



How to Hire Winners (and Avoid Wackos)

News

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James McDonald, managing partner of the Irvine office, was interviewed for the *Ignites* article "How to Hire Winners (and Avoid Wackos)." The article stated that a growing number of employers are using personality tests to ensure they hire job candidates with the right mix of skill and psyche. The article also reported that a more selective process can find candidates who are the best possible fit leading to lower turnover, higher productivity and fewer workplace problems. Jim pointed out that employers must be careful not to use tests that would profile individuals for mental illness. Using such tests as the Minnesota Multiphasic Personality Inventory (MMPI) or the Personality Assessment Inventory could violate the Americans With Disabilities Act. He said that tests that simply categorize employees according to traits such as assertiveness, passivity and problem solving are generally okay. He pointed out that during a period when jobs are scarce, employers face more "wrongful failure to hire" claims and other discrimination allegations. He said to help ward off such claims, employers should use tests with an established track record, or hire a third party to administer them.

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