

Kansas Administrative Regulations

Kansas Human Rights Commission

Article 30.—Employee Selection Procedures and Recruitment

21-30-10. Employment agencies and employment services.

(a) An employment service, including private employment agencies, and state employment agencies, as defined in K.S.A. 44-1002 (e), shall not make applicant or employee appraisals or referrals based on the results obtained from any psychological test or other selection standard not validated in accordance with these guidelines.

(b) An employment agency or service which is requested by an employer or union to devise a testing program is required to follow the standards for test validation as set forth in these guidelines. An employment service is not relieved of its obligation herein because the test user did not request such validation or has requested the use of some lesser standard than is provided in these guidelines.

(c) Where an employment agency or service is requested only to administer a testing program which has been elsewhere devised, the employment agency or service shall request evidence of validation, as described in the guidelines in this part, before it administers the testing program and/or makes referral pursuant to the test results. The employment agency must furnish on request such evidence of validation. An employment agency or service will be expected to refuse to administer a test where the employer or union does not supply satisfactory evidence of validation. Reliance by the user on the reputation of the test, its author, or the name of the test shall not be deemed sufficient evidence of validity (see 21-30-8 (a)). An employment agency or service may administer a testing program where the evidence of validity comports with the standards provided in 21-30-7.

(Authorized by K.S.A. 1971 Supp. 44-1004; effective Jan. 1, 1972.)

***** Authenticated Kansas Administrative Regulation *****