

OPINION LETTER BY CANDIDATE RESOURCES, INC.

To Whom It May Concern:

Thank you for your inquiry concerning the legality and validity of the Achiever assessment. Candidate Resources, Inc., through its years of operations with hundreds of thousands of people having gone through its assessment, has endeavored to continually ensure that its assessments (tests) and questions thereof are solely of a job-related nature. Candidate Resources' assessment systems have been reviewed by the Office of Federal Contract Compliance (OFCC) who have found nothing discriminatory about their use, or the need to validate them within any particular company or within any particular job.

The Achiever has been established and validated in accordance with the procedures described in "*Standards of Educational Psychological Tests and Manuals*," which is referred to in paragraph (2) 1607.6, "Minimum Standards for Evaluation," *Federal Register Volume 35*, dated Saturday, August 1, 1970. It is therefore not discriminatory and is in compliance with E.E.O.C. and other Federal Regulations.

In validating the Achiever, two different types of validation were utilized: Construct and Criterion. Construct validity refers to the extent to which dimensions on different tests with similar names relate to each other. Two things that correlate highly are not necessarily identical, but do provide reassurance that they are related and are a "construct" or part of the makeup (like honesty, dependability, sociability, etc.) of an individual as related to actual job performance. By relating the aptitudes and dimensions in The Achiever to those of assessments deemed valid by the psychology community, such as the MMPI and 16PF, the developers were able to determine that The Achiever has construct validity.

Additionally, the developers of The Achiever utilized the Criterion Validation process to further enhance the validity of the assessment. This form of validity correlates assessment scores with employee success on the job. By studying hard indices of job performance and correlating the mental aptitudes and personality dimensions of The Achiever to the indices, the developers were able to determine that The Achiever is an effective predictor of job performance.

Further, The Achiever was developed to allow the use of Concurrent Validation within an organization. Concurrent Validation is a form of Criterion Validation in which successful employees within an organization are assessed with The Achiever, and their scores are analyzed to derive a Benchmark. The Benchmark can then be used to select, train and develop employees to optimize job fit and performance.

In the almost 40 years The Achiever has been in use, we are aware of no instances of adverse impact against protected groups or claims relating to invasion of privacy. Given the strict validation process followed in the development of the instrument, and the ongoing concurrent validation, a lack of adverse impact should not be surprising.

Further, when training employers to utilize our assessments, we emphasize that an assessment is merely one of many tools an employer should use to determine the ability of an individual to successfully perform a job, and that the assessment results must not be allowed to account for more than one-third of the final decision. When used in this manner, an assessment cannot result in adverse impact since it is not the determining factor in an employment decision.

Sincerely,



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