

161—8.2(216) Employment agencies and employment services.

8.2(1) An employment service, including private employment agencies, state employment agencies, and the U.S. Training and Employment Service, as defined in Section 701(c) of Title VII, Civil Rights Act of 1964, or Iowa Code section 216.2, 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 commission rules.

8.2(2) 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 commission rules. An employment service is not relieved of its obligation because the test user did not request validation or has requested the use of some lesser standard than is provided in commission rules.

8.2(3) 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 rules in this chapter, before it administers the testing program or makes referral pursuant to the test results. The employment agency must furnish on request 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 test user on the reputation of the test, its author, or the name of the test shall not be deemed sufficient evidence of validity. See 8.1(7). An employment agency or service may administer a testing program where the evidence of validity comports with the standards provided in 8.1(6).