IACP Psychology Ethics Committee

Ethical Standards: Pre-employment and Fitness for Duty Evaluation Guidelines & Vignettes
Preemployment Evaluation

Primary Ethical Considerations

- Competence
- Dual relationships
- Confidentiality
- Assessment
Competence

- 4.4 Examiners should base their work on established scientific and professional knowledge of the discipline. Examiners should be familiar with the research literature available on psychological testing for public safety positions.

- 13.3 Examiners should base their findings on established scientific and professional knowledge sufficient to substantiate their procedures, conclusions, and recommendations and should be prepared to defend such procedures, conclusions, and recommendations if a decision based on psychological evaluation findings is challenged.

- 11.2 Ratings and/or recommendations for employment based upon the results of the evaluation should be expressly linked to the job-analytic information
4.7 Examiners should decline to accept a PPE referral when personal, professional, legal, financial, or other competing interests or relationships could reasonably be expected to: a) impair their objectivity, competence, or effectiveness in performing their functions; or b) expose the person or agency with whom the professional relationship exists to harm or exploitation (e.g., conducting a PPE on an applicant who had previously been in counseling or therapy with the examiner, evaluating an individual with whom there has been a business or significant social relationship).
6.1 Prior to the administration of any psychological instruments and interview, the examiner and/or hiring agency should disclose information to the applicant that includes: a) the nature and objectives of the evaluation; b) the intended recipients; c) a statement that the hiring agency is the client; d) the probable uses of the evaluation and the information obtained; and e) the limits of confidentiality.
Confidentiality

7.6 The examiner is responsible for ensuring that the security and confidentiality of all testing materials (e.g., test booklets/items), psychological reports and raw data are maintained in a manner consistent with pertinent law and standards of professional conduct. The examiner should reach an agreement with the hiring agency regarding the custody of testing material and the distribution, sharing, protection and retention of test results.

9.1 Examiners who make use of electronic technology take steps to ensure: a) their competence with the technologies used; b) that relevant authorizations and safeguards are in place; and c) adherence to professional and industry standards.
Confidentiality

11.1 The hiring agency administrators directly involved in making employment decisions should be provided with a written report of the examiner’s evaluation. The report should contain, at a minimum, a clear determination of the applicant’s psychological suitability for employment based upon an analysis of all psychological assessment materials, including background information, test data, and interview results. Any agency-specific restrictions or other requirements relevant to the format or content of the psychological report should be communicated to the examiner in advance of the evaluation.
Assessment

7.1 A written test battery, consisting of psychological assessment instruments relevant to the purpose of the evaluation, should be administered to the applicant. The written assessment instruments should have documented reliability, validity, and other empirical evidence that supports their use in the pre-employment evaluation of public safety applicants.

7.2 Psychological test materials should be administered in a manner consistent with publishers’ guidelines and professional standards.

7.3 Test scales, profiles, and reports used for selection purposes should be produced using current software or scoring keys licensed by the test publisher.

7.4 The results of the written test battery should be verified and reviewed by the examiner before the interview is conducted. Psychological test results should be interpreted in accordance with guidelines provided in their professional manuals and as warranted by the findings reported in peer-reviewed literature. Specific cut-off scores should be used only when there is adequate statistical evidence that such scores are predictive of personality, mental health concerns and/or behavior relevant to job performance.
7.5 Psychological assessment instruments not yet validated for use in evaluating public safety applicants may be added to a battery to develop the requisite norms and validation evidence, but should not be used for decision making during the data gathering process. This research should be carried out in accordance with relevant ethical standards, including safeguards to protect participant confidentiality.

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Fitness for Duty Evaluation

2013 Revision- One of three subcommittees reviewed existing guidelines (2009) to insure consistency with ethical principles:

- Primary sources
  - 2010 APA Ethical Principles of Psychologists and Code of Conduct
  - 2011 ABFP Specialty Guidelines for Forensic Psychology

- Secondary sources
  - 2009 APA Guidelines for Child Custody Evaluations in Family Law Proceedings
General overview

Guidelines are aspirational in nature

FFDE Guidelines (2009)
- 9.1 Depending on the referral question and the examiner’s clinical judgment, an FFDE typically relies on multiple methods and data sources....

FFDE Guidelines (2013)
- 9.1 Depending on the referral question and the examiner’s clinical judgment, an FFDE examiner strives to utilize multiple methods and data sources....
Revised EPPCC 9.02 Use of Assessments

(b) Psychologists use assessment instruments whose validity and reliability have been established for use with members of the population tested. When such validity or reliability has not been established, psychologists describe the strengths and limitations of test results and interpretation.

9.1.2

Relevant psychological testing using assessment instruments and norms (e.g., personality, psychopathology, cognitive, specialized) appropriate to the referral question(s) and with validity and reliability that have been established for the current use. When such validity and reliability have not been established, the examiner should make known the strengths and weaknesses of that test or method.
Examiner Qualifications

- **EPPCC 2.01 Competence**
  - ....psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services....

- **5.1.8**
  - seek appropriate consultation, supervision, and/or specialized knowledge to address pertinent issues outside their areas of competence that may arise during the course of an FFDE (EPPCC Section 2.01)
Examiner Qualifications

- **EPPCC 2.03 Maintaining Competence**
  - Psychologists undertake ongoing efforts to develop and maintain their competence

- **5.1.7**
  - recognize *and make ongoing efforts to maintain and develop* their areas of competence based on their education, training, supervised experience, consultation, study, and professional experience; and  (EPPCC Section 2.03)
Examiner Qualifications

- FFDE Guidelines 2013 additions:
  - Referral Process
    - 7.2 It is advisable for the agency and examiner to consult before an FFDE commences in order to ensure that an FFDE is indicated in a particular case and that it is consistent with the examiner’s training, experience, and capacity for objectivity.
  - Report and Recommendations
    - 10.1.4 FFDE examiners consider and seek to make known that evaluation results can be affected by factors unique to, or differentially present in, FFDE contexts including response style, voluntariness of participation, and situational stress associated with involvement in labor and/or legal matters.
      (SGFP 10.02; EPPCC 9.06)
Technical Considerations

11.1 For examiners who make use of electronic technology during the FFDE process, the examiner takes steps to ensure that relevant authorizations and safeguards are in place, which at a minimum should include:

- 11.1.1 Informed consent is obtained from the examinee prior to audio taping or video recording the examination process, or before initiating any form of telepsychology service from a remote location; (EPPCC 4.03)

- 11.1.2 Utilization of video conference technology or telepsychology for conducting interviews or evaluations is confidential and secure, and the use of such technology is used in accordance with state law and/or practice standards established by local licensing boards; and, (EPPCC 4.01)
11.1.3 all electronic reports and materials are sufficiently encrypted and password-protected to ensure confidentiality of transmitted or stored material, and are in accordance with the ethical guidelines associated with the state(s) in which the evaluation is being conducted.

12. Third-Party Observers and/or Recording Devices
   12.1 Examiners consider the ethical, clinical, scientific, and legal issues when contemplating the presence of third-party observers and/or recording devices in an FFDE.
Scenario 1

- An employee is referred to you for a FFDE. During the course of the interview you learn that the employee has been seen by a psychologist that you have had a difficult relationship with. As the interview continues the employee provides information that suggests that the psychologist behaved in an improper possibly unethical fashion, but that this action apparently did not harm the employee. In fact, the employee views the behavior as having been helpful.
- Ethical considerations? What is your course of action?
Scenario 2

- Police Chief Ford calls you requesting a “wellness check” for one of his lieutenants who was relieved of duty following allegations of misconduct (on-duty incident). The Chief stated that Lieutenant Chevy sounded very depressed on the telephone and, although he denied any thoughts of harming himself, he may have a drinking problem. A fitness for duty evaluation is planned with another psychologist, but will not take place for at least one week.

Ethical considerations? What is your course of action?
Scenario 3

- You have been asked by Police Agency X to conduct a Fitness for Duty evaluation for one of their officers. According to Police Chief Roberts, the officer is hard working and has always made more arrests than other officers in the department. However, lately he has tended to isolate himself from other officers and is not seen as a “team player.” The officer has received numerous reprimands from his superiors and has not always made the best decisions because he tends to react rather than thinking things through. When the officer comes to your office, he is accompanied by a representative from the union who asks to sit in on the assessment because he is concerned that the department wants to fire the officer. The officer indicates that he also wants the union representative present during the evaluation. There is nothing in the union agreement relating to this issue.

Ethical considerations? What is your course of action?
Scenario 4

You have been asked to do a preemployment evaluation for a police department. During the interview, the applicant reveals to you that he is planning to get married the following year and has also applied at other departments in the area. Department Y is the first department that has called him to be tested; however, he would really prefer to work at Department Z because his fiancée's work is in that town and they are planning to buy a house there. He stated that if he is hired by Department Y, he would stay there until he gets offered a position with Department Z. He is number one on their list and believes this might happen fairly soon. You ask him if he has told Department Y that he is only planning on staying with the department for a short time. He states that he has not said anything because he does not want to jeopardize his chances for a job. He asks you not to say anything to Department Y because he is afraid that they will not hire him if they know of his intentions. He also asks you if he receives an offer within the next 2-3 months from Dept Z (a department for whom you also do preemployment evaluations) will he have to go through the whole assessment process over again.

Ethical considerations? What is your course of action?