

How Can You Fairly Select Applicants with Disabilities? Here's What HR Professionals Think

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One immediate concern of Human Resources Professionals (HRPs) is how to fairly and accurately use selection procedures for employees with disabilities under the 1990 Americans with Disabilities Act. The authors surveyed a cross-section of HRPs to determine how they viewed the fairness and job relatedness of ten popular pre-employment screening techniques. Results indicated convergence between ratings of fairness and job relatedness. There was a tendency for structured interviews, cognitive ability tests, personality tests, and work samples to be ranked highly for fairness and relatedness, and for biographical data, unstructured interviews, and clinical personality tests to be ranked as least fair or related. Implications for HRP training and practice are discussed.

What is your gut reaction about the fairness and accuracy of a typical pre-employment interview for an applicant with cerebral palsy? Do you think it is fair to make an applicant with a disability go through a pre-employment medical screening? Can you trust the accuracy of a test of mental ability for a deaf applicant?

This article reports research which sought opinions from Human Resource Professionals (HRPs) about the fairness and job relatedness of common selection techniques. The results suggest that training sessions on how to hire applicants with disabilities are affecting HRPs' opinions, but there is still room for improvement.

Legislation in Brief

The 1990 Americans with Disabilities Act (ADA; Equal Employ-

ment Opportunity Commission, 1991) stated explicitly that organizations may use pre-employment screening techniques to establish who, among disabled applicants, is qualified. A qualified applicant with a disability is one who "satisfies the requisite skill, expertise, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position" (EEOC, 1991, Sec. 1630.2.m, p. 35735). The following conditions must be met for selection testing under ADA (EEOC, 1991, Secs. 1630.2.r; 1630.7; 1630.10; 1630.11; 1630.14). First, the test must measure the essential functions of the position in question. In this way the test reflects a business necessity because it measures an essential aspect of the work in question. Second, the test must assess the applicant's ability, not his/her disability. An obvious example is giving a paper and pencil test to someone who is blind: the applicant cannot possibly demonstrate his or her ability because he/she cannot see the questions. A third, related condition for pre-employment testing is that the employer must provide test accommodation to allow applicants to demonstrate their ability. In the paper and pencil test situation, either a Braille version -- if the person reads Braille -- or an oral administration may be an appropriate accommodation.

Related Research

There has been a growing interest in applicant reactions to employment selection practices, and how those reactions affect the test-taking process. For example, Harris and Fink (1987) and Powell (1991) have studied determinants of the applicant's decision to accept job offers in the interview. These researchers found that recruiting practices and the recruiter's interpersonal style had significant effects on the applicant's perceptions of the organization and their decision to accept a job offer. Arvey, Strickland, Drauden, and Martin (1990) found that applicants were significantly more motivated when taking tests than were employees. Moreover, motivation scores correlated significantly with actual selection test performance.

Most recently, Smither, Reilly, Millsap, Pearlman, & Stoffey (1993) have found that the extent to which subjects believed that they could control their performance on employment tests was significantly related to the perceived job relatedness of the employment test. Smither *et al.* (1993) also found that perceived predictive validity was determined by

procedural and distributive fairness, while organizational attractiveness was correlated with the face validity of the employment measure.

In sum, there is mounting evidence that perceptions of employment practice fairness, the appearance of test validity, and recruiter skills significantly affect applicant test performance and decisions about job choice. In a highly competitive labor market (Goldstein & Gilliam, 1990), anticipation of applicant reactions is likely to provide a recruitment edge to HRP's in the staffing process.

The Current Question

HRP's have had to assimilate EEOC regulations, but how has this knowledge affected their opinions about the selection practices they have trusted over the years? It is one thing to know that it is legal to test, but another to rely on a test that one suspects may not fairly assess the true capacity of applicants with disabilities. Disabled applicants may initiate legal action if they believe that the test was not a valid or fair indicator of their ability. Finally, HRP's who understand the likely reactions of disabled applicants to selection techniques may have an advantage in staffing from this talent pool and in avoiding litigation.

This research attempted to determine what HRP's thought about ten popular pre-employment techniques (described in the Appendix). Survey participants were asked how job related and fair each technique was, first for applicants in general, and then for applicants with disabilities. We also asked respondents how familiar they were with the ADA and its predecessor, the 1973 Vocational Rehabilitation Act (Public Law 93-112, 1973). We also asked whether the respondent's employer had implemented total quality management (TQM) principles. We expected that since TQM emphasizes training and team work (Gitlow & Gitlow, 1987), cognitive abilities and personality factors might be seen as more job related and fair than in non-TQM environments.

METHOD

Sample and Procedure

All members of the sample group were associated with the Society for Human Resource Management (SHRM) and were located in and around a medium-sized Midwestern city. Only practicing professionals

were surveyed; student members, honorary members, and consultants were excluded from our sample. A total of 249 HRP's remained after we made our exclusions. These professionals were employed in banking and finance, service, manufacturing, municipal government, and not-for-profit organizations. We estimated that we needed to sample 60.6% ($N = 151$) of this group (Schaeffer, Mendenhall, & Ott, 1979, p. 48) to have reasonable power. We oversampled by 25% to compensate for nonresponses, incorrect addresses, etc. In all, 190 randomly selected HRP's received the following: a cover letter soliciting their participation; a survey; and a pre-addressed, metered return envelope. No identifying information was collected so that all respondents remained anonymous.

The survey contained ten descriptions of the selection techniques (described in the Appendix). The order of presentation of the selection methods was randomized. Respondents were asked to rate each technique on its job relatedness for assessing any applicant's work capacity, and its job relatedness for assessing work capacity for applicants with disabilities. Next, respondents were asked to rate each technique on its fairness for assessing any applicant's work capacity, and its fairness for assessing work capacity for applicants with disabilities. We also encouraged HRP's to make written comments. Note that we asked respondents to imagine the first person with a disability who came to mind when making ratings, as we could not reasonably expect ratings for several different type of disabilities from each respondent. Finally, a demographic survey requested the following information: gender of respondent; respondent's knowledge (on two 100-point scales) of the ADA and of the Vocational Rehabilitation Act; number of applicants with disabilities the respondent's organization processed each year; whether the respondent's organization had implemented TQM principles; and whether the respondent had a disability.

RESULTS

Typical return rates for mail surveys tend to fluctuate between 15% and 30% and usually do not exceed 50% (Bush & White, 1985). A total of 55 HRP's returned the surveys for a 29.1% response rate. We expected a higher rate based on previous research with this group (Owen & Wendt, 1992). Nevertheless, the rate was within the range expected for a mail survey.

We found that ratings of job-relatedness in general and for applicants with disabilities were highly correlated for each selection measure, as were the two ratings of fairness (see Table 1). Thus, our first conclusion is that HRPs do not see a significant difference between job relatedness and fairness when assessing applicants in general y. applicants with disabilities -- each method was seen as either fair or unfair, job related or not job related, regardless of the applicant's disability status. As a result we averaged the fairness ratings together to form one fairness score for each selection method, and a similar procedure was used to create an averaged job relatedness score for each method. Also as shown in Table 1, job relatedness and fairness correlated significantly.

Table 1

Correlations between Job Relatedness Ratings for "Applicants in General" and "Applicants with Disabilities," Fairness Ratings for "Applicants in General" and "Applicants with Disabilities," and Correlations between Overall Job Relatedness and Fairness

Method	JR All/Dis.	F All/Dis.	JR,F
Biographical inventory	.91	.90	.90
Clinical personality test	.88	.83	.92
Cognitive ability test	.85	.89	.96
Leaderless group discussion	.91	.95	.93
Medical evaluation	.92	.91	.97
Personality test	.94	.94	.89
Physical ability	.82	.84	.91
Structured interview	.78	.85	.90
Unstructured interview	.95	.95	.88
Work sample	.83	.86	.86

Note. JR: Job relatedness; F: Fairness; All/Dis: correlations between ratings for all applicants and disabled applicants; JR,F: correlations between averaged ratings of job relatedness and fairness. N = 55. All correlations significant at the $p < .001$ level.

Table 2 contains descriptive statistics for the perceived job relatedness and perceived fairness of each selection measure. A single factor repeated measures analysis of variance (ANOVA; Winer, 1971) of the job relatedness means indicated that there were significant differences between these measures, $F(9, 486) = 17.3, p < .001$. A post-hoc analysis (Tukey HSD) indicated that the structured interview, cognitive ability test, and work sample were rated as the most job related (the means for these selection methods did not differ significantly from each other). The Tukey test also indicated that the unstructured interview, biographical data, clinical personality test, and medical evaluation were rated as less job related. Results of an ANOVA for the fairness ratings were similarly significant, $F(9, 486) = 19.6, p < .001$. A post-hoc analysis (Tukey HSD) indicated that the structured interview and the work sample were rated as the most fair, while the cognitive ability test and personality tests were rated as the next most fair selection methods. As before, the unstructured interview, biographical data, clinical personality test, and medical evaluation were rated as less fair.

Next we reviewed written comments about the perceived fairness of each method. These comments are summarized in Table 3. We focused on fairness because research on perceived organizational justice has demonstrated that perceptions of fairness are to a great extent under the control of management (Folger & Bies, 1989).

The comments presented in Table 3 suggest that HRP's have assimilated some basic lessons about testing under ADA. Of the six most frequently cited reasons why the selection method would be fair, five are almost direct summaries of the EEOC regulations. Another interesting discovery concerned the reasons HRP's gave for why these selection methods were less fair. HRP's expressed concern that the disabled applicant's manner of performing the job would not be assessed fairly, because the nature of the impairment might not allow the disabled person to do the tasks in the same manner that the fully-able person could do them. This finding is encouraging, as it suggests that HRP's are thinking about how to accommodate applicants with disabilities in both the testing situation and the work setting.

Other findings were mixed. We tested to see whether HRP's who worked in TQM environments ($N = 36$) would make different fairness or job relatedness ratings compared to those who did not work in TQM settings ($N = 17$; some responses were blank). We did not find evidence

Table 2**Mean Ratings and Standard Deviations of Fairness and Job Relatedness**

Selection Method	Job Relatedness	Fairness
Biographical data	2.68 (1.2)	2.50 (1.1)
Clinical personality test	2.80 (1.1)	2.68 (1.1)
Cognitive ability test	3.77 (1.0)	3.75 (1.0)
Leaderless group discussion	3.07 (1.1)	2.93 (1.2)
Medical evaluation	2.89 (1.2)	2.80 (1.2)
Personality test	3.29 (1.2)	3.24 (1.2)
Physical abilities test	3.27 (1.2)	3.09 (1.2)
Structured interview	4.25 (0.8)	4.25 (0.8)
Unstructured interview	2.68 (1.2)	2.54 (1.2)
Work sample	4.02 (0.9)	3.95 (1.1)

Table 3**Comments about the Meaning of "Fairness" and "Unfairness"**

Meaning	Number
Fairness	
disabled applicant's limitations are accommodated	32
performance on the measure is statistically related to job performance	25
method gives both fully-abled and disabled an equal chance	16
method seemed to have a logical relation to job performance	14
all applicants had to pass the test	9
new hires needed the skill to be successful	5
Unfairness	
method had nothing to do with the job itself	15
disabled individuals' unique or atypical manner of performing the job itself would not be assessed	11
use of the test may result in discrimination against disabled applicants	11

to support this supposition. Using multivariate analysis of variance (MANOVA), the results for fairness ratings were not significant, $F(10, 42) = 0.98$. The MANOVA results for job relatedness also were not significant, $F(10, 42) = 0.78$.

We found that the higher the HRP's self-reported knowledge about the ADA, the more favorably they rated the personality inventory on job relatedness and fairness for applicants with disabilities, $r(53) = .30$ and $r(53) = .27$ respectively, both $p < .05$. There were no significant correlations between self-rated knowledge of the Vocational Rehabilitation Act and any ratings. Furthermore, although only 5.9% of our sample ($N = 3$) indicated that they had a disability, these respondents tended to give lower ratings to most of these selection techniques on job relatedness and fairness. This was most apparent for the structured interview, where the fairness ratings ($M = 2.5$) and job relatedness ratings ($M = 2.7$) of HRPs with disabilities were noticeably lower than fairness ($M = 4.3$) and job relatedness ratings ($M = 4.3$) made by HRPs without disabilities. (We did not perform statistical tests on the significance of these differences due to the low number of disabled respondents.) Finally, there were no significant differences in ratings between male and female HRPs in ratings of fairness, MANOVA $F(10, 41) = 0.65$, or for job relatedness, MANOVA $F(10, 41) = 1.15$.

CONCLUSIONS

Generally, HRPs favored structured interviews, cognitive ability tests, work samples, and tests of "normal" (non-pathological) personality. These selection methods are widely used, and reflect the applicant's ability to do the content of the job (work sample), get along with others (structured interview, personality tests), and to learn new material (cognitive ability tests; Gatewood & Feild, 1990). We interpret these results to mean that HRPs are optimistic about the job relatedness and fairness of familiar selection methods. Presumably HRPs will continue using these methods, albeit with accommodations for persons with disabilities. Thus the first recommendation is that training should focus on how to conduct these tests while making accommodations.

HRPs wrote that one concern about the fairness of selection measures is that the measure has to show a statistical correlation with job performance. This may be problematic from both scientific and legal standpoints. The EEOC regulations clearly state that employment

screening is to be "job-related for the position in question and is consistent with business necessity" (Sec. 1630.10) in order to determine whether applicants with disabilities are qualified at a minimum level. This implies a dichotomous selection criterion: qualified or not qualified, a decision that is typically made in job content-based testing (Gatewood & Feild, 1990). However, the regulations do not mention whether tests may be used to demonstrate a statistical, top-down relation between scores and performance (known as criterion-related validity; Gatewood & Feild, 1990). Thus, HRP's may need to focus more on content validity rather than statistical validity, at least in the short term.

Other results indicate that personality tests were well-received among these HRP's, especially those who rated themselves as knowing more about the ADA. This may reflect the HRP's' desires to know what applicants with disabilities are like based on uneasiness about how these applicants will function around others. However, another explanation is that HRP's may feel that personality tests will reveal whether any applicant, either with or without disabilities, can function appropriately in interpersonal contexts. The authors believe that this finding should be further investigated.

HRP's will face increasing pressure in the years ahead as they learn to facilitate the work ability of persons with disabilities. A recent editorial ("Lawyers disable disability," 1993) indicated that much ADA-based litigation is focusing on promotions for now, and this may be where additional future research should focus. At least in terms of the selection stage, though, our data indicate that there is reason to believe that attitudes -- and maybe practices -- are changing to meet the demands of ADA compliance.

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Appendix A

The HR Selection Measures Assessed in this Study

Personality Inventory - Questions are asked that assess the individual's unique and enduring personal characteristics. Questions may assess general everyday functioning, as well as attitudes related to getting along with others at work.

Work sample - Applicants are given a small sample of the actual work they will be asked to perform while on the job. The ability of the applicant to do the work sample is closely observed and rated by job experts.

Leaderless Group Discussion - A group of applicants is asked to discuss a business situation for some period of time. Each group member is given a set of business facts, and the group is told to come to a conclusion about the business situation using their information.

Biographical Inventory - Applicants are required to respond to questions about themselves. Questions may examine various aspects of the applicant's personal history as well as present values, attitudes, interests, and preferences. Each applicant's responses are evaluated in comparison to responses typically given by successful (high performing) employees.

Unstructured Interview - The hiring manager asks questions about each applicant's background and interests, including work and educational history. The hiring manager may elect to ask different questions of different applicants. Questions asked may also depend on the applicant's responses to earlier questions, as well as the hiring manager's interests at the moment.

Structured Interview - Specially trained supervisors or managers ask applicants a series of questions that were developed by job experts. All applicants are asked the same questions or are asked about the same job content areas. The applicant's responses to these questions are evaluated by comparing them to ideal responses as determined by job experts.

Cognitive Ability Tests - Applicants respond to questions that assess their knowledge and thinking skills. These questions measure such cognitive skills as verbal comprehension, quantitative reasoning, logical reasoning, or inductive reasoning.

Clinical Personality Tests - Questions are asked to assess a person's style for handling emotional difficulties and anxieties in everyday life. Trained psychologists may interpret scores to identify likely conflicts between job demands and the applicant's emotional resources.

Physical Ability Tests - Tests reflect the applicant's physical functioning capacity. Tests are selected to reflect the job's physical demands as specified by content experts. Examples include evaluations of muscle strength, agility, endurance, and speed of physical performance.

Medical Evaluations - Physicians examine applicants to assess pre-existing physical conditions that may limit job functioning. Evaluations typically include an analysis of blood samples, a review of the applicant's medical history, and a physical examination.

Note. All definitions are taken either from HRM texts or from actual practice.