

SENATE COMMITTEE ON LABOR

April 29, 1991                      Hearing Room 50 03:00 p.m.                      Tapes 79 - 82  
MEMBERS PRESENT: SEN. GRATTAN KERANS, CHAIR SEN. LARRY HILL,  
VICE-CHAIR SEN. PETER BROCKMAN SEN. BOB KINTIGH SEN. BOB SHOEMAKER STAFF  
PRESENT: ANNETTE TALBOTT, COMMITTEE COUNSEL ROBERTA WHITE, COMMITTEE  
ASSISTANT MEASURES CONSIDERED: SB 792 - PSYCHOLOGICAL TESTING -  
PUBLIC HEARING SB 834 - HANDW] 'ITING ANALYSIS - PUBLIC HEARING

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 79, SIDE A 001 CHAIR KERANS calls the meeting to order at 3:17 pm. EMPLOYMENT SCREENING AND TESTING OVERVIEW AND VIDEO 020 CHAIR KERANS: Presents overview of video and introduces the people in the video along with their backgrounds. 077 Video on employment screening and testing is presented to the committee and audience. · The "right to privacy" promised by the Constitution and the Bill of Rights only applies to the government. It does not apply to private corporations. · The only rights of privacy that people have come from statutes or from the common law, and those rights are extremely limited. · An employer is prohibited from listening in on a private telephone call, but there is no limit to the employer's right to listen to business related telephone calls. · Although it is inappropriate for private employers to use polygraph tests, state, local and federal governments use them without restrictions. · Private corporations are now using written honesty tests, which for all intents and purposes are completely legal. · The common law is valuable, but it is reserved for a handful of outrageous cases, and it does not provide any kind of systematic protection for privacy. · There are three elements required for invasion of privacy under the common law cause of action: · Intentional intrusion. · Intrusion has to be into the private affairs of the individual. Senate Committee on Labor April 29, 1991 Page 2

· It has to be the type of intrusion that would offend a reasonable person. · Physical examinations will no longer be given by corporations unless all employees in the organization are tested. · Even though Oregon's laws might be better than most states, there is still more work to be done to protect workers. 365 CHAIR KERANS summarizes the video with respect to the bills which will be considered by the Committee.

TAPE 79, SIDE A

SB 792 - PSYCHOLOGICAL TESTING FOR EMPLOYMENT SCREENING PURPOSES -  
PUBLIC HEARING

WITNESSES: WILLIAM G. HARRIS, ASSOCIATION OF PERSONNEL TEST PUBLISHERS, CHARLOTTE, NORTH CAROLINA MELANIE JACOBSON, NATIONAL COMPUTING SCREENING ROBERT E. LAWTON, PACIFIC COAST ASSOCIATION OF PULP AND PAPER MANUFACTURING BOB HALL, PORTLAND GENERAL ELECTRIC IRV FLETCHER, AFL CIO JEANINE MEYER-RODRIGUEZ, OPEU DIANE ROSENBAUM, OSUIC CHUCK BENNETT, AMERICAN PSYCHOLOGICAL ASSOCIATION

409 WILLIAM G. HARRIS, ASSOCIATION OF PERSONNEL TEST PUBLISHERS, CHARLOTTE, NORTH CAROLINA (EXHIBIT A) > Testifies in opposition to SB 792. > Details Exhibit A.

TAPE 80, SIDE A

001 HARRIS, CONTINUED > Continues to detail Exhibit A. 094 CHAIR KERANS: Outlines the "-1" amendments to 792 (EXHIBIT B).

133 HARRIS: The notion of a psychological employment test, and you're trying to assess any aspect of that environment that is job relatedness, it could be integrity or honesty, it could be aptitude or various skills, or it could be a combination of all of those. In the Uniform Guidelines, when they talk about an area that could be assessed, they do use, for example, honesty. Honesty is a trait that should be important because of the type of job, whether we're talking about someone digging a ditch or someone who is trading stock. Even in the Uniform Guidelines, which are the Federal guidelines for developing and validating and using tests, they have mentioned the concept or trait of honesty as being important.

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159 CHAIR KERANS: Can you draw a line between knowledge, skills and abilities, so that you can test a person's knowledge of a subject, as opposed to finding out whether a person is going to be an honest employee? HARRIS: If I use any type of device to make a pre-employment determination, regardless of whether it is an integrity test, an aptitude measure, or skills measure, then it is part of the psychological pre-employment process. > The purpose of having a review process is to determine how valid and how useful and how credible the test is, and to determine if there is potential for discrimination in regards to how the test is used - test results in particular. If you begin to segregate out just one section of testing and apply this particular review process to it, you are making a very clear statement that you want to restrict this because you have some concerns that integrity testing does not work or may be of limited value. > The American Psychological Association report that came out last month basically gave support to the use of integrity testing. One of the major conclusions of the report is that there is a preponderance of evidence to suggest that there is value in using integrity tests. That quote comes from the body of the APA report. 220 CHAIR KERANS: What we are trying to do is find the parameters of those kinds of tests which ought to be subjected to the kinds of validity and predictability we are going to get through the bill.

HARRIS: The report made very clear that there is no way of distinguishing between this type of testing and any other form of pre-employment psychological testing. That was one of their basic premises. 254 CHAIR KERANS: Continues to outline the "-1" amendments for Dr. Harris. HARRIS: Explains under which circumstances a trained professional psychologist would not be required to evaluate test results. CHAIR KERANS: So one can separate something that comes with a key or has a fairly straightforward arithmetic process for evaluating the test results be separated from something that might need a clinical diagnostician to determine and report. 301 HARRIS: Yes, sir. In fact, the American Psychological Association has wrestled with this problem for the last four or five decades, and they had a very effective classification system. While it is not being used at this point, I think it is still worthwhile. 328 SENATOR HILL: When we talk about the tests, we generally talk about pencil and paper. Are there also tests that are manipulation tests, or stacking tests, sorting tests, etc.? HARRIS: Yes. Those are used primarily in intelligence testing or some type of assessment for engineering skills, or aptitude. SENATOR HILL: But they are generally not used for honesty or veracity?

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HARRIS: Not that I'm aware of. I don't know of any of them that would be classified as integrity or honesty tests. > There are several commercial publishers that will have interactive software, but basically what they have done is to take pencil and paper and placed it on another medium.

358 TALBOTT: I was trying to compare the OTA findings in the report which the members have in their files. They actually have some things in common. There is a serious problem, as the APA reports in evaluating proprietary tests in that publishers may have no interest in making that information available, and that research on the honesty tests is not always easily obtained. Wouldn't the requirement that that sort of information be disclosed to the Bureau be a way to ensure that information is obtained and that there is a way to rate the different tests? The report makes clear that some publishers are willing to release their information and that it's variable in how much information that they will actually release. But it's important for understanding which tests are more accurate and have a higher validity to have that information. What why do you get at it if you don't make them disclose it at some point? HARRIS: The concerns expressed by the America Psychological Association are certainly valid, not only in terms of wanting the industry to release the information to qualified academicians to keep the information independent of the industry.

TAPE 79, SIDE B 001 CHAIR KERANS: Wouldn't it be good for the Commissioner to know and for her to publish some rating for employers to see in her publications to the employers in the state, the various rankings and outcomes of tests that were submitted for use in the state so that we could rank them good, better, best? And in fact, might be able to have her, by rule, draw a line through there, and say only fair and poor are excluded based on the submission that it would come with the test? If a person isn't willing to say what their own company knows about their test to the Commissioner of the Bureau of Labor and Industries, then why should we permit them to sell it and use it in the state of Oregon? 014 HARRIS: I don't disagree at all. But I suggest to you is that one of the problems that I see is that since all psychological tests are imperfect devices, that means that if you're very vigilant in terms of your test development effort, you're constantly improving upon the quality of these products. In some companies improvements are going on an annual basis in terms of the normative information that's being used, adverse impact research showing that these products are free of adverse impact. What I do see is that as these improvements are being introduced and the test manuals are being changed to meet the more current information, that this process will have to go on and on, so you're not looking at a test just once, you're looking at a test every year. I suspect that can become somewhat cumbersome. 039 CHAIR KERANS: Tell us the difference when it comes to job analysis - what is being targeted there? Why we are concerned with that as an element so that we can understand that a test might be valid for one job but have absolutely no, or very little, relationship to another. HARRIS: With the idea of integrity testing, the job analysis is pretty straightforward, because it's pretty easy. The notion of integrity does not only mean that a person is either a thief or not a thief, it really implies whether or not the individual is conscientious. Can we depend on this

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individual to come to work on time, can we depend on this individual to do his or her job, is this person likely to have a propensity towards sincerity about what he or she does, eager to do the work, productive, etc. It's a fairly broad definition, and when you look at the different types of integrity tests, some are extremely narrow. When you look at the bulk of the tests that are currently on the market, most of them are more broad-based in their characteristics. The idea of the job analysis is that it's supposed to help you to understand the key components in performing the job, at least at the level that is expected by the organization. But you really can't do it the way you can an aptitude test. I can go in and break down the job into its key functional elements and provide very clear indicators as to what I need to measure. Does this person have mathematical skills required, does the person have the analytical ability to think on his/her feet, etc. The job analysis is basically going to be more of a form that's trying to assess whether these are key dimensions (traits) for that job. 092 SENATOR HILL: Are there national standards that are adopted and maintained by some general agencies or associations that are currently useful in measuring whether a test has been evaluated or not?

HARRIS: The American Psychological Association's test standards is the grandfather of all of this. The supporting documents would include: Martin Guidelines which they have put together at APTP, and they have been applauded by the American Psychological Association in your report on integrity testing. > Also, the guidelines developed by the Society of Industrial Organizational Psychology.

106 SENATOR HILL: Are most tests measured against those guidelines currently?

HARRIS: No, there is no good housekeeping seal of approval. The American Psychological Association did not want to get into that business because it is too political. SENATOR HILL: Too political? What you are suggesting is that there is no objective standard for measuring the accuracy of the tests.

HARRIS: No, sir.

SENATOR HILL: If the major association representing the industry is unable to determine whether or not a test meets certain accepted standards because it's too political, then how can we be assured that any test has integrity on its own?

HARRIS: Those guidelines only apply to individuals who are members of the American Psychological Association. The guidelines were put together by the National Council on Measurement Evaluation, the American Educational Research Association, and the American Psychological Association. If you are a member of one of those three organizations, you are basically supposed to develop all your tests based on those guidelines, and adhere to those guidelines in terms of how you release your test product, how you manage your product, manage the information to clients, the test users, and how you go about improving upon after the tests. If you are not a member of one of those three organizations, the guidelines do not apply to you, strictly speaking.

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128 SENATOR HILL: What if we passed an amendment which said that only tests which meet one or more of those guidelines could be utilized in Oregon. Is there a list of tests that meet those guidelines? HARRIS: No, but I think it would be very easy to take the American Psychological Association guidelines and develop checklists with information. CHAIR KERANS: Your own association doesn't differentiate between those who do and those who do not as members of your association and their marketing activities in the tests that they are disseminating.

155 HARRIS: We require as part of membership that you have, either on staff a psychologist who is a member of the American Psychological Association, or someone who is an affiliate of yours.

CHAIR KERANS: But there are those who are selling instruments and promoting their use in the market place who do not. How do we as legislators here, trying to protect prospective employees from being analyzed and tested unfairly by an instrument that may not meet the guidelines and may have no practical use, and also provide some consumer protection to employers, make sure that instruments that are being purveyed in the market place have some utility for them. Wouldn't it be to try and weed out "good, better, best"? Some kind of gradation by helping both the employer and the employee in this regard? 174 HARRIS: If there was a way of doing that which could be done in an objective way. Each person may look at tests differently based on how they were taught. The question is whether or not each person can provide enough common denomination to assessing each and every test, that unfair advantage is not given to one test publisher over another.

184 SENATOR HILL: In light of the negligent hiring doctrine that appears to be growing in importance, the employer wants to know that the test is effective and the employee wants to know that the test is fair. They don't want to be called untrustworthy if they're not. At the same time, no one has defined and no one is proposing to define untrustworthy people as a protected class. I would like to know how we can answer the two sides of the issues. If we have testing mechanisms, I want to know that they are the best that we can design, and that they are applied fairly. And that's in everybody's best interests. So if we had some national standards, that would be great. Why doesn't the industry put something like that together? I've heard the politics argument, that's not an adequate answer. HARRIS: I think if there was a way in which all tests could be brought under the same umbrella, it makes a lot of sense. You can build a test, market it tomorrow, and the American Psychological Association has absolutely no right to tell you that you cannot market and sell that test. SENATOR HILL: Our state law can say no test can be sold in the state unless the American Psychological Association has warranted it meets the standards. CHAIR KERANS: Or, that it meets by the purveyor of that, the guidelines enunciated by the Association.

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SENATOR HILL: This broadens the mission of the organization, you can charge a few more dues, too. 217 HARRIS: I can certainly put you in touch with someone. I'll make the phone call tomorrow morning.

220 TALBOTT: The EEOC guidelines basically say that doing validation studies while you're engaged in litigation as a result of a selection process is not the best way to do it and that users should choose to at least start validation studies before they actually use the procedures, or at least while they're doing it. Is that part of your guidelines?

HARRIS: I wouldn't buy any product that hasn't been able to demonstrate in a very convincing way, i.e., more than one validation study, that it's a good valid product, and that it's transportable across different industries.

265 MELANIE JACOBSON, NATIONAL COMPU SCREEN (EXHIBIT C) > Details Exhibit C. > Testifies in opposition to SB 792. 375 CHAIR KERANS: How did you conclude that there was a hidden agenda on my part to somehow restrict options available to the employer? JACOBSON: It would appear that the psychological employment test, which would first have to be filed with the state and reviewed by the state and passed off on by the state as to whether or not it can be used by the employer - that is, in effect, a regulation of psychological employment testing. CHAIR KERANS: But not a ban. JACOBSON: I think the practical result would be that Oregon employers, in order to comply with the law, would stop using these kinds of tests.

TAPE 80, SIDE B

010 CHAIR KERANS: Does government have an obligation to employers to regulate the marketplace and protect them from the marketing and use of invalid, specious, useless, psychological tests, or is that just "caveat emptor"? JACOBSON: My sense is that it would be presumptive of government to assume that businesses cannot make those determinations for themselves.

031 SENATOR HILL: I am wondering if any of the test publishers warranty their tests and provide some level of assurance to the employer who purchases the test that the test will function as advertised, and if there is any problem, for instance a finding of discrimination as a result of the test or some other unacceptable outcome, that the employer doesn't bear the risk, rather the test publisher accepts the risk.

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043 ROBERT E. LAWTON, MANAGING DIRECTOR, PACIFIC COAST ASSOCIATION OF PULP AND PAPER MANUFACTURERS (EXHIBIT D) > Details Exhibit D. > Testifies in opposition to SB 792. 073 SENATOR HILL: The GATB test is fairly well understood and validated. The other tests that the industry may use I'm not sure how broadly used they are or how well validated. Does the industry know that the tests you are using are accurate? LAWTON: There is no standard test that is used in our industry in Oregon, as I suspect is the case among all employers. The GATB test is a nationwide test and as I understand it is well standardized and as I understand has had validity studies conducted. 098 SENATOR HILL: These appear to be customized or localized tests rather than broadly published tests. Is that right? LAWTON: The test instruments in many cases are standardized tests that are applied to a particular situation, and the norms may vary from one industrial setting to another, depending on the nature of the job and the traits that are being measured.

118 CHAIR KERANS: Asks Dr. Harris the question which Senator Hill raised concerning guarantees to the users of tests. HARRIS: There is an indemnification process used by some companies, but that is not typical across all pre-employment tests. It is fairly typical among integrity test products. > This provides legal support, offers expert witnesses, and also, in some cases, there has been an insurance arrangement. > The GATB has been pulled by the Federal government because of adverse impact several weeks ago. They are going back to do some major re-evaluation of it. 148 BOB HALL, PORTLAND GENERAL ELECTRIC (EXHIBIT E) > Details Exhibit E. > Testifies in support of SB 792. > Makes suggestions to

amend the "-1" amendments. 249 IRV FLETCHER,, AFL-CIO (EXHIBIT F) > Testifies in support of SB 792. 261 JEANINE MEYER-RODRIGUEZ, OPEU > Testifies in support of SB 792. > Believes that many of the tests are an invasion of privacy. 308DIANE ROSENBAUM, OREGON STATE INDUSTRIAL UNION COUNCIL > Testifies in support of SB 792. > Collective bargaining ought to be a protection against abuses in this area, but in reality unions have little or no say over the practices that employers use in screening people who are coming to work. Courts have often found that unions don't have a right to bargain on behalf of those people because they are not yet employees, and unions don't yet represent them.

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> They are not disputing that employers have a right to screen employees that they plan to hire, and they are not trying to interfere with those rights - just to ensure that there are some protections for employees.

TAPE 81, SIDE A

001 CHUCK BENNETT, AMERICAN PSYCHOLOGICAL ASSOCIATION > Testifies in support of SB 792. > Concerned about confidentiality issues after a person has taken one of these tests. The APA does not want that person's name to become public among a group of employers. > In terms of administration, the tests should be ranked "a", "ten, or "en. Interpretation may well be a different matter. Ranking, however, might determine when professional interpretation is necessary.

TAPE 81, SIDE A SB 834 - HANDWRITING ANALYSIS FOR EMPLOYMENT SCREENING PURPOSES - PUBLIC HEARING WITNESSES: DR. CHARLOTTE THOMPSON, WENATCHEE, WASHINGTON, AMERICAN HANDWRITING ANALYSTS FEDERATION, MEMBER, OREGON CHAPTER KAY TALBOT FOR GERALD BROWN, OREGON HANDWRITING ANALYSTS LEGISLATIVE COMMITTEE LIZ WELT, OREGON HANDWRITING ANALYSTS LEGISLATIVE COMMITTEE RANDY LUNDBERG, PERSONNEL MANAGER, CASCADE WOOD PRODUCTS  
058 CHAIR KERANS: Introduces the "-2" amendments (EXHIBIT N) which were brought to the committee by Senator Kintigh. 073 DR. CHARLOTTE THOMPSON, WENATCHEE, WASHINGTON, AMERICAN HANDWRITING ANALYSTS FEDERATION, MEMBER, OREGON CHAPTER (EXHIBIT G) > Details Exhibit G. > Testifies in support of SB 834. 190 SENATOR KINTIGH: For the record, would you make a statement concerning the "-2" amendment. Do you support that or not? THOMPSON: Yes I would support the amendment. 213 SENATOR SHOEMAKER: What does it take to be a professional graphologist? How does one know that one has arrived at that level? THOMPSON: I took two courses from the International Graphoanalysis Society, I was a Chapter President, and then I decided I wanted to learn more. When I went on for my Ph.D.

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I studied many systems. Anybody that I consider a certified graphologist, have a screening process, have a curriculum to study, etc. SENATOR SHOEMAKER: Who certifies? 223 THOMPSON: The different handwriting foundations, different groups. They have test measurements to go through and analysis to write. SENATOR SHOEMAKER: In this state, who certifies? THOMPSON: In this state at this point, I don't think there is anybody. SENATOR SHOEMAKER: But as things stand today, that is not required in order to hold oneself out as a graphologist. THOMPSON: No, there is no absolute measure. 239 KAY TALBOT FOR GERALD BROWN, OREGON HANDWRITING ANALYSTS LEGISLATIVE COMMITTEE (EXHIBIT H) > Details Exhibit H. > Testifies in opposition to SB 834. 366 LIZ WELT, OREGON HANDWRITING ANALYSTS LEGISLATIVE COMMITTEE (EXHIBIT I) > Details Exhibit

I. > Testifies in opposition to SB 834. TAPE 82, SIDE A 001 WELT, CONTINUED > Continues to detail Exhibit I. 105 CHAIR KERANS: Is there anything at law to prevent me from sharing your analysis with a third party. WELT: Not that I know of. 110 CHAIR KERANS: I note that your testimony states that you do not tell employers to hire, fire or promote, and I would assume that is for your own good as well as for anyone else. My purpose as an employer is to determine whether to hire someone or fire him, so you do assist me in that activity, don't you? WELT: No, I don't think that is accurate. We convey our information about the applicant, their ability to fit that job description, or their possible lack of ability for that particular job, and their area of skill in a different situation, job. 135 THOMPSON: My first question in trying to help you hire someone would be what personality traits do you need, what things would be important for you, etc.? If I know what you are

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looking for, I can certainly say from the handwriting that you present to me, the people who are qualified that could make your job easier and be supportive of what you do in your job. 147 CHAIR KERANS: Handwriting is projective. Is there validity of analysis of projective across analysts, and do any of you have studies done by others than graphoanalysts, that such validity exists?

163 WELT: There are studies, yes.

193 CHAIR KERANS: Reads a quote from a book provided to him by Kay Talbot, Psychological Basis of Handwriting Analysis: "There seems to be some evidence that occasionally graphologists can make judgments about people's behavior from their handwriting at a level better than chance. They also fail at times. Holistic studies that have been reported do not, however, tell us how graphologists make such judgments, internally, one graphologist to another, and do not enable us to determine which of their procedures are valid and which are invalid....Two conclusions seem clear: first, little research has been done. Many of the reports are isolated studies of a particular association and need to be tested by other investigators before we can trust their validity. Second, it is often easy to diagnose gross disturbances from handwriting, but it seems to be very difficult to make a diagnosis among various disorders." This leads me to ask this question: how does the legislature, acting on behalf of the employers and prospective employees, the citizens of Oregon, provide a method for telling what is a qualified graphoanalyst, if there is no licensing and no gatekeeper? What's to prevent me from hanging out a shingle tomorrow and saying handwriting analyst, although I can't use graphoanalyst because it's a trademark.

228 THOMPSON: Yes, you could, you could do that. There isn't anything at this point in time to prevent you from doing it.

255 CHAIR KERANS: But what do I have to separate a good graphoanalyst from a bad one?

THOMPSON: It's what the person can deliver to the client. CHAIR KERANS: What do we do if we are here representing the people whose handwriting is being analyzed, if they come to us and say my handwriting is being analyzed and decisions are being made about our future employment or lack thereof, but we have no way of knowing whether any of this is valid from one analyst to another, between analysts, by a separate analyst, whether there is any regulation of this industry, whether there is



anyone who could hold himself out to do this, whether it is predictive or an analysis of something that is projected, what the use of the material is after I am employed or not - what are we to say? Don't we have some problems there?

275 WELT: I don't think you have a problem because there is already a law saying that an employee may look at the records of the employer. There is a law that says the employee may have access to their own files. 304 CHAIR KERANS: Do you know, and can you assert to the Committee that any or all of the firms that you work for give any notice to their prospective employees or their current employees that handwriting samples have been subjected to analysis.

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309 WELT: The ones I work for, yes they do.

CHAIR KERANS: But do you know that that's a matter of uniformity?

WELT: Yes, absolutely.

CHAIR KERANS: Of the ones that you work for. Do you speak for every person who holds himself out as an analyst in the State of Oregon, that all of their clients do that?

WELT: There are very few personnel analysts in the state of Oregon, and we know most of them. We can certify, yes, that is how they operate.

331 RANDY LUNDBERG, DIRECTOR, HUMAN RESOURCES, CASCADE WOOD PRODUCTS > Testifies in opposition to SB 834. > His firm uses handwriting analysis as a tool for pre-screening applicants. > They use a company by the name of Handwriting Research Corporation from Phoenix, Arizona. They have a manual which clarifies use of their program, which is computerized. > A computer program is more consistent than a human being in analyzing handwriting over time. > This company utilizes trait definitions which helps employers in the interpretation of the analysis.

TAPE 81, SIDE B

001 LUNDBERG, CONTINUED > Continues to testify in opposition to SB 834. 017 SENATOR SHOEMAKER: Did I hear you say that you use this as a tool for employment? LUNDBERG: We are preparing to do so. If I were doing any employment right now, we would be using it. But it will just be a tool, otherwise I wouldn't be necessary. 053 CHAIR KERANS: Asks a question of Dr. Thompson: how many characteristics of traits could be identified by you if I were to ask you, globally, how many things could you tell me about myself if I were to submit a handwriting sample to you. THOMPSON: A specific number depends upon the discipline. CHAIR KERANS: What's the ballpark. What's the smallest and what's the largest? THOMPSON: When I first began, people said there were 188 specific characteristics. Then you have the primary traits and then the combined traits. The more proficient I become, the more I can determine. 118 SENATOR SHOEMAKER: The previous witness is in favor of using handwriting analysis provided by a computer. Can you comment on that?

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THOMPSON: I do not know anything about this. 150IRV FLETCHER, AFL-CIO (EXHIBIT J) > Details Exhibit J. > Testifies in support of SB 834. 171SENATOR SHOEMAKER: The amendments say that it's okay if it's for the purpose of assisting in making employment decisions, and not the sole criterion. Is that all right with you? FLETCHER: I would want to know what sort of assistance they are talking about. SENATOR SHOEMAKER: How do you feel about hiring decisions, as opposed to discipline or discharge or demotion? FLETCHER: Hiring is rather serious, too, although as we noted in prior testimony, we usually don't get directly involved in that as a labor organization. Only after somebody is hire except in a hiring hall situation. 210 CHAIR KERANS: It's not my interest in making the hiring decision a blind grab-bag, where the employer must use a blindfold and reach in and pick out somebody without any knowledge of that person. We're not trying to make a privileged class of the corrupt. But I think it's a matter of, as we operate here in a state that operates under the employment at will theory, of the employer/employee relationship, that we have an obligation to act on behalf of the people who are involved in that relationship. That the use of devices do what they say they are going to do, that they are predictive, that they have validity, that they are not invasive, that they do not discriminate, that the analysis of those tests have security from others. It's our job to see that people are not demeaned or felt that they have surrendered something of their self, their soul, their inner being, in exchange for a job. That's our task as legislators, because we are an employment at will state. 314 The meeting is adjourned at 6:24 p.m.

Submitted by:      Reviewed by: Roberta White      Annette Talbott  
Assistant              Committee Counsel

EXHIBIT LOG:

A - Testimony on SB 792 - William G. Harris - 8 pages B - Amendments to SB 792 - Staff- 4 pages C - Testimony on SB 792 - Melanie G. Jacobson - 3 pages D - Testimony on SB 792 - Robert E. Lawton - 2 pages E - Testimony on SB 792 - Robert E. Hall - 2 pages F - Testimony on SB 792 - Irv Fletcher - 1 page - These rninuter coresin terialr which paraphrasc and/or surnrnrsrizc sta emcntr de during this scssion Only text enclosed in quotation rnarke report a speaker'. exact word. Por complete contents of the proceedinge, please refer to the tapes Senate Committee on Labor April 29,1991- Page 14 G - Testimony on SB 834 - Charlotte Thompson - 16 pages H - Testimony on SB 834 - Gerald R. Grown by Kay Talbot - 3 pages I - Testimony on SB 834 - Liz Welt - 2 pages J - Testimony on SB 834 - Irv Fletcher - 1 page K - Information on SB 792 - William G. Harris - 28 pages L - Information on Integrity Testing - Staff - 52 pages M - Preliminary Staff Measure Summaries on SB 792 and SB 834 - Staff - 3 pages N - Amendments to SB 834 - Staff - 1 page O - Fiscal Analysis on SB 792 - Legislative Fiscal Office - 1 page

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