



# HR Pre-Qualify

## Legal Issues

In order to protect the rights of both employers and job applicants, there are numerous laws and regulations that affect the manner in which the *overall* hiring process is conducted. In general, these laws and regulations address, among other things, issues of discrimination/fairness and privacy. It is important to keep in mind that these laws apply to *all* hiring procedures, whether they be interviews, background checks, reference checks, or predictive hiring systems such as the ERI<sup>®</sup> screening system. In general, no employer may discriminate against protected groups in the hiring process, nor may a job applicant suffer unreasonable, substantial, or serious interference with his/her privacy.

Bay State Psychological Associates recognizes the importance of these fundamental principles and is fully committed to helping employers hire individuals, in a manner that is consistent with the provisions of relevant statutes and regulations. The Employee Reliability Inventory (ERI<sup>®</sup>) screening system was designed to assist in achieving that goal.

We believe that a combination of the following features makes using the ERI<sup>®</sup> screening system responsive to, and consistent with, the provisions of relevant statutes and other legal requirements.

- Published research which shows the validity of the ERI<sup>®</sup> screening system, in the context of actual job performance.
- *Americans With Disabilities Act* - The ERI<sup>®</sup> System has undergone a comprehensive legal and technical review with respect to the various provisions of the ADA. From both the legal and technical perspectives, our review indicates that the content of the questionnaire statements, and the use of the ERI<sup>®</sup> System, is responsive to and consistent with the provisions of the ADA. In addition, because the questionnaire is a criterion-based instrument, and because the various criteria used to

validate it were related to unreliable behavior in the context of actual job performance, the questionnaire has a high degree of job relatedness and its use is quite consistent with business necessity. Furthermore, to assist your organization in providing reasonable accommodation during the application/selection process, we offer the questionnaire in *alternative formats*. Our ADA Kit can help you in assessing individuals who have impaired sensory, manual, or speaking skills.

- *Civil Rights Acts of 1964 & 1991* - With respect to the Civil Rights Act of 1964 (Title VII) and the more recently enacted Civil Rights Act of 1991, research has consistently shown that use of the questionnaire does not result in Adverse Impact with respect to race, gender, or age, as defined and measured in the *Uniform Guidelines on Employee Selection Procedures*. Furthermore, the ERI<sup>®</sup> System does not use within group norming (“race norming”).
- The ERI<sup>®</sup> system does not use intrusive statements or questions.
- In the ERI<sup>®</sup> System there are no fixed “cutoff” scores. An applicant does not “pass” or “fail”
- Use of the ERI<sup>®</sup> System is fully integrated into the overall selection process. It is not used by itself to make employment decisions. The answers that an applicant gives to individual statements on the questionnaire do not, in themselves, form the basis for making any type of hiring decision.

### Our History

The ERI<sup>®</sup> Screening System has been in continuous use since 1986. Over 8,000 companies have used the System.

In a recent survey of ERI<sup>®</sup> users, 89% indicated that job applicants’ acceptance of the ERI<sup>®</sup> System was “very high”. No client reported any difficulties with job applicant acceptance.