



from Equip for Equality's and The Illinois ADA Project



EFE FACT SHEET – EMPLOYMENT

The ADA and Personality Testing by Employers

Karracker v. Rent-A-Center

Many employers use personality testing in assessing job applicants. However, a recent precedent-setting case held that the use of a personality test for potential employees is prohibited by the ADA. *Karraker v. Rent-A-Center*, 411 F.3d 831 (7th Cir. 2005). In *Karraker*, the 7th Circuit Court of Appeals (which covers Illinois, Indiana and Wisconsin) held that the use of the Minnesota Multiphasic Personality Inventory (MMPI) violates the ADA as it is a “medical examination” that has the effect of screening out individuals with mental illness.

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. As with any employment-related activity, reasonable accommodations and modifications must be provided for medical examinations.

While this decision involved the use of the MMPI personality test at the job application stage, the court’s decision calls into question the use of all personality tests at any stage of the employment process. It is recommended that employers examine their current employment practices to ensure that these practices do not violate the ADA by using personality tests that tend to reveal and/or screen out certain disabilities.

What the Court Stated

- impermissible medical examination that violates the ADA when given prior to making a job offer.
- The MMPI is considered a medical examination even if it is not interpreted by a health care professional.
- The MMPI is a medical examination even if the employer attempts to use it as a personality test by utilizing a vocational, and not a medical, grading system.
- The MMPI has the effect of screening out individuals with mental illness.
- The use of personality tests in general may not be job related or consistent with business necessity.

Issues For Employers

- 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 can contact the Illinois ADA Project at:



Telephone: (877) ADA - 3601 (Voice)

TTY: (800) 610 - 2779

E-Mail: ContactUs@ADA-IL.org

Website: www.ADA-IL.org

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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 at the contact information listed above, or Equip for Equality at:



800.537.2532 (voice) or 800.610.2779 (TTY)

Contactus@equipforequality.org

www.equipforequality.org

Information provided by Equip for Equality and The Illinois ADA Project

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

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