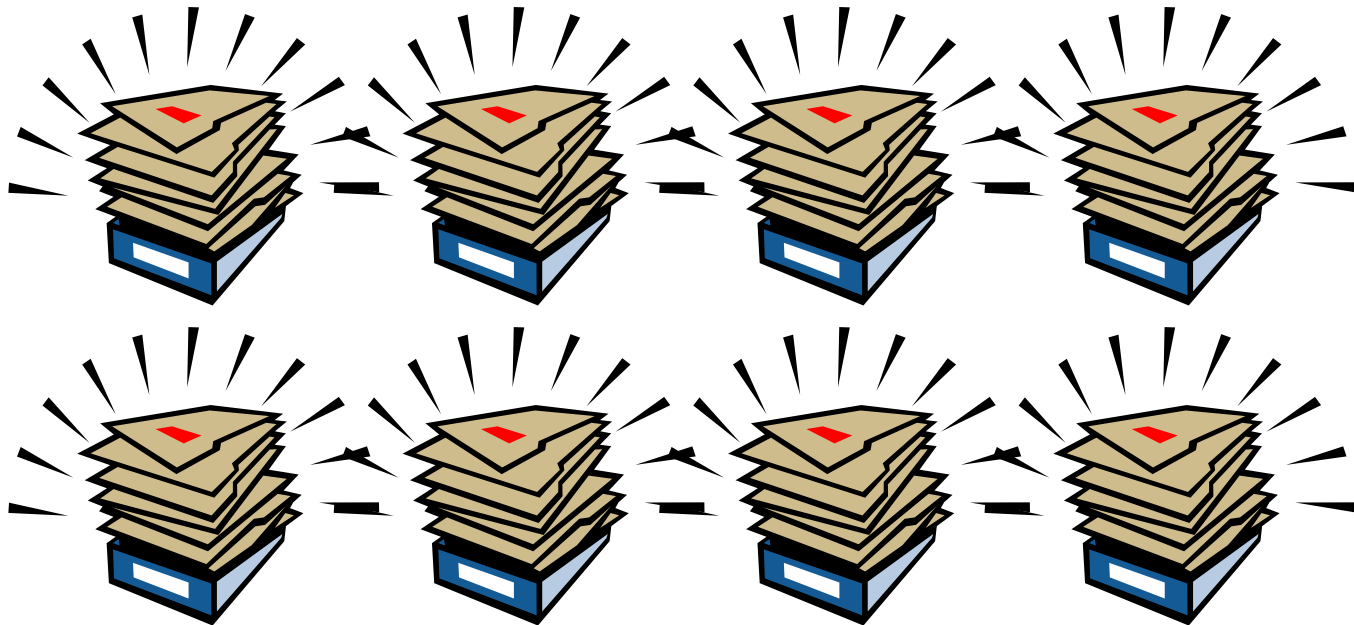
The Problem

- Response to a job opening pre-Internet



The Problem

- Response to job opening after the internet



The Solution: Pre-Screening

AREA **Questionnaires**

Questions | Questionnaires

Preview Questionnaire: Generic JP Questionnaire

This is a preview of the questionnaire as it will appear when generated. When finished viewing, click OK to continue.

Select

Add

Generate

Modify

View

Copy

Activate

Deactivate

Preview

1. Are you currently eligible to work in the United States?

A. Yes/No

2. What is the highest level of education you have completed?

A. High School Diploma/G.E.D.

B. Bachelor's Degree

C. Master's Degree

D. Graduate/Post-graduate Degree (e.g., Master's, Doctorate)

3. List your area(s) of education specialization/major, if applicable.

A.

4. How many years of professional work experience do you have?

A. None

B. 1-2 years

C. 3-5 years

D. 6-9 years

E. 10 or more years

OK

Some Definitions



- Pre-Screen
 - To examine before further selection processes occur
 - Goal — to increase hiring process effectiveness and efficiency
- Legal
 - In accord with certain rules or laws
 - Goal — to comply with anti-discrimination regulations
- Effective
 - Able to accomplish a purpose
 - Goal — to support the hire of productive, high performing employees

Method: Search

The image shows a software interface for managing search criteria. A dialog box titled "RMS -- Web Page Dialog" is open, displaying "Criteria for Current Search".

Criteria for Current Search

- Custom Field 2
- Custom Profile Field 1
- Custom Profile Field 2
- Database Entry Method
- Date Offer Sent
- Degree** (highlighted)
- Employer
- GPA
- Interview Scheduled?
- Is Candidate Searchable
- Major
- Minor
- Modified On
- Position Start Date
- School
- Source
- Specific Entry Method
- Specific Source

Operator: =

Value: [Empty text box]

Selected Values: [Empty list box]

Buttons: Add, Remove, Run Search, Done, Cancel

Background interface elements include "Open Requisitions", "Requisitions" list (e.g., 49 - Controller (14)(0), 67 - Senior Business An, 48 - Business Analyst (1)), "Saved Searches" (Public) Peopleclick Default Search, and "Workflows".

Method: Questionnaire

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OK

What are We Pre-Screening for?

- Select
- Add
- Generate
- Modify
- View
- Copy
- Activate
- Deactivate

Preview

1. Are you eligible to work in the U.S.?

- A. Yes
- B. No

2. How much are you willing to travel?

- A. None
- B. < 25%
- C. 25-49%
- D. 50-74%
- E. 75-100%

3. Can you work third shift?

- A. Yes
- B. No

4. Can you relocate?

- A. Yes
- B. No
- C. Yes, but only with company assistance

Work Requirements

What are We Pre-Screening for?

Add
Generate

Modify
View
Copy
Activate
Deactivate

Preview

2. What is the highest level of education you have completed?

- A. High School Diploma/G.E.D.
- B. Bachelor's Degree
- C. Master's Degree
- D. Graduate/Post-graduate Degree (e.g., Master's, Doctorate)

3. List your area(s) of education specialization/major, if applicable.

A.

4. How many years of professional work experience do you have?

- A. None
- B. 1-2 years
- C. 3-5 years
- D. 6-9 years
- E. 10 or more years

5. Please list any licenses or certifications you currently have.

Job Requirements

What are We Pre-Screening for?

- Biographical Data
- Cognitive Ability
- Integrity
- Job Knowledge
- Work Samples and Simulations
- Physical Ability
- Personality

Performance

How Will We Use the Pre-Screening Information?

- Pass/Fail or Weighting
 - Pass = more than 5 years experience
 - Score = 1 point for every year

- Cut Score or Ranking
 - Cut Score = must answer 'yes' to 5 items or get higher than a 50
 - Ranking = rank based on number items answered 'correctly' or based on item response weights and pick the top 10%

- Non-Compensatory or Compensatory model
 - Non-compensatory: must answer items 'correctly'
 - Compensatory: either / or
 - E.g., education or comparable experience

View Workflow: Hiring Process

Select Workflow

Add Workflow

Modify Workflow

View Workflow

Copy Workflow

- [-] Hiring Process
 - [+] Inbox
 - [+] Did Not Pass Screening Questions
 - [+] AutoRecruiter
 - [+] Candidate Review
 - [+] Screening
 - [+] Not Suitable
 - [+] Hiring Manager Review
 - [+] Not Selected For Interview
 - [+] Schedule Interview
 - [+] Interview
 - [+] Not Selected After Interview
 - [+] Create Offer
 - [+] Approve Offer
 - [+] Offer Extended
 - [+] Offer Accepted
 - [+] Offer Declined
 - [+] Pre-Employment Process
 - [+] Offer Rescinded
 - [+] Hired
 - [+] Req Status

Exit

Properties: Hiring Process

▶ Code

▶ Name 

Description

Available Folders

- Campus Interview
- Candidate Withdrew
- Not Selected After Campus Interview
- Not Selected after Phone Interview
- Not Selected after Pre-Screen
- Personality Fit

▶ Selected Folders

- Inbox
- Did Not Pass Screening Questions
- AutoRecruiter
- Candidate Review
- Screening
- Not Suitable

Anti-discrimination regulations

- Executive Order 11246
 - Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin
- Title VII
 - Prohibits employment discrimination based on race, color, religion, sex and national origin
- Uniform Guidelines on Employee Selection Procedures (1978)
 - Set of principles to assist employers with compliance with anti-discrimination regulations
 - A framework for determining the proper use of tests and other selection procedures



Legal Issues: Record-Keeping

- Definition of an “applicant”
 - Uniform Guidelines Q&A 15 (1979)
 - Indicate an interest in accordance with employer’s practices
 - Taskforce recommendation
 - Indicate an interest in a specific position in accordance with employer’s practices and the employer acts to fill the position
 - ***Warns about searches***
 - ***No mention of minimum qualifications***
 - OFCCP
 - Indicate an interest through electronic means and employer considers job seeker for a specific position AND
 - ***Meets advertised, basic qualifications for that position***

Legal Issues: Theories of Discrimination

- Disparate treatment
 - Do you apply the same pre-screening method to all job seekers?
- Disparate impact
 - Even if facially neutral, what is the outcome of applying the pre-screen?

Effectiveness

- Legal does not equal effective
 - Uniform Guidelines do not require evidence of validity studies if the procedure does not have an adverse impact.
 - A legal pre-screening method does not always result in good hiring decisions
 - Good hiring decisions sometime have a disparate impact
 - Disparate treatment is NEVER okay

Effectiveness

- Validity
 - Face validity
 - Does the pre-screen look job related?
 - Content validity
 - Can you link the pre-screen directly to a job description and/or posting?
 - Criterion related validity
 - Can you show that the pre-screen is related to performance?
 - Construct validity
 - Are there multiple lines of evidence that whatever is being measured by the pre-screen is related to the job?
 - Usually not appropriate for pre-screening. If it is then you should consider moving it to later in the process.

Effectiveness



- Business necessity
 - Work requirements
 - Salary
 - Relocation
 - Hours
 - Eligibility to work
 - Criminal record
 - Licenses

Ensuring Legal Compliance and Effectiveness



- **Policies & Procedures**
- **Development**
- **Implementation**
- **Evaluation**

Ensuring Legal Compliance and Effectiveness: Policies & Procedures

▪ Define applicant

- Identify when and how you will collect EEO information
 - Pre- or Post Pre-screen
- Document justification for decision

▪ Questions

- Are you making decisions?
- How many job seekers are affected?
- Does the pre-screen have an adverse impact?
- Is the pre-screen job-related?

Ensuring Legal Compliance and Effectiveness: Policies & Procedures

- **Centralize responsibility for developing the questions / questionnaires / searches**

- **Create standard forms and templates to document process**
 - Requests
 - Requirements gathering
 - Development of pre-screen or searches
 - Validation
 - Approvals
 - Implementation
 - Changes

Ensuring Legal Compliance and Effectiveness: Policies & Procedures

- **Require training for employees to develop and implement pre-screens**
 - Testing and assessment basics
 - Question development
 - Legal basics
 - Policies and procedures – standardization and consistency

Ensuring Legal Compliance and Effectiveness: Development

- **Use standard templates**
- **Use multiple resources**
 - SME
 - Incumbents
 - Hiring manager
 - HR
 - EEO
 - Legal
 - Internal and external information
 - Job analyses
 - Job descriptions
 - Job posting
 - External sources (e.g., other postings, O*NET)
 - HRIS system

Ensuring Legal Compliance and Effectiveness: Content

- **Avoid questions related to protected class status (obvious and not so obvious)**
 - Marital status
 - Religious affiliation
 - Graduation date
 - Criminal record
 - Citizenship
 - Approval from legal
- **Develop good questions**
 - Understandable
 - Straightforward
 - Objective

Ensuring Legal Compliance and Effectiveness: Development

- **Good questions**
 - Length of question
 - Emphasize face and content validity
- **Putting it all together**
 - Length of questionnaire
 - Require verification of answers and/or self-certification
 - Pre-test/QA
 - For understanding, length, objectivity, face validity
 - Require that all questions be linked to job description and/or posting

Ensuring Legal Compliance and Effectiveness: Implementation

- **Allow job seeker to self-select-out**
- **Without documented justification, do NOT....**
 - Weight answers
 - Use scoring and ranking
 - Use compensatory models
- **Treat everyone the same**
 - Use the same pre-screen for all job seekers for a given requisition or preferably for all job seekers for a job
 - Do not change questions or application of pre-screens in the middle of a hiring process
- **Document/save all pre-screens**
 - Even if EEO information is not collected
 - Establish job-relevance

Ensuring Legal Compliance and Effectiveness: Evaluation

- **Conduct disparate impact studies**
 - On job seekers
 - On sample of job seekers
 - Literature review

- **Conduct validity studies**
 - Face
 - Content
 - Criterion

Disparate Impact Study




- **Collect EEO data on first XXX job seekers required to complete the pre-screen**
 - If no adverse impact, document this result and stop collecting EEO data until pre-screen is changed
 - If adverse impact, identify which items cause the disparity
 - Justify use of the item or
 - Change the item
- **Use external data or studies**
 - Census reports education by gender and race
 - Literature from fields such as sociology, psychology or business or education
 - Consulting firms or associations

Face Validity

- Survey incumbents, not just those in job of interest
- Survey job seekers who complete the questionnaire
- Consulting firm to conduct other surveys of population

Content Validity

- Question to job description links



The screenshot shows a web page dialog titled "Web Page Dialog" with the address bar displaying "Untitled" and "View Post Template". The main content area is titled "OPENING INFORMATION" and contains the following details:

| | | | |
|--------------------------|--------------------|----------------------------|---------------------|
| Position Title | Controller | Employment Type | Full Time - Regular |
| Position Category | Financial Services | Experience Required | 7 - 10 Years |
| Location | NC - Raleigh | Education Required | Bachelors Degree |
| Facility | Corporate Office | Travel Percentage | 20 |
| Shift | 1st | Relocation Provided | Yes |
| Hours of Work | 40 | | |
| Department | Finance/Accounting | | |

Position Description

The Controller is a senior member of the administrative organization which also includes the Director of Contracts Administration, Director of Financial Planning and Analysis, Director of Information Technology and Director of Human Resources. The Controller is responsible for maintaining the Company's financial records and establishing accounting policies and procedures to ensure that all financial transactions are executed and documented in accordance with generally accepted accounting principles. The position is located in Raleigh, NC. Duties:

- Oversee financial reporting and analysis for use by company management and the board of directors.
- Establish and maintain internal controls necessary to ensure the integrity of financial transactions and financial statements.
- Manage the Company's accounting functions:
 - o Accounts payable
 - o Purchasing
 - o Payroll
 - o Revenue and invoicing
 - o Sales commissions
 - o Fixed assets
 - o Stock options
 - o Tax returns
- Cash management: Advise management on investments and loans for short-term and long-range financial plans. Prepare financial reports involving treasury functions. Manage the Company's banking and credit facilities.
- Manage the Company's annual audit.

Position Requirements

Requirements:

- Minimum of ten years of accounting experience with five years in accounting management.
- Significant experience in an application service provider or software development company.
- Public company experience.
- Strong analytical skills to monitor and manage systems and processes in a complex accounting environment.
- Unquestionable integrity, honesty and trustworthiness.
- Highly motivated self-starter who continually strives to improve and can work with minimum direction and supervision.
- Team-oriented person who fosters a sense of teamwork across the organization to achieve goals.
- CPA certification.

Position Attributes

Criterion-Related Validity

- Identify and collect performance data
 - Quality of hire from hiring manager
 - 6 and 12 month evaluation from peers and manager
 - Productivity data
 - Turnover
 - Absenteeism
- Examine relationship between pre-screen and performance
- Particularly helpful to identify new items for pre-screen

Ensuring Legal Compliance and Effectiveness: Evaluation

- Document evaluation
- Establish question libraries with validity information
- Use evaluation to make decisions about pre-screening
 - Method
 - Use
 - Training
 - Other

Questions & Answers



Thank You

The Peopleclick Research Institute is committed to helping organizations promote diversity, manage risk and comply with anti-discrimination regulations.

