Psychological Pre-employment Evaluations for Safety Sensitive Positions

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Learning Objectives

• Describe the core domains of police and public safety psychology, and their application in general to safety sensitive agencies
• Describe why PEPEs are critical in hiring, especially in safety sensitive positions
• Identify ways to make a PEPE most effective
• Show the ability to help employers make the best decisions when requesting PEPEs
• Identify agency benefits and importance regarding a successful screening process
• Describe the difference between a pre-employment psychological evaluation and a fitness-for-duty evaluation

Core Domains of Police and Public Safety Psychology

- Assessment
- Intervention
- Operational Support
- Consultation
Prevalence of PEPES:

- All states have statutory and/or regulatory requirements for PEPES for law enforcement.
- 100,000 evaluations performed every year by as many as 4,000 psychologists (Corey & Borum, 2013).
- U.S. DOJ study: approximately 98% of U.S. law enforcement agencies serving communities of 25,000 or more residents used psychological screening & selecting applicants (Reaves, 2010).
- Vast majority of agencies use PEPES whether or not they are legally required.
- Also required by US DOE for access to nuclear power plants.
- Often required in other safety-sensitive positions (e.g., firefighters, paramedics, airline pilots, air traffic controllers, etc.).

The Purpose of PEPES

Threefold:

- To determine whether an applicant meets the minimum requirements for psychological suitability mandated by jurisdictional statutes and regulations;
- Is free from any emotional or mental conditions that might adversely affect the performance of safety-based duties and responsibilities, and
- Is capable of withstanding the psychological demands inherent in the position.

The Need: Want vs. Suitability

Want vs. Suitability

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Federal Employment Foundation Laws

- Essential
  - ADA Title I & ADAAA
  - GINA Title II
  - HIPAA
  - FMLA
  - CRA (Title VII & 1991)
  - Rehab Act of 1973
  - USERRA
  - UGESP (1978)

- Important
  - Section 1983
  - 5 CFR §339

Foundational Cases

- Essential:
  - Garrity v. New Jersey (1967)
  - Schloendorff v. Society of NY Hospital (1914)
  - Brady v. Maryland (1963)

- Important:
  - Palmer v. Cir. Ct. of Cook County (1997)

Effective PEPs

When Hiring the Right Person is Critical
The PEPE Interview: You Passed – You Failed

Who Conducts PEPEs?
- Competency
- Culturally Competent
- Knowledge Base – Scientific, Professional and Legal
- Ethical Standards
- Conflict of Interest

Pre-employment Psychological Evaluations

Guidelines
Professional Guidelines and Standards:

At least two personality tests for abnormal (psychopathology) and normal (suitability) assessment.

Full review of background investigation and test results prior to interview.

Personal interview covering biographical history, mental health, substance use, employment, legal issues, etc.

Written report with recommendation for applicant suitability.

Psychological Dimensions in PEPEs

• Interpersonal Behavior
  1) Social Competence
  2) Teamwork
  3) Assertiveness – Persuasiveness

• Judgment and Adaptability
  4) Decision Making
  5) Adaptability/Flexibility

• Emotional Control
  6) Emotional Regulation – Stress Tolerance
  7) Avoiding Substance Abuse
  8) Impulse Control – Attention to Safety

• Work Attitudes
  9) Conscientiousness/Dependability
  10) Integrity/Ethics

**Communication/Learning Skills
  11) Vocabulary Skills
  12) Problem Solving – Learning

Evaluation Process:

• Evidence-based derived from relevant empirical research, including job analyses, predictive validity studies.
  • Consistent with administrative and case law including ADA, GINA, and EEOC, HIPAA, etc.
  • Consistent with authoritative sources, including International Association of Chiefs of Police (IACP) – Police Psychological Services Section (PPSS), Pre-Employment Psychological Evaluation Guidelines, and CA POST – Peace Officer Psychological Screening Manual (Spilberg & Corey, 2014, 2018).
  • Fully transparent
  • Highly defensible
  • No adverse impact
Abnormal Personality and Psychopathology:

  The PCIR is a state-of-the-art interpretive report that provides empirically valid, research-based interpretations and predictions with regard to possible psychological problems and law enforcement officer job-related problems in the domains that are critical to essential job functions.
  - Norms are also available for other safety-sensitive positions
  - Part of the PERE process at the post-conditional offer stage

Normal Personality – Job Suitability:

- California Psychological Inventory (CPI) – Police and Public Safety Selection Report (PPSSR) uses norms developed specifically from law-enforcement, and other safety-sensitive samples and uses research data to predict the probability of different types of problems arising at work. Our 2004 research indicates that many of the CPI scales predict a number of relevant work-related problems for police officers. Recent reanalysis (Roberts, 2014) affirms and expands on these findings using risk ratios.

Biographical Questionnaire and Structured Interview:

- THE PERSONAL EXPERIENCES INVENTORY (PEI): Questionnaire asks candidates to provide a detailed and comprehensive (21-page) background history, related to:
  - Education
  - Employment
  - Military service
  - Family and social history
  - Physical health
  - Mental health (including responses to critical incidents)
  - Alcohol and drug use
  - Legal issues
  - Problematic sexual behaviors
  - Financial/credit issues
**FINAL WRITTEN REPORT:**

- Integrates personal history derived from PEI, interview, and background investigation information.
- Interpretation of test results.
- Risk ratings on 10 dimensions of psychological functioning, validated by research, that are essential for work as a safety sensitive employee.
- Final risk rating.

### Table 1: Integrating Personal History, Psychological Assessment, Functional Abilities

<table>
<thead>
<tr>
<th>Dimension</th>
<th>PEI</th>
<th>Interview</th>
<th>Background Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Rating</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
</tbody>
</table>

### Table 2: Risk Rating Dimensions

- **Risk Rating**:
  - 1: High: Continuous engagement with others in a safe and controlled manner, no ongoing anxiety or concerns in areas of functioning.
  - 2: Moderate: Some minor concerns, but generally able to function in a controlled manner.
  - 3: Low: Minimal concerns, able to maintain control in most situations.

### Table 3: Summarized Risk Ratings

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</tbody>
</table>

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FINAL WRITTEN REPORT: RISK RATINGS

The Importance of a Proper PEPE

- Case Example
  - Mohamed Noor
  - What the PEPE results indicated

FINAL WRITTEN REPORT: OVERALL RISK RATING

- Provides bottom-line recommendation for hiring
- Provides training and supervisory needs
Benefits to the Hiring Agency

• Make more informed hiring decisions
• Ensure that potential employees are suitable before hiring them
• Assess the potential of a prospective employee to handle the job effectively under adverse conditions
• Reduce the number of problem employees
• Lower the risk of lawsuits
• Save on the cost of high employee turnover

PEPE VS. FFDE

PEPE

Definition:
A preemployment psychological evaluation is a specialized examination to determine whether an applicant (typically public safety) meets the minimum requirements for psychological suitability mandated by jurisdictional statutes and regulations, as well as any other criteria established by the hiring agency.

In most jurisdictions, the minimum requirements for psychological suitability are that the applicant be free from any emotional or mental condition that might adversely affect personal or public safety and that any existing condition would not preclude the applicant from performing the psychological demands inherent in the prospective position.

(IACP-PPSS Guideline 3.1 & 3.2)

FFDE

Definition:
A psychological FFDE is a formal, specialized examination of an incumbent employee that results from:

1. objective evidence that the employee may be unable to safely or effectively perform a defined job, and
2. a reasonable basis for believing that the cause of the unfitness is a psychological condition or impairment.

• The central purpose of an FFDE is to determine whether the employee is able to safely and effectively perform his or her essential job functions. (IACP-FFDE Guideline 3.1)

**What they both have in common: Violence Risk Assessment**

QUESTIONS?

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