

Personality test violates the ADA; Court rules that it is a “medical examination”

The Seventh U.S. Court of Appeals recently ruled that the Minnesota Multiphasic Personality Inventory (MMPI) was a “medical examination” and its use by an employer to determine promotional opportunities violated the Americans With Disabilities Act (ADA). The Seventh Circuit reversed a federal district court’s decision regarding an employer’s use of this particular personality test.

The Case

Steven, Michael, and Christopher Karraker are brothers who worked for Rent-A-Center. In order to receive a promotion they were required to take the APT Management Trainee-Executive Profile, which included 502 questions from the MMPI, a commonly used personality test.

The MMPI didn’t simply measure personality traits, but also measured traits such as depression, hypochondriasis, hysteria, paranoia, and mania. The test included true or false questions such as, “I see things or animals or people around me that others do not see” and “I have a habit of counting things that are not important such as bulbs on electric signs, and so forth.”

The Karrakers’ scores deviated from the acceptable range, so they couldn’t be considered for a promotion under the employer’s rules. The Karrakers sued on behalf of themselves and other Illinois Rent-A-Center employees, claiming that the use of this particular personality test violated the ADA. Rent-A-Center claimed it only used the test to measure personality traits.

The court noted that the Equal Employment Opportunity Commission defined a “medical examination” as a “procedure or test that seeks information about an individual’s physical or mental health.” The issue in this case was whether the MMPI fits the ADA’s definition of a medical examination.

What the Court Said

The court concluded, “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 (albeit a significant part) of a battery of tests administered to employees looking to advance, its use, we conclude, violated the ADA.”

What This Case Means to Counties

Employers need to be very hesitant to use tests that provide personality trait information. Using tests that yield information on a employee’s mental health exposes employers to ADA liability. An employer must decide if using a personality test is worth the exposure to possible lawsuits.

For more information, contact CTSI at 303-861-0507.

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