

Legal Issues Supporting The Use Of Pre-Employment Assessment

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There are certain legal trends that strongly support the use of pre-employment assessment to demonstrate to the world and the courts that the employer has taken appropriate steps to protect it's customers and coworkers.

Employers are dealing with an ever-increasing number of negligent hiring lawsuits that seek redress for crimes committed by their own employees. Those crimes range from the homicide of a customer and an assault on his family in his own home by deliverymen employed by an auction house to assaults, rapes, and theft against co-workers as well as customers.

These lawsuits contend that an employer negligently placed an individual with dangerous tendencies, which should have been uncovered by a reasonable investigation and assessment, into an employment situation where it was foreseeable that this individual posed a threat of injury to others.

Employers cannot legally ask questions such as, "How frequently do you fly into a psychotic rage?" However, they can reduce their legal exposure through the responsible and uniform use of valid pre-employment assessments.

Valid and reliable pre-employment assessments demonstrate a reasonable and necessary investigation of the applicant's tendencies towards theft and/or violent crimes when they look at traits such as conscientiousness and ethics.

Thus, along with background checks, pre-employment assessments offer one of the best ways in which to prove your due diligence in checking for antisocial tendencies in applicants.

About the Author:

Dr. John Schinnerer is the CEO and Chief Strategist of [InfiNet Assessment](#), a psychological testing company, founded in 1997. Dr. Schinnerer is an educational psychologist and experienced test designer from the U.C. Berkeley. His areas of expertise range from ethical and moral development and training to psychometrics to the psychological constructs that influence job performance. He is a noted writer and speaker on topics such as the legal issues involved in pre-employment testing, optimizing brain functioning, and creating an ethical workplace. Dr. John serves on the Advisory Board of [Humanatek](#), a leading edge human capital company. He is a Lead coach for [Bayridge Consulting Group](#). Dr. Schinnerer is President of the Tri-Valley Human Resources Association ([TVHRA](#)) and serves on the Leadership Team of [HR ExecNet](#), a job search and networking group for HR Executives. He also sits on the Leadership Council for The Wellness Community; a non-profit designed to help cancer survivors and their families. He is a member of the American Psychological Association, Society for Human Resource Management, Society for Business Ethics, and NCHRA. Dr. Schinnerer is currently working on a book entitled "A Day in the Life of a Human Capitalist" based on interviews with elite VPs of Human Resources. He may be reached via email at John@InfinetAssessment.com.

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