



Employers Should Think Twice Before Using Personality Tests

By Alan Goldstein, Senior Attorney at Equip for Equality, Illinois ADA Project Manager

In *Karraker v. Rent-A-Center*, the US Court of Appeals for the Seventh Circuit held that giving job applicants the Minnesota Multiphasic Personality Inventory (MMPI), a widely used personality test, is prohibited by the ADA. In this precedent-setting case, the court held that the MMPI is a “medical examination” that unlawfully screens out individuals with mental illness. This is true even if the test is graded using a “vocational protocol” and is not interpreted by a medical professional.

Under the ADA, employers may not require “medical examinations” of job applicants prior to extending a job offer. Medical examinations that are given to people who have received job offers or who are current employees must be “job-related and consistent with business necessity.” When given to job applicants, medical examinations must be given to all potential employees for that position. For medical examinations of sitting employees, there must be a reasonable basis for the examination.

The Court noted, “attitudinal barriers resulting from unfounded stereotypes and prejudice particularly affect people with mental illness.” As a result, “people with psychiatric disabilities have suffered as a result of such attitudinal barriers, with an employment rate dramatically lower than people without disabilities and far lower than people with other types of disabilities.”

Additionally, the Court stated, “Because it is designed, at least in part, to reveal mental illness and has the effect of hurting the employment prospects of one with a mental disability, we think the MMPI is best categorized as a medical examination. And even though the MMPI was only a part of a battery of tests administered to employees looking to advance, its use, we conclude, violated the ADA.”

As a result of this decision, employers in Illinois, Indiana and Wisconsin, the three states covered by the Seventh Circuit, are unequivocally prohibited from giving the MMPI to job applicants. The decision also calls into question the use of other forms of personality testing.

As a result of this decision, employers must examine the following:

- Are personality tests beneficial in evaluating potential employees?
- Do the benefits of personality testing outweigh the risks of litigation?
- Do personality tests violate the privacy and confidentiality rights of job applicants?
- Are there less risky or more effective methods available for evaluating potential employees?
- In addition to tending to screen out people with mental illness, do personality tests discriminate against individuals with cognitive, developmental, communicative or other disabilities?

Employers with questions about personality tests or other ADA employment issues have several resources available to them. [The Illinois ADA Project](#) and [The Great Lakes ADA and IT Center](#) both provide ADA information and training to employers. [The Equal Employment Opportunity Commission](#) and [The Job Accommodation Network](#) are additional federally funded, free resources for employers.

Individuals with disabilities or other people with questions regarding personality testing, or who are aware of an employer that uses the MMPI or other personality test, can contact the Illinois ADA Project or Equip for Equality. The contact information for both agencies is listed below:

Illinois ADA Project

Telephone: (877) ADA - 3601 (Voice)

TTY: (800) 610 - 2779

E-Mail: ContactUs@ADA-IL.org

Website: www.ADA-IL.org

Equip for Equality

Telephone: (800) 537-2632 (Voice)

TTY: (800) 610-2779

E-mail: Contactus@equipforequality.org

Website: www.equipforequality.org

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This resource material is intended as a guide and does not constitute legal advice. For specific legal advice, an attorney should be consulted.