

Unit 1

Gatewood, Feild, & Barrick, Chapters 1 & 2.

Before beginning to read the chapters, take time to read the dedication of the book as well as “about the authors” on ix. You will enjoy them.

Page and paragraph designations. At the beginning of each objective, I have indicated the page number and the paragraph number of the text where the answer can be found. For example, “3,2” at the end of an objective would mean that the answer could be found on page 3, in paragraph 2 counting down from the top of the page. Sometimes I will refer to a section of the text that is at the top of a page but continued from a paragraph that began on the preceding page. I will indicate this as paragraph “0”. Thus, “7,0” means that the answer can be found on page 7 at the top of the page. While I will be as accurate as I can be with these page and paragraph numbers, my computer sometimes makes mistakes. Therefore, if you cannot locate an answer in the paragraph that is indicated, look at the paragraphs that immediately precede and follow it. Please tell me if the page and paragraph numbers are wrong so that I can inform the other members of the class.

For the fun of it, read the last paragraph in the book - page 697, the section “That’s All Folks!” - It really is true. Also, to get an idea of where we are headed in the course, look at Figure 1.3 on page 17 - that outlines the steps in the development of a selection program. I am going to start with EEO and AA laws, then deal with the professional steps involved in developing a sound selection program that meets both legal and professional requirements, but first, I want you to become a little familiar with basic terms/concepts in personnel selection, hence the study objectives from Chapter 1.

Chapter 1

1. 18,1 What name is given to the process of gathering information about a job?
2. 18,4. (Actually, see 3,5 sentence 1). What name is given to the basic characteristics to be evaluated in applicants to the job? Be able to state all terms in the abbreviation as well as the abbreviation.
3. 19,1-2. What are “two basic principles for choosing the selection devices to be used?”
4. 20,1. What is the purpose of validation? Note that this is true whether or not the procedure of *empirical* validation (20,1) or *content* validation (20,2) is used to determine the job-relatedness of the selection instrument. Don’t worry right now about the differences between the two - later in the course, we will be spending a lot of time on different validation procedures.
5. 20,4 Why is it that selection is an uncertain activity?
6. 22,2. Not for the exam, but note what, in essence, is a very important point in the second sentence of 22,2. The primary purpose of selection is to **enhance the probability** of making correct employment decisions – everyone knows or should know that selection cannot always predict who will perform better than someone else due to the many factors that influence performance, including motivation.

Chapter 2

7. 29,2 Not for the exam, but note the two major objectives of every selection program. Note particularly the wording of the second objective carefully. The key words are to minimize

the chance of a **judgment of discrimination against the organization**: not to prevent charges of discrimination. A company cannot prevent charges of discrimination but it can decrease the chance that the selection procedures will be ruled as biased by the courts. Also note that while the two objectives are not mutually exclusive, sometimes, as the authors state they do collide with one another.

8. 30,2 Explain why it is that the regulations appear to disregard the interests of business: That is, that the regulations are designed to address social and economic problems such as employment inequities and thus the constituents of EEO regulatory agencies are not business organizations but political and social groups. As the text indicates, this is the key to understanding employment regulation and the fact that the regulations appear to disregard the interests of business. This is an important point for you to keep in mind. It really is true that at times the laws seem to be unfair to business. The American with Disabilities Act, for example, and the guidelines promulgated by the Equal Employment Opportunity Commission have companies "buzzing." They are very, very difficult for companies to follow – and, to make matters worse, the Supreme Court decisions have differed considerably from the EEOC guidelines. As it turns out, EEOC guidelines are very liberal (favoring the applicant/employee) the Supreme Court decisions have been much more conservative, narrowing down the application of ADA (which often works to the favor of the organization).
9. In lecture, I am going to add two very important points here - learn them: (1) None of the laws, EEO or AA, require an organization to hire an unqualified minority; (2) Laws are only applicable if your selection system has an unequal effect on applicants because of some demographic characteristic - **A lousy selection system that affects everyone the same is NOT illegal.**
10. On page 32, Table 2.1 lists all of the major EEO laws. However, they are not categorized well, so I am going to present these laws in a different manner. I am also going to skip some of them and only cover the really major ones. I am also going to skip the Constitutional Amendments for now and return to those later, since they have quite different provisions than these first two sets of laws.

Note carefully, that I do have several study objectives over this material at the end of this material.

There are two very different categories of laws - those laws passed by Congress - the legislative branch of our government and administered by **the Equal Employment Opportunity Commission** and those passed by the executive branch of the government and administered by the **Office of Federal Contract Compliance Program** which is part of the **Department of Labor**. I am going to list the major ones for you and then explain the difference between the two sets of regulations.

THE LAWS ARE PRESENTED ON THE NEXT PAGE:
I DID NOT WANT TO BREAK UP THIS MATERIAL

Equal Employment Opportunity Laws - administered by the EEOC

Note that all of the laws administered by the EEOC are relevant for all public and private employers with more than 15 employees including the US Congress (as amended in 1972) but excluding the military, private clubs, religious organizations, and places of employment connected to Indian reservations.

Title VII of the Civil Rights Act of 1964	race, color, religion, sex, national origin And, as amended in 1978, pregnancy, childbirth or related conditions
Civil Rights Act of 1991	Same as Title VII This is not actually a separate act - it amends Title VII (I'll explain in lecture)
Age Discrimination in Employment Act of 1967	people over 40 years of age
Americans with Disabilities Act 1990	Physically and mentally handicapped Sections related to selection and employment went into effect in July, 1992 for companies with 25 employees, and July 1994 for companies with 15 employees).

EEO and Affirmative Action Laws- administered by the OFCCP/Dept. of Labor

These laws are relevant only to **government contractors** that have contracts with the government. A "government contractor" is any organization that enters into a work contract with the government OR receives federal funds. WMU, for example, is considered to be a government contractor and thus must abide by these laws.

Executive Order 11246	race, color, religion, sex, national origin
Rehabilitation Act of 1973	physically and mentally handicapped
Vietnam Veterans Act of 1974	Vietnam <i>era</i> vets, all vets who are 30% or more disabled

Okay, why are there two sets of laws? Well, as you can see, the laws administered by the OFCCP are all relevant to government contractors -- the government wanted to promote and encourage affirmative action as a social policy. Therefore, **the laws administered by the OFCCP require affirmative action while the laws covered by the EEOC do NOT** (affirmative action is VERY different than equal employment - we'll get to this a little later).

The penalties for noncompliance are also very different for the two sets of laws.

Basically, the individual employee (or a group of employees) can file a law suit under the **EEOC** laws -- and if companies are found to be in violation, then the individual is compensated in some manner - and to make it more complicated if the organization is found to have unfairly discriminated against a member of a minority group the court can order the organization to implement an affirmative action program - however, this only occurs after the organization has been found in violation of the law. Unlike the laws administered by the EEOC, under the laws administered by the OFCC, affirmative action programs are **required**. If companies are found in violation, then the government can withhold or

withdraw all of the federal money. However, individuals cannot file a lawsuit under these laws.

Let me summarize all of this for you:

There are three basic differences between the laws administered by the EEOC and the laws administered by the OFCCP:

A. The types of agencies covered by the laws

EEOC covers all private and public employers with more than 15 employees (with a few exceptions)

OFCCP covers **only** organizations that have governmental contracts.

B. Affirmative Action

EEOC laws do NOT require affirmative action programs; OFCCP laws DO (for organizations that have \$50,000 of business with the gov. and 50 or more employees).

C. Penalties for noncompliance:

Individuals can bring a law suit under the EEOC laws and seek redress

Individuals cannot bring a law suit under OFCCP laws, rather noncompliance of OFCCP can result (only) in the withholding of federal grant monies (although the OFCCP can request a hearing with an administrative-law judge if an organization does not correct deficiencies, but that must be initiated and done by the OFCCP, not the individuals)

STUDY OBJECTIVES FOR THE PRECEDING MATERIAL.

10A. Be able to state the groups/characteristics covered/protected by each law.

10B. EXPLAIN the three major differences between the laws administered by the EEOC and OFCCP (you do not have to learn the material in parentheses).

11. Based on the following material, be able to state the protected classes under Title VII - you don't have to include the material in parentheses.

The text does not list the protected groups under Title VII as designated in the *Uniform Guidelines on Employee Selection Procedures* (which I will talk about later). These include: African Americans, American Indians (including Alaskan natives), Asians (including Pacific Islanders), Hispanics (including persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish origin regardless of race), and females.

(not for the exam) Also note that these laws cover United States citizens and non-citizens with legal authorization to work in the United States. They do not cover, for example, Hispanics who are living in this country but are citizens of Mexico unless they have legal authorization to work in the US. By the way, this means that international students are NOT covered by these laws since they only have student visas.

(also not for the exam) Individuals in other minority and religious groups can file a lawsuit, but the courts will then decide whether or not they are actually covered by the law before proceeding. The courts have spent a lot of time, by the way, determining what a "religion" is. I am not going to go into this detail in this class, however.

Not for the exam again, but an important point. Although Asians are indeed considered given protected class status by Title VII and the *Uniform Guidelines*, several Asian sub-groups (the largest being primarily Japanese) are often NOT *underrepresented* in work or school settings because as a group, they tend to perform better on cognitive ability tests (I will use the example of the SATs, ACTs, and GREs because you are familiar with them).

Thus, some scholarship programs and affirmative action programs exclude Asians from consideration.

When you see something that states that *underrepresented* minorities are eligible that almost always translates into the fact that Asians are being excluded from consideration.

12. 33,3 (see what I am asking you to learn for the exam below). Notice the legal process (and welcome to the wonderful, wacky world of personnel selection and EEO!). Congress passed Title VII of the Civil Rights Act of 1964. In 1989, the Supreme Court interpreted this law in ways that many in Congress did not like. Thus, Congress enacted the Civil Rights Act of 1991 that, with one or two exceptions, negated the Supreme Court's decisions (basically codifying into law most of the Supreme Court interpretations of Title VII that occurred before 1989). Remember, that the courts can only interpret the laws that Congress passes. Therefore, the Supreme Court must now abide by the provisions in the Civil Rights Act of 1991. (Edward Kennedy, a liberal, was one of the two main framers of the Civil Rights Act that had to go under many revisions before Bush would sign it - he vetoed the first version).

FOR THE EXAM, Explain, in general, based on the material below, why court rulings and selection legislation shift and change over time due to political reasons.

As illustrated by the CRA of 1991, what you are seeing is our government in action. The legislative branch (Congress) passes laws, the Supreme Court interprets those laws; if the legislative branch does not like how the Supreme Court is interpreting the laws, then they change them and the Supreme Court must abide by those new laws.

NOT FOR THE EXAM: The way the laws are passed and interpreted have a great deal to do with whether we have a liberal or conservative President and/or Congress. Not surprisingly, democrats have typically supported the EEOC and AA laws, while republicans, who tend to preserve the rights of businesses, have not supported laws that put a great deal of burden on the organization. Moreover, the interpretations of the Supreme Court are highly influenced by the nature of the Court - whether it is a conservative or liberal Court. Most individuals are unaware of the power of a Supreme Court Justice. It is the most sought-after type of appointment a President can make, because if he is successful in his appointees, he can "pack" the court with liberal or conservative justices. Because Supreme Court Justices are appointed for life, these appointments can affect our laws for decades.

If you watched the presidential election news last fall, you may have seen this as an issue - some of the Supreme Court justices are expected to retire soon. Their replacements, and whether they are conservative, moderate, or liberal, will affect decisions for decades to come.

13. Not for the exam, but note the material at the end of 34,1 about jury trials. Before the CRA of 1991, Title VII did not permit jury trials - all cases were heard only by judges (although racial and ethnic minorities - not those pursuing charges for sex or religious discrimination - could request jury trials under an older Civil Rights Act, the CRA of 1866 which only covered racial and ethnic minorities). Under the CRA of 1991, either party (the individual or the organization) may request a jury trial for (1) intentional discrimination cases (2) when plaintiffs want to recover compensatory or punitive damages. I will talk about what constitutes intentional discrimination a bit later. For now, don't worry about it.

14. 34,2. What does the CRA of 1991 say about race norming? Be able to state what race norming is. For a more detailed treatment, see page 104,4. I will probably talk more about this in lecture, but there are several ways to race norm. One is simply to create separate ranked lists, based on test scores, and choose the top one from one list, the top one from the second list, etc. until all positions are filled. Another, more sophisticated approach, and the one actually used by the U.S. Employment Service, was the one described on page 104,4 that involved the use of percentile scores based first on race, sex, and national origin and then combined into one ranked selection list based on the percentile scores.

(none of the following will be on the exam) It really is not possible for you to understand the significance of this provision in the CRA 1991. The GATB was used by ALL U.S. Employment Services and most state employment services. As a result of this decision about race norming, it was dropped completely. Yet, more was known about this test battery than any other test battery in terms of its validity for a wide variety of jobs.

15. 34,3. What are the arguments for and against race norming? Be sure to include the point that selection tests often measure no more than 25% of how well people perform. This is true – but again, remember selection procedures are designed to *enhance* prediction; they are certainly not perfect. And, isn't 25% better than nothing?
16. 36,1 Not for the exam. We will be looking at Americans with Disabilities Act in detail in a later unit. This has, indeed, had a very impact on selection procedures and has yielded a staggering number of court cases due to ambiguities in its provisions.
17. 40,3 How do the Constitutional Amendments differ from the EEO statutes (other than the fact that these amendments cover only federal, state and local governments)? There are three important differences. First, they only cover federal, state and local governments. Second, they cover ALL citizens and are not restricted to demographic groups or characteristics. Second, the **intention** to discriminate must be proven rather than simply adverse impact (or what the book refers to as unequal effects of employment actions).

With respect to the **intention to discriminate** above there are two types of unfair discrimination: intentional discrimination or disparate treatment (which is self-explanatory) and adverse impact or disparate impact (or the unequal effect of employment actions). The distinction is VERY important – we will be covering this in the next few objectives. For those of you who want to look ahead, read pages 41,2-42,2.

18. 41,0 Not for the exam but note again the point that the well-being of the organization itself is not of major concern.
19. Based on the material below be able to define “unfair discrimination” and “fair discrimination.”

The purpose of all selection instruments is to **discriminate** between individuals. If discrimination did not occur, then the instruments would not be useful. The laws and executive orders are therefore designed to prohibit **UNFAIR** discrimination, not just discrimination (although the "unfair" is typically dropped since professionals in the field all understand this).

Unfair discrimination exists when members of a minority or protected group have lower probabilities of being selected for a job when, in fact, if they had been selected, they would have performed as well as nonminority group members. Fair discrimination is when

individuals (including members of a minority or protected group) who have lower probabilities of being selected for a job in fact would perform less successfully on the job if they were hired.

20. 41,2-42,2. Define the two types of unfair discrimination. The text is a little confusing regarding disparate treatment - **disparate treatment** is considered to be **intentional** discrimination, whether or not there is an explicit statement of such - be sure to include the "**even though there may not be an explicit statement of such**" (or something similar) in your definition. In other words, even if employers do not "mean" to unfairly discriminate against members of a protected class, if they apply selection criteria differently to the various groups, then they have, by law, "intentionally" discriminated against the protected members.

Disparate or adverse **impact** is also tricky. Disparate or adverse impact means that even though there was no intent to discriminate because the same procedures were used uniformly for everyone that applied, the selection procedure **resulted** in disproportionate selections **based on characteristics/features related to protected class membership**.

21. A. Learn the following point: The presence of adverse impact (disproportionate selection) does NOT necessarily mean that unfair discrimination has occurred.
- B. Be able to explain, based on the following material, when adverse impact does *not* constitute unfair discrimination. If the selection procedures can be shown to be job-related, related to business necessity or are a bona fide occupational qualification, **then even though adverse impact exists, unfair discrimination does not.**
22. 44,2-45,1 and Table 2.2 on page 43. Because it is so hard to prove disparate treatment, most court cases are adverse/disparate impact cases. Thus, I am going to focus more on those.
- 22A. Explain/diagram the "shifting burden of proof" procedure for Title VII adverse impact cases, including the three defenses available to organizations once a prima facie case has been established

Also, I have embedded some study objectives within the following explanation - so be sure you read this material carefully.

[(not for the exam) Note that because adverse impact relies on statistical evidence to establish a prima facie case, you need to collect data on how selection procedures affected other members of the protected class - not just how it affected the individual plaintiff - this is not so for disparate treatment cases, where you can base your case on one individual.]

Shifting Burden of Proof:

Plaintiff: adverse impact	----->	Defendent (organization)	----->	Plaintiff
prime facie case		validity, business necessity or or BFOQ		alternative procedure with less adverse impact is available.

This burden of proof, while it appears to be a subtle procedure, is VERY important and critical in court cases. In criminal cases, the burden of proof always rests with the "prosecutor" who must, beyond a reasonable doubt, prove that the defendant is guilty. In other words, the defendant is always assumed innocent. This is not true in EEOC adverse impact cases. In these cases: (1) the organization (defendant) is considered innocent in the

first step, and the plaintiff must show that adverse impact has occurred; (2) once the plaintiff has demonstrated adverse impact, then the organization is considered **guilty** and must **prove its innocence** by using one of the three acceptable defense strategies; and (3) even if the organization successfully defends itself, the plaintiff can still show that alternative selection procedures with less adverse impact are available, and if the plaintiff can do so, then the plaintiff wins (however, see what I have to say below about this last step).

22B. **Be able to explain how the burden of proof model differs from that which we are familiar with in criminal cases.**

22C. **What is it called if plaintiffs have initially convinced a judge that a violation of Title VII may have occurred? (Answer: a prima facie case)**

NOT FOR THE EXAM, but you should also be aware that no plaintiff has ever won a court case on proving that an alternative practice is available that has less adverse impact - so while it is "legally possible" it has yet to be shown to be practically possible. Therefore, the first two parts of this procedure are the critical ones for both the plaintiff and the defendant.

NOT FOR THE EXAM: The history of the burden of proof model. The shifting burden of proof model was established by the Supreme Court in the first landmark court case, *Griggs v. Duke Power* (1971) that we will get to in the next unit. It remained in effect until 1989 when the Supreme Court reversed it in the *Wards Cove* case - and put the burden of proof squarely and almost solely on the plaintiff - this made it very difficult for anyone to prove a case of adverse impact. The CRA of 1991 restored this shifting burden of proof procedure (with a few modifications).

23. 46, 2-4. State and **explain** the three defenses that are available to organizations once an adverse impact prima facie case has been established. (a) For validity, all you have to say is that the organization establishes the job-relatedness of its selection procedures. (b) For business necessity, include what is typically looked at and what is not. (c) For BFOQ, include the point that it is legally impossible to frame a BFOQ defense for race, color, or national origin. The BFOQ defense is available only for sex and religion. Also be able to write out what the abbreviation "BFOQ" means.

Not for the exam, but there have been some interesting new developments (based on a number of law suits) about the BFOQ defense: Customer/client privacy (but not preference) has been ruled as a legal justification for hiring female/male workers in nursing homes and human service settings. For example, if a nursing home has primarily female elders they can restrict hiring to female nursing aides/assistants if part of the job of the aide/assistant is to bathe and/or help clients in the bathroom (or perform similar personal care tasks).

24. The easiest defense for a company to "win" is based on validity. The hardest is a defense based on BFOQ. For the exam be able to rank order the three defenses in regard to which is the easiest for a company to base a defense on: 1. validity, 2. business necessity, 3. BFOQ.
25. A. 46, 3. State and explain the two components of the RLM. The points made in 46,3-4 are VERY important. You can see how difficult this becomes - as discussed in 46,5-48,0, major debates surround what the RLM is.

B. Now go back to 45,4 and be able to provide the formula for an acceptable, legal, stock statistic - that is one that takes into account the skill level of the demographic group in the relevant geographical region.

None of the rest of the material in this study objective will be on the exam, but I want to give you a little history with respect to the population comparison. The formula for the population statistic was changed based on the Supreme Court's ruling in the Wards Cove decision in 1989. This change was one of the few rulings from that caes that was incorporated into the CRA of 1991.

The general population comparison statistic (below) became an acceptable way to demonstrate adverse impact as a result of the first major court case in personnel selection, Griggs v. Duke Power in 1971. Up until Wards Cove in 1989, the courts accepted this comparison which was simply the percentage of minorities in the position compared to the percentage of minorities in the relevant geographical region without regard to skill level; that is **without** regard to the number of minorities or people in the geographical region **who were qualified for the job**. The comparison above is typically a more liberal comparison and worked in the favor of the plaintiff rather than the company. Think about it. For a position such as computer programmer or engineer, the percentage of minorities who were qualified would probably be much smaller; hence the comparison works in favor of the company.

I firmly believe the current population comparison is a much more reasonable comparison than is a comparison with the general population – that comparison simply doesn't make a lot of sense to me.

Number of minorities in the position _____ compared to _____ Total number of employees in the position	Number of minorities in relevant geographical area Number of people in the relevant geographical area
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26. 48,4 Explain the four-fifths rule and be able to apply it to an example. Note the words in italics "ratio of the **most favorably treated group**." This means that if a minority group, such as Asians, was treated most favorably by the selection system, they would constitute your comparison group, not the whites. Learn this. I will discuss this in lecture. Complete the attached example AND BRING IT TO LECTURE - I will discuss it in lecture. Although not perfect, the 4/5ths rule is often used, nonetheless.
27. Not for the exam, but note how confusing these cases can get. Not only are there major disputes over what the RLM is but also about the appropriate statistics to use. One statistic may show evidence of adverse impact while another may not. Therefore, court cases also often focus on the appropriate statistic to use BEFORE the case goes any further. But you are beginning to get an idea of how complicated these cases can get and why they sometimes drag on for YEARS (some cases take as long as 10-20 years to resolve).
28. OK - one more concept for this unit. Affirmative Action versus Equal Employment Opportunity. For this unit, I just want you to learn the basic distinction between the two - as I have described it in this objective (in bold-face). We will be looking at this in much more

detail in the next two units, particularly in light of the CRA of 1991 that calls into question the legality of **voluntary** affirmative action programs.

Equal employment opportunity means that every person who is equally qualified has an equal opportunity for employment, promotions, etc. This of course IS a professional selection issue - that is exactly what selection procedures are designed to do.

Affirmative Action is a social concept, not a professional selection issue except as codified in the laws, and designed to overcome current underrepresentation of minorities in the work place. The goal of affirmative action is to increase the number of minorities in the work place at a faster rate than what would occur simply through EEO.

Often minorities are given preferential treatment in AA plans -- if two individuals are equally qualified or have reasonably similar qualifications and one is a member of a protected group, then the protected group member would be given the first opportunity for the job. **Note that none of the laws require an organization to hire someone who is not qualified or less qualified than a majority**, but it's often a grey area - particularly given the social and legal pressures to increase diversity within organizations.

Anyway, we'll deal with EEO versus AA in more detail later. For now, I just want to introduce the distinction and make sure you understand it.

29. None of the following will be on the exam.

Equal employment opportunity is NOT controversial (except for opposition by racists and sexists), however, affirmative action is due to the preferential treatment given to members of protected classes. The most recent controversy began around 1989. In 1995 the Supreme Court made 3 major decisions (although unrelated to selection) that appeared to be the death knoll for AA. And, today, AA is being questioned in all arenas, including admission to college and graduate programs.

Those of you from Michigan may know that both the undergraduate and law school admission systems of the University of Michigan were challenged. The original lawsuits were filed in 1995. Both cases ended up in the Supreme Court in June 2003. The law school admission system was found to be legal, while the undergraduate admission system was found to be illegal. The decisions really do make sense when you look at the details. The undergraduate system, at the time, had a point system and added on 20 points to the point score of any underrepresented minority. The Supreme Court found this to be an arbitrary approach that did not allow individualized consideration. (There were some other considerations as well, but this was the major one).

In November of 2006, Michigan voters passed legislation that bans public institutions from using affirmative action programs that give preferential treatment to groups or individuals based on their race, gender, color, ethnicity or national origin *for public employment, education or contracting purposes*. Basically, this legislation got on the ballot because of the widely publicized UM cases.

Federal laws supersede state laws, thus in situations where the affirmative action programs are required by the OFCCP laws, they will take precedence (that is, WMU will still be required to have affirmative action programs for hiring given that protected classes are underrepresented in the work force). However, the federal laws do not cover admissions

policies or other aspects of affirmative action in universities, thus, the legislation passed in Michigan in 2006 will hold for those decisions. Both sets of laws are quite complicated and it will no doubt take time to figure out what types of affirmative action policies are required under OFCCP vs. the types that are now banned because of this relatively new Michigan law. As you have already seen in this course, the ways of the legal field are quite convoluted.

FOUR-FIFTHS RULE SAMPLE PROBLEM(Note: This is a flow statistic)

Number of Applicants

	Males	Females	Total
Whites	120	45	165
Asians	60	20	80
Hispanics	20	7	27
Total	200	72	272

Number of Applicants Passing

	Males	Females	Total
Whites	70	15	85
Asians	26	8	34
Hispanics	6	2	8
Total	102	25	127

According to these data, what groups, if any, were adversely affected by the selection procedure? Write out all of the steps.

Two rules to remember:

(1) **Comparisons must be made between the appropriate groups.** For example, Females are compared to Males (not to Whites, Asians and Hispanics), Asians are compared to Whites and Hispanics (not to males and females). Also it is **NOT** necessary to compare white females to white males, white females to asian females, asian males to white males, etc. Only the major categories need be compared.

(2) **The selection or passing rate of ANY group must be at least 80% of the passing rate of the MOST FAVORABLY TREATED GROUP**, regardless of whether that group is the nonminority group. For example, if the above data indicate that the passing rate of Asians is higher than the passing rate of whites, then the passing rate of Hispanics would be compared to the passing rate of the ASIANS, not to the passing rate of the whites.

Psy 6430 **Unit 2:** Part of Chapter 2, Gatewood, Feild, & Barrick

Don't panic about the number of study objectives. There are only 17 "real" objectives. The ones at the end just describe some cases that may help explain why these EEO laws exist.

1. EEOC Title VII cases. Title VII cases are tried in the federal court system. Based on the material below, (a) learn this court structure, (b) the number of judges involved in district court trials, circuit court trials, and the Supreme Court, and (c) also, after lecture, be able to explain why different parts of the country can have different laws by referring to this court process.

Basic court structure: There are **92** district courts in the U.S. These 92 districts feed into eleven larger judicial units called circuits. Each circuit has its own Court of Appeals - therefore there are **11** Courts of Appeals (Michigan is in the Sixth Circuit along with Kentucky, Ohio and Tennessee). The 11 circuits then feed into the U.S. Supreme Court.

In most cases (see below for the exceptions), the cases are heard by judges, not juries. One judge hears the case at the district court level, three at the circuit court level and nine at the Supreme Court level.

Jury trial exceptions, not for the exam: As indicated last week, the CRA of 1991 permits either party (the individual or the organization) to request a jury trial for (1) intentional discrimination cases (2) when plaintiffs want to recover compensatory or punitive damages. However, because the vast majority of cases are adverse/disparate impact cases not disparate treatment (intentional discrimination) cases, most are still tried only by judges.

2. BEFORE an individual can pursue redress in court under Title VII all cases must first go through the EEOC. I have included an outline of the EEOC administrative process at the end of these study objectives. Bring this to class - I will discuss this in lecture, and you will be responsible for answering the following about that process:
 - A. Under which step in the process does a company legally admit "wrong doing" or having unfairly discriminated against a minority group if the company settles?
 - B. If, in the Pre-determination step, the EEOC determines no probable cause for the complaint, can the individual pursue the case in court? Why or why not? (from lecture)
 - C. What initiates (1) a Conciliation Agreement and (2) a Consent Decree?
 - D. What organization oversees (a) a Conciliation Agreement and (2) a Consent Decree?
 - E. What types of concessions is a company usually required to make in a Consent Decree, unlike provisions that may be required by the company if it settles in one of the previous steps?
3. Based on the following material, (a) how many charges of discrimination were made in 2007, and (b) state the top two types of claims along with their percentages.

In 2007, there were ~83,000 charges of discrimination made to the EEOC.

<u>Charge</u>	<u>Percentage</u>	<u>Charge</u>	<u>Percentage</u>
Race	37% (OK to round to 40)	Disability	21%
Sex	30%	National Origin	11%
Age	23%	Religion	4%

Gatewood, Field, & Barrick, Chapter 2

4. 50,2. Memorize the name of the joint guidelines and the date they were issued.
5. 50,2-51,0. These guidelines are important for the following two reasons. Learn them. (1) As the text states, they are a joint statement by all of the federal agencies charged with the enforcement of EEO laws (you don't have to memorize the agencies themselves). Prior to this time, both the EEOC and the Department of Labor had issued separate guidelines. These two sets of guidelines conflicted with respect to certain procedures and selection specialists, when designing selection systems, could not conform to both. Imagine the confusion. These guidelines ended that confusion. (2) While not legally binding, the courts give "great deference" to the guidelines. That is, the courts have ruled that these guidelines will be used almost as checklist for any court case.
6. 51,1 Not for the exam, but note again the confusion that can occur when attempting to determine if adverse impact has actually occurred.
7. 51,2 Not for the exam but note the point made: any and all selection procedures are covered - that includes academic degree requirements, performance appraisals, application blanks, job interviews, etc. -- anything that is used in the selection decision.
8. 52,1 According to the Uniform Guidelines on Employee Selection Procedures, when are skills and abilities NOT acceptable as selection requirements? You should mention two things. Include, for the second one, the five year rule of thumb. Note that this provision may cause you problems as a selection specialist. Many companies when hiring for entry level jobs want to assess supervisory or management potential as well. This can be illegal.
9. 52,1 Describe the various forms of selection cutoff scores, ranking them from least restrictive to most restrictive. What two things must an organization demonstrate if the latter two forms of cutoff scores are used?

Not for the exam, but this is very important when determining the type of validity procedure to use. We will come back to this point in the unit on validation procedures. But basically, if you use anything but a pass/fail cut-off procedure, you *must* use an empirical validity procedure (as opposed to using content or construct validity). This won't mean much to you now since you don't know what empirical, content, and construct validity are.

10. 52,3-53,0. Not for the exam: Record keeping is absolutely critical. Court cases are won or lost on the records an organization maintains. I can't think of a reasonable question to ask over it, however, so this won't be on the exam.
11. 54,1 Learn the three situations in which a company would adopt an AAP. Note that the first one relates to the fact that the laws administered by the OFCCP target all federal contractors and require AA programs. The third one is actually debatable right now. Because of some of the provisions in the CRA of 1991, most lawyers and professionals are advising organizations not to adopt voluntary AA programs. Nonetheless, learn all three for now.

Not for the exam: A little history lesson. Western is, of course, a Federal Contractor. In 1990, the Department of Labor ruled that WMU was NOT acting in good faith when selecting members of protected classes (see 54,3). WMU thus entered into a conciliation agreement (the last negotiation step possible prior to withdrawal of funding) with the DOL. As a result, WMU had an aggressive AA program during the early 90s. Interestingly, this

agreement never reached the newspapers until 1992 - and then the Gazette had only a very short article. Few members of the university even knew of its existence. We are no longer under this conciliation agreement. Both the DOL and the EEOC conducted audits of WMU in 1995, and our procedures were not found to be discriminatory, thanks to our VP of Institutional Equity, Mr. David Glenn. He was hired in 1988 and was immediately faced with the DOL audit that was conducted in 1989.

12. 55,3-4. Voluntary AA programs are indeed controversial. As the authors state, the language in Title VII causes some problems. However, over the years, the courts have stated that the intention of the framers of Title VII was to protect individuals who had been *subjected to unfair discrimination in the past* and since white males did not fall into that category, the courts maintained that they were not protected by Title VII. The recent views of the courts have changed this a bit - although white males have not yet been granted the OK to file under Title VII (*in the absence of a voluntary AAP*), they can, however, question the legality of *voluntary affirmative action programs*.

12A. Based on the above, explain why the courts have historically excluded white males from filing a (reverse) discrimination lawsuit under Title VII.

12B. But what are they permitted to challenge in court under the law?

13. More on voluntary AAPs. (See actual study objective at the end of the material – I need to provide some explanation before I give you the study objectives.) Unlike the authors, most people cite the CRA of 1991, not Title VII for the current controversy over voluntary AAPs. (I expect the authors did not want to go into this amount of detail because they would have to explain yet another court case that involved wheels within wheels – and another decision by the Supreme Court that was negated by the CRA of 1991.)

Ok, back to the point. Under the CRA of 1991, it is unlawful to *use protected status as a motivating factor in selection*.

Oddly, the language in CRA of 1991 was written in to protect members of protected demographic groups. It was written in response to a Supreme Court decision involving a “mixed motive” case (*Price Waterhouse v. Hopkins*, 1989). To make a long story short, the case involved a situation where the plaintiff, a female, was able to show that characteristics related to her being a female were motivating factors in her not being selected to be a partner in the firm. However, the company maintained that it would have made the same decision had those characteristics not been taken into account. Hence the term “mixed motive”: the organization used both illegitimate and legitimate motives (reasons) for denying her the position. The Supreme Court ruled in favor of the company.

The framers of the CRA of 1991 wanted to negate this decision and make it illegal for a company to even consider a characteristic associated with protected status when making a selection decision; hence the framers adopted the above language. **However, notice that language could also make any AAP illegal, because one cannot have an AAP without using a characteristic associated with protected status as a motivating factor in selection.**

Because of this language in the CRA of 1991, many legal experts have advised organizations *not* to implement voluntary AAPs and to actually *abandon their current ones* until this matter is resolved in the courts. Although the CRA has been implemented for several years now, the courts are treading lightly on this issue, and there have not been any major court cases. I don’t know of any pending cases, either.

Finally, the study objective: What language in the CRA of 1991 calls the legality of voluntary AAPs into question and why?

14. 55,5 The characteristics that a voluntary AAP must have (assuming the CRA of 1991 will not cause the courts to consider ALL voluntary AAPs to be illegal): The text lists three characteristics. The first and second ones they list are actually the same. Instead of learning those three learn the following: (a) Must be designed to correct a demonstrable (or manifest imbalance) between minorities and nonminorities, (b) they cannot completely bar the advancement or hire of nonminorities (e.g., quota systems are not legal - goals are OK, but quotas are not), and (c) they must be temporary and have no permanent adverse impact on white workers.
15. 57,3 Griggs v. Duke Power was the first landmark case decided by the Supreme Court (in 1971). In essence this is the case that established adverse impact and the shifting burden of proof model. Learn the following three major findings of this study: (a) it established adverse impact as a form of evidence for discrimination rather than having to prove the intent to discriminate; (b) selection tests must be job-related if adverse impact exists; and (c) (b) the employer has the burden of proof once adverse impact is determined. All professionals in the field know this case well and it is still referred to in recent decisions. I am phrasing the first major findings a bit differently than the way it is phrased in Table 2.4 on page 65, but I am really saying the same thing – I think it is easier to understand it the way I have stated it in this study objective.
16. 59,1. What was the important finding from the U.S. v. Georgia Power (1973) about the sample included in a validation study? (See Table 2.4, point 2 for a nice short summary of this – this IS important). (Note that for this objective and the next three, if I ask this on the exam, I will give you the entire study objective as the stem of the question – that is, I will not simply ask you what the important finding was from U.S. v. Georgia Power)
17. 60,1-2. In Connecticut v. Teal, even though the multi-step selection program did not result in adverse impact, the courts ruled against the State of Connecticut.
 - A. Why? Also, provide the rationale given by the court.
 - B. What are the implications of this? (Table 2.4 on page 64)

Not for the exam, but notice that the essence of a multi-step selection process is that an individual must pass each step before being permitted to participate in the next step. Some organizations use multiple selection procedures, but not in this multi-step process. That is, every individual participates in all phases of the selection process regardless of how well they do on any component in the process. Thus, this ruling is restricted to multi-step programs.
18. 63,2 Not for the exam, but the point made in 63,2 is EXCELLENT. We know more about what *not* to do than what we can do. I won't ask anything about this on the exam, but recognize the difficult position it puts selection specialists in.
19. 65,0, next to the last sentence. What percentage of the relevant labor market must be comprised of individuals who fall into each protected class in order for the EEO laws to be relevant?

20. 65,1 State two reasons why organizations may opt to negotiate a settlement even if the charge has little substantiating evidence.

I have included articles about several settlements in the course pack in U2. In one, Abercrombie & Fitch agreed to a \$50 million dollar settlement as part of a consent decree in 12/05 (\$40 million to employees, another \$10 million investment in other activities); in another, Home Depot agreed to a \$5.5 million dollar settlement as part of a consent decree (8/04); in another, Ford agreed to a \$3.8 million dollar settlement under a consent decree. In that article, Ford indicated that they settled under a consent decree because they wanted to avoid the costs and uncertainties of litigation. Not surprisingly, they did not state another reason - the public relations reason.

21. 66,1. When, legally, don't you have to show the job relatedness of selection procedures (or that selection procedures have a business necessity or BFOQ requirement)? I have asked you to learn this point several times.
22. OK, why these laws? That is, does unfair discrimination really exist? Does equal employment opportunity really exist? Is affirmative action necessary? In the next study objectives I present some cases that I briefly talked about the first day of class. I have also provided some articles in the course pack. **You do NOT have to learn any of this material for the exam - it is simply material for you to consider.**
23. One of the most recent cases involves Wal-Mart. The case is a class action suit representing more than 1.6 **million** current and former female employees, which makes it the largest EEO case ever. It is still "in process." And, by the way, Wal-Mart settled a disabilities discrimination suit in 2001 for \$6.8 million. I have included several articles about Wal-Mart in the course pack just because the "issues" really hit you when you hear them described by the individuals involved.

Here's some of the complaints and issues. Two-thirds of its hourly employees are female, but they hold only one-third of the store management jobs. Women in every job category have been paid less than men with the same seniority, in every year since 1997, even though female employees on average have higher performance ratings and less turnover than men. Some female managers are being paid \$20,000-\$25,000 less than their male counterparts.

Female managers were required to go to Hooters bars as well as strip clubs for meetings and office outings. The most senior human resources executive at Wal-Mart approves of Hooters as a place to have Wal-Mart meetings. One manager in CA told a woman she should get "dolloed-up" to be promoted. Others were called "a worthless broad" or asked to wear lower cut-shirts. When one woman applied to work in hardware, the manager said, "We need you in toys. You're a girl, why do you want to be in hardware?" Another manager told a female employee that "God made Adam first, so women would always be second to men." A female manager was told she got paid less than a less qualified male because she "didn't have the right equipment." Managers have repeatedly told women that "men need to be paid more than women because they have families to support," and "men are here to make a career and women aren't. Retail is for housewives who just need to earn extra money."

24. There is an article in the course pack about Texaco. In 1996, Texaco entered into a **\$176.1 million** settlement. In 1994, a class action suit was filed by minority employees of Texaco alleging that minorities were systematically passed over for promotions and were subjected to a racially hostile environment. In November 1996, the New York Times disclosed the

existence of tape recordings wherein executive employees responsible for responding to requests from the EEOC for information referred to minorities as "**black jelly beans**" that **"all seemed to be glued to the bottom of the bag."** (one of the executives wore a hidden recording device and taped the meeting.) The tapes also disclosed a conspiracy by executives to alter, withhold, or destroy corporate documents requested by the plaintiffs in discovery (the EEOC investigation phase). Approximately two weeks later, Texaco agreed to settle the lawsuit for the record-breaking amount of money, in addition to numerous affirmative action commitments.

25. The 1998 Astra settlement which is described in one of the newspaper articles is also particularly interesting. "Lelia Bush remembers the sordid work atmosphere at Astra USA, the decadence and the intimidation of women, who were constantly solicited for sexual favors...Astra USA admitted it allowed a hostile work environment - including requests for sexual favors in exchange for favorable treatment on the job." The company agreed to pay nearly **\$9.85 million** to approximately 79 people - it was the biggest such settlement (dollar per person) ever obtained by the EEOC.
26. In 2003, in another case described in an article in the course pack, Dial Corporation agreed to pay \$10 million to settle a lawsuit on behalf of women who said Dial ignored sexual harassment by men at one of the plants. Allegedly, women at the Aurora, IL plant were groped, shown pornography, and called names.
27. How about the following I found on Associated Press online: Sydney, Australia (1994). A survey of *law* and accounting firms has found almost half of the bosses rate "good breasts," "blonde hair," "blue eyes," and "great legs" ahead of skills and experience in job seekers for clerical positions. In the study, 43% of 140 employers said appearance was more important than ability. And private employment agencies say they are meeting the demands for young and attractive women, because the "employer pays our bills," the report found.

The survey was conducted by professor Paul Boreham and Gillian Whitehouse of the Labor and Industry Research Unit at the University of Queensland. Boreham said the attitudes of some employers were "alarmingly sexist." "We thought we would survey a group of professionals who were probably more aware of anti-discrimination principles and legislation. We were surprised their priorities were appearance and presentation, then when we interviewed them face to face, what they said they really wanted was good-looking female staff. **The frightening thing is that this group's attitudes are probably a lot better than most employers.**"

28. Bundy vs. Jackson (1981). This one is a little old, but still.... Sandra Bundy worked for the Dept. of Corrections in the District of Columbia. One of her supervisors repeatedly called Bundy into his office to request that she spend the workday afternoon with him at his apartment and to question her about her sexual activities. Shortly thereafter, another supervisor also began making sexual advances, asking her to join him at a motel and on a trip to the Bahamas. Bundy complained to the manager who supervised both of these individuals. The manager dismissed her complaint's saying "any man in his right mind would want to rape you." He then proceeded to request that she begin a sexual relationship with him in his apartment. She was later denied promotion on the grounds of inadequate performance although her performance had never been criticized either informally or formally on performance appraisals. She won the case.

Unit 2 Lecture Outline

EEOC administrative process

A. No Fault Settlement

1. Complaint is filed with EEOC
2. BEFORE data are collected by EEOC, a settlement is attempted
3. Informal fact finding, settlement attempted again.
4. If settled, no wrong doing admitted by the company.

B. Pre-determination: Investigation

1. EEOC can investigate and subpoena company records
2. Company invited to respond: if it does the material is used by EEOC
3. EEOC determines probable or no probable cause
4. If no probable cause, EEOC withdraws but individual may pursue a remedy in court (with little chance of success)
5. If settled, no wrong doing admitted by the company

C. Conciliation Agreement

1. Initiated by finding of probable cause
2. If settled, may involve some major concessions.
3. EEOC, NOT the courts, oversee the agreement and compliance, It is considered a PRIVATE agreement between parties - not a legal agreement: EEOC can file a lawsuit in the future if necessary.
4. If settled, no wrong doing admitted by the company.

D. Consent Decree

1. Law suit filed
2. BEFORE litigation, settlement attempted again.
3. If settled, costly. Usually involve lump sum payouts including BACK payments (not usually done in conciliation agreements) Also may involve AA program, again something not usually required in conciliation agreements.
4. No wrong doing admitted by the company
5. COURT oversees compliance because the lawsuit was filed.

Unit 3: The ADA.

1. A portion of Gatewood, Feild, & Barrick Chapter 2 on ADA
2. In the course pack: McDonald, J. J., Jr. (2000, Spring). The Americans with Difficult Personalities Act. *Employee Relations Law Journal*, 25(4), 93-107.

The ADA, which was passed in 1990, is having a profound affect on selection and placement within organizations. Moreover, it has become one of the most controversial pieces of legislation ever passed. The Supreme Court only began hearing ADA cases around 1999 & 2000, but since that time has made some very clarifying decisions. Interestingly, the major lawsuits to date have been related to who is covered by the ADA - that is, who is actually considered to have a "*physical or mental disability that substantially limits one or more major life activities.*" (Note that I am going to adopt the term "mental" disability because that is how the law reads - as a behavioral psychologist, that term causes me problems, but given that is the way the law reads, that is the terminology I will be using.)

A situation highly unique to ADA occurred. The EEOC always issues guidelines for companies and individuals related to the major aspects of EEO and AA legislation. In the past, the courts have **always** given "great deference" to those guidelines when rendering decisions. However, in the case of ADA, the EEOC guidelines and the Supreme Court decisions were *not* in concert with one another. In this case, the EEOC guidelines took a strong advocate stance (for individuals) while the Supreme Court narrowed its application and interpretations, ruling in a manner that decreased the number of individuals who were covered by the act. The confusion that this caused cannot be overstated. First of all, companies had no clue about what was acceptable and what was not (and who would be considered as disabled under the law and who would not). Second, some of the district and circuit courts abided by the EEOC guidelines while some did not, which created different practices/laws for different parts of the country. Moreover, many of the courts that abided by the EEOC guidelines found themselves overruled by the Supreme Court. Quite frankly, this created chaos.

Just this past September, on September 28, President Bush (reluctantly) signed the ADA Amendments Act of 2008, which went into effect on Jan. 1, 2009. The amendments are designed to negate the conservative Supreme Court decisions (which favored organizations) and broaden its coverage back to what its framers called the "original intent" of those that wrote and passed the act. For the most part, this legislation is consistent with the original EEOC guidelines; however, new clarifying guidelines have not yet been issued (at least not at the time I was writing this). In fact, even though your text was published in 2008, some of the parts that deal with ADA are now out-of-date. I will address these as they come up. Note that this is the same process that occurred with the Civil Rights Act of 1991 that we talked about in the last unit (study objective 12, to be specific).

To make matters even worse, the framers of the legislation included "mental disabilities" as well as physical disabilities, but did not include any clarifying language or provide much guidance with respect to that aspect of the ADA. Yet, now, the **highest** percentage of lawsuits that are filed are related to "mental disabilities" rather than physical disabilities. Thus, I am including

McDonald's article that address this controversy. Of course, as psychologists, this is also very interesting for us.

The final problem created for organizations with respect to the ADA is that *each and every case must be handled on an individual basis* due to the very nature of physical and mental disabilities. Individuals who have the same disability are not affected in the same way. Not only does the degree of disability differ, but the extent to which the disability interferes with a major life activity and the extent and nature of accommodations that individuals require in the work place differ. Thus, while no one disputes the importance or the worthiness of the goals of the ADA, it has created a considerable burden for organizations.

Gatewood, Feild, & Barrick

1. Based on the material from the preceding page:
 - A. 19, 1 Most of the lawsuits filed with respect to ADA have been about what?
 - B. 19, 2 Describe the highly unique situation that occurred with respect to the EEOC and the Supreme Court. Include as part of your answer, the position adopted by the EEOC guidelines and the position/rulings made by the Supreme Court.
 - C. 19, 3 Basically, what does the ADA Amendments Act of 2008 do? Include as part of your answer whether it codifies the original EEOC guidelines or Supreme Court decisions into law.
 - D. 19, 5 Individuals who have the same disability are not affected in the same way. Not only does the degree of the disability differ, but the extent to which the disability interferes with major life activities and the extent and nature of accommodations required by individuals differs. What burden does this place on organizations that is unique to ADA?
2. 36,2 Give the ADA's definition of someone who is disabled. Note the 3rd one - that one gets pretty interesting.
3. 36,2 As much as what percentage of the labor force and at least how many disabilities are estimated to be covered by ADA? Those sheer numbers should help make it clear why this act is so difficult for employees, given that each and every case must be handled on an individual basis.
4. 36,2. Not for the exam, but note the groups of individuals who are not covered. With respect to those currently using illegal drugs, this means that organizations *can* administer drug screening tests for selection purposes, when relevant. It is also the case that temporary impairments do not constitute disabilities under ADA (temporary knee problem, recovery from surgery, etc.).
5. 36,3. What, in addition to a physical or mental impairment must be present in order for a person to be "disabled" under the first part of the definition. I might ask the question in the following way as well: If a person has been diagnosed with a physical or mental disability, is the person necessarily covered by ADA? Explain.

Not for the exam. This phrase has become particularly troublesome and controversial. The EEOC has very broadly defined major life activity to include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, reading, breathing, **sleeping**, learning, **working**, sexual function, reproduction, sitting, standing, bending, lifting, reaching, thinking, concentrating and **interacting with others**. Note that reproduction has been

accepted as a major life activity - and was used in the argument to include a woman who had asymptomatic HIV infection classified as disabled. Many ADA lawsuits have involved determination of what a major life activity is. The Amendments Act of 2008 provides some clarification of this. It expands the definition of major life activities by including two "non-exhaustive" lists: (a) The ones that have been recognized by EEOC (and listed above) and (b) major bodily functions (e.g., functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, circulatory and endocrine functions).

In the MacDonald article, you will see just how controversial this definition has become with respect to mental disabilities.

Still not for the exam, but the new Amendments define "substantially limits" as "materially restricts." While the differences between the two may not mean much to you or me, they mean a LOT to the courts. Essentially, this very much broadens the definition of who is considered disabled.

Finally, still not for the exam, you need to know that some states have civil rights laws that differ from ADA with respect to how they define a disability. For example, neither California nor New Jersey requires that the disability *substantially* limits one or more major life activities, just that it *limits* a major life activity. Again, from a legal perspective, these two are very different. The lesson is that if you get involved in selection, you need to become familiar with the civil rights laws of the state as well as those promulgated by the federal government.

6. 36,4-37,1 (first case discussed, not the second) The issue discussed here is officially called "mitigation." It is critically important and has been the subject of an untold number of cases, two of which are presented in the text. Mitigation, as the text states, means "*correction or amelioration*" of a disability due to prosthetic devices or medication.

The text material regarding mitigation is now out-of-date due to the ADA Amendments Act of 2008. Below, I present where this issue now stands.

For the exam:

- 6A. What does "mitigation" mean in context of ADA?
- 6B. Prior to the ADA Amendments Act of 2008, what did the Supreme Court rule about the determination of whether an individual is disabled with respect to mitigation?
- 6C. Based on the following material be able to say what the current law is about mitigation based on ADA Amendments Act of 2008 - be sure to include the part that excludes eyeglasses and contact lenses. And, not for the exam, but the original EEOC guidelines held that disabilities should be considered in their *unmitigated* state.

The ADA Amendments Act of 2008 states that mitigating measures other than "ordinary eyeglasses or contact lenses" shall not be considered in assessing whether an individual has a disability.

Not for the exam, but note that the above is consistent with the way the Supreme Court ruled in the Sutton v. United Air Lines case discussed in 36,4, but inconsistent with the Murphy v. United Parcel Service case discussed in 37,1.

7. 37,1 One more critical issue that has been decided in the courts about who is covered: what is called the *direct threat* clause of ADA. ADA states that even if a person has a disability as

defined by ADA, if the person poses a direct threat to the safety or health of others in the work place or for its customers, the employer can legitimately not hire that person.

In the case discussed at the end of 37,1 (Chevron USA v. Echazabal), the Supreme Court had to decide whether the direct threat clause applied *only to others* (other workers, customers, etc.) or *also to the person himself/herself*. Interestingly, The Ninth Circuit Court ruled in favor of Echazabal and against Chevron. However, the Supreme Court reversed the Ninth Circuit Court and ruled that an employer *could deny a job to a person because of a direct threat to the health or safety of that individual*.

For the exam:

- 7A. What is the direct threat clause in ADA?
- 7B. How did the Supreme Court expand the direct threat clause in Chevron USA v. Echazabal?
8. 37,2. ADA prohibits the use of qualification standards, employment tests, or selection criteria that tend to screen out individuals with disabilities unless what? This will become very important later when we talk about job analysis – all physical and mental requirements that are job-related must be stated in the job analysis upon which selection instruments are based if they are to be considered legal.
9. 37,3. If selection tests will be administered, what is it important for employers to do early in the application process?
10. 38,1. Be able to answer the following questions just with a yes or no (I may also ask them as T or F questions):
- 10A. May an employer make pre-employment inquiries about a person's disability?
- 10B. If a person's disability is obvious, unless limited to specific job-related tasks, can the employer ask questions about the nature or severity of the person's disability?
- 10C. May employers ask individual disabilities request in advance any accommodations that are necessary to take employment tests?
11. 38,1. At what point in time can an organization request the applicant to take a medical examination? This is VERY important.
12. 38,1 Note that the employer can make an offer contingent upon the outcomes of the exam, but only under certain conditions. What are those conditions?
13. 38,1 Learn the point that the ADA does not consider drug testing to be a medical examination, therefore, drug testing can take place before an offer is extended.
- A little explanation again. ADA does not consider drug testing to be a medical examination because, if you recall from SO 4, those currently using illegal drugs are excluded from coverage by ADA. So it's not exactly that drug testing is not considered to be a medical examination, but it is not considered to be a medical examination *under the ADA*.
14. Based on the material below, be able to state when physical ability tests are and are not considered to be "medical examinations" according to the EEOC guidelines.
- There has been considerable confusion regarding what constitutes a "medical examination." The EEOC has issued guidelines along these lines. Note that you are safe with all ability tests, as well as "honesty" tests and *physical ability* tests as long as you *do not take any*

physiological or biological responses such as heart rate and blood pressure - that makes them medical tests.

Not for the exam: One might wonder why physical ability tests are not considered medical tests since they could well point out a person's disability. As you will see in a minute, in order for a person to be covered by ADA, they must be able to perform all of the *essential* aspects of the job. Thus, it is assumed that if a physical ability test is being administered, it is job-related and reflects the essential aspects of the job. Additionally, there are no "invasive" medical procedures.

15. I have attached a one page article on the use of *psychological tests* as selection instruments, which are particularly controversial. Once again, note the confusion. Certainly, the most cautious approach is to administer psychological tests *only post-offer, with the offer made contingent upon the outcome.*

The problem arises in the gray areas - what is a test of mental disability? Clearly the MMPI falls within that category. Do personality tests? Some do, some don't, and some questions on those tests do and some don't. Note, in the attached article, that Consulting Psychologists Press who publishes the California Personality Inventory (one of the most used personality tests in business and industry) has deleted 28 questions they feel might have posed problems. But the courts are still out with respect to whether such a test would be considered a test of pathology – no court case has involved the use of this test as yet. Historically, often companies, particularly fire and police departments have used tests such as the MMPI to screen out a large number of applicants prior to interviews, since interviews are so time consuming. They then made offers based on the interview. They can no longer do that under ADA.

- 15A. Be able to state when psychological tests are cannot be administered as a pre-employment selection test. The answer: when the test is a test of mental disability, such as the MMPI and some personality tests.
- 15B. What is the most cautious approach to the administration of psychological tests during the selection process?
16. 38,2. How does the ADA define a "qualified individual?"
17. 38,2 When doesn't an employer have to provide a "reasonable accommodation?" What are some of the factors that influence whether accommodation would cause "undue hardship?"
18. 38,2. Not for the exam: The law is very vague with respect to what is and what is not a "reasonable" accommodation. As the text states, accommodation is judged on a case-by-case basis - a lot of controversy and disagreements have been and will continue to be generated by this, as a result. **25%** of the charges filed under ADA in the first 3 years of ADA alleged failure to accommodate.
19. 38,3 As indicated, ADA does not require that *preferences* be awarded to individuals with disabilities. As an example, and to illustrate, the Supreme Court has ruled that if there is a vacant position and if a *union contract* that designates that seniority rights will be used to fill that position exists, the union contract takes precedence over an individual who has a disability as defined by ADA and has requested, as a reasonable accommodation to be given the job. This is the case discussed in the second sentence of 39,3.

For the exam: Be able to answer the following question. Assume that a company has a union contract guaranteeing that seniority will be taken into consideration when a position

becomes vacant. A position comes open, and an individual with a disability as defined by ADA requests the position as a reasonable accommodation. But a more senior employee has also applied for the position. Given that the two candidates are equally qualified, in order to conform to the law, who should the company select for the position?

20. 39,1 Not for the exam, but the authors are correct that job analysis, as developed and used by selection specialists, have not measured job characteristics in terms of whether or not it was essential to the job. I am surprised that the authors did not recommend that selection specialists collect at least some information that could be used to determine whether job tasks and characteristics are essential for the job as part of the job analysis. That is what I would recommend. I will return to this when I ask you to do your task analysis.

McDonald article.

21. 93, 2 and Footnote 3, p. 105. The data in this article are dated. Learn the following instead.
- 21A. What type of disability accounts for the greatest number of claims under the ADA?
Mental disabilities
- 21B. In 2003, what percentage of all ADA cases involved this type of disability? ~20%
22. *The framers of ADA intended that only mental disorders as defined in the DSM (Diagnostic and Statistical Manual of Mental Disorders) be considered mental impairments* (although clearly this author questions even those diagnoses), *however EEOC's guidelines state that the DSM is "relevant" but not the only diagnoses that may be covered.* People have actually sought claims because they have "chronic lateness syndrome" and "sexual impulse control disorder." One decision ruled against a company who fired an individual for bringing a loaded gun to work, on the grounds that carrying the gun resulted from a psychiatric disorder (chemical imbalance in this case). In another, a mentally disabled individual was discharged for threatening to kill coworkers and was granted a trial to determine whether or not she was a qualified individual with a disability when she applied for reinstatement.
- For the exam**, based on this study objective, be able to explain why the EEOC's guidelines have created confusion regarding what is considered a "mental disability" under ADA, and how these guidelines differ from the intent of the framers (the italicized material above).
23. Not for the exam, but note the strange case described in 100,2-100,2 and the fact that the EEOC filed a lawsuit on behalf of the behavioral (?) therapist. Also note that they even appealed the original decision and when that didn't work, created a new set of guidelines.
24. 103,2 Not for the exam, but note, according to McDonald what the emerging standard regarding rude, insubordinate and disruptive behavior is
25. For the exam, based on the following material, be able to explain why/how the emerging standard about rude, insubordinate and disruptive behavior is relevant to personnel *selection* and selection specialists. (By the way, this is also true for attendance)
- It is relevant because as a selection specialist, when you conduct a job analysis (as you will be doing later on this semester), it becomes VERY important that you list "getting along with colleagues, supervisors, and/or customers" as an *essential* function of the job (if it is, of course). Remember, only individuals who can perform the essential functions of a job, with or without reasonable accommodation, are covered by ADA.
- Thus, if getting along with others is an essential function of the job, and you document this as part of your job analysis, then (a) you can select individuals on the basis (and reject

people who cannot get along with others) and (b) provide assistance to your company if and when they encounter a termination case like this – the job analysis really should be the main basis for all job descriptions. (Interestingly, that is not always or even usually the case. The compensation individuals often make up job descriptions without consultation with the selection specialists even if there are selection specialists employed by the company.)

THE END

INSERT ARTICLE ON PSYCHOLOGICAL TESTING

Psy 6430 Unit 4. Correlation, Statistical Significance, and Reliability

Gatewood, Feild, & Barrick, Chapter 5, 179-183,2 and then Chapter 4, Reliability

1. Introduction to this unit's material: None of the material in this study objective will be on the exam, but I need to explain some things about the material in this unit.

I have found that before I can cover reliability and validity, I need to review correlation. Correlation is often used to determine the reliability and validity of selection procedures, and when I have tried to teach reliability and validity before correlation (the way Gatewood, Feild, & Barrick organize the material in the text), students have been confused. Further, Gatewood, Feild, & Barrick discuss correlation in some detail as it relates to validity, but only mention it briefly when talking about reliability.

The following material describes how correlation is (a) often used to determine the “validity of a selection procedure” and (b) the “reliability of a selection procedure.” It also explains what is meant by “validity” and “reliability.”

A correlation coefficient indicates the extent or degree of relationship between two variables. For example, correlation is often used to answer the following question: *Is the score that a person receives on a personnel selection instrument related to a measure of his or her job performance? And, if so, to what degree are these two related?* If scores on the selection instrument and the measures of job performance are highly correlated, then it indicates that the selection tests are related to the job and can be used *in the future* to select individuals for the job. “Validity” is the technical term for proof that the selection instrument is indeed related to the job. When used to determine the validity of a selection procedure, the correlation is referred to as a *validity* correlation coefficient.

Correlation is also used to determine whether the scores on a selection instrument are “consistent” or, in more technical terms, “reliable.” For example, in order to be useful for selection purposes, the score that a person receives on a selection instrument must be reasonably the same each time he/she takes that test. Assume that math is required to perform well on the job. Thus, a company administers a math test to an individual. The individual obtains a score of 75. If the individual took the math test a day later and only scored a 20, the test would not be useful for selection purposes. Why? Because you would have no way of knowing whether a “75” or a “20” was indicative of what his/her math skills really were.

If a person takes the same test twice (or two equivalent tests that measure the same thing) then the person’s score should be about the same. If the scores are the same, the test is considered “reliable.” Correlation is often used to determine the extent or degree of relationship between the scores on two test administrations (or two administrations of comparable tests). When used in this manner, the correlation is referred to as a *reliability* correlation coefficient.

2. Learn the following designations.
 - A. r stands for the correlation coefficient
 - B. x stands for the selection test or instrument
 - C. y stands for the measure of job performance
 - D. r_{xy} stands for a correlation between a test and a measure of job performance = validity correlation coefficient
 - E. r_{xx} stands for a correlation between two administrations of the same test = reliability correlation coefficient

3. Turn to Gatewood, Feild, & Barrick, page 179,2. Again, remember that GF&B discuss correlation only in terms of validity but it is also relevant to determine reliability.

FOR THE EXAM: learn the following: (a) predictor = selection test or instrument and (b) criterion = measure of job performance

I will probably not ask a question on this, but I will deduct 1 point on any exam question if you use these terms incorrectly.

4. 180,1
 - 4A. Know the two important elements of a correlation coefficient, and recognize they are independent of each other. A -0.85 validity coefficient would indicate a *stronger* relationship between x and y than a $+0.45$.
 - 4B. What does it mean when there is a negative or inverse relationship?
5. At the end of the study objectives for this unit, I have inserted diagrams of a fairly high positive correlation, a fairly high negative correlation, and a zero correlation. This may help you understand. I'll talk more about this in lecture, but if every single data point fell exactly on the line I have drawn on the *top* diagram, then the correlation would be a $+1.00$. However, because many of the data points do not fall on the line, the correlation is less than $+1.00$. Similarly, in the second diagram, if all of the data points fell exactly on the line I have drawn, the correlation would be a perfect -1.00 correlation. But they do not. Thus, the correlation is less than -1.00 .
6. **Not for the exam but important.** Keep in mind for a validity correlation coefficient: If (a) people who score well on the test also perform highly on the job, and (b) if people who score poorly on the test also perform poorly on the job, then we know that our tests are job related and can be used to predict the job performance of future applicants. Another way to say this is that if there is a high positive correlation between the test scores and the job performance measures, then if we know how a person scores on the test, we can reasonably predict how he or she is likely to perform on the job. (A high negative correlation between a test and job performance can also be used to predict performance, but selection instruments that are correlated negatively with job performance are rarely used.)

I think students sometimes get confused about this because you need to determine the validity or job relatedness of a selection instrument for *current* employees (because you need to have test scores and job performance measures in order to correlate the two), but once you establish the validity of the selection instrument for those current employees, you administer it to those who apply for the position in the future, and use it to *predict* their job performance.

7. 180,1-181,1. OK. While we are here, I am also going to talk about statistical significance. *Note very well that if a correlation is NOT statistically significant, then the selection test is not considered to be a valid predictor of the criterion measure (performance).* That is, unless the validity correlation coefficient you obtain is statistically significant at the .05 level, you should not use it to select applicants for a job.
8. 180,1-181,1. What does a 0.05 level of significance mean? This is also relevant for reliability coefficients, but I am going to talk about it in terms of validity coefficients.

This should be a review, but many people don't understand it. In fact the book is a bit misleading (it's not wrong, it's just a bit misleading because they don't go into sufficient detail about this). So do not learn what the authors say about a .05 level of significance. Because this is such an important concept in selection and placement I want you to understand clearly what statistical significance means. It is also the case that Dr. Huitema spends a good deal of time on this concept in statistics because it is so misunderstood.

Be sure you understand this, and certainly that you are able to provide the information I have boldfaced.

Let's assume that we have a correlation coefficient of .50 between some test and a performance criterion for ten employees. If we are concerned *only* with the performance of *these particular ten employees*, we can accept this correlation as an adequate description of the degree of relation between the two variables for this group. However, in selection, we are interested in generalizing beyond this particular sample of individuals. We want to know whether the test and performance criterion are related for **all potential employees** or, to use statistical terms, the **population** of employees (and hence, whether we could expect the test to be related to job performance for a group of applicants to whom we will administer the test in the future).

Obviously, the 10 cases actually examined would constitute only a very small sample of that whole "population" of potential employees. If we correlated the test and the performance criterion for 10 other employees, the correlation would be higher or lower. So given that the correlation would not be the same for another group of individuals, how do we know whether our test is, in fact, valid? This is what statistical significance tells us.

Statistical significance answers a rather simple question: Given the correlation we obtained with our particular sample, what are the chances that the real correlation between the test and performance measure is actually zero?

When we say that a correlation is significant at the 5% (.05) level, we mean (a) that the chances are not greater than five out of 100 that the correlation for the whole population of potential employees is zero given that (b) we obtained the correlation we did (e.g., .50 in my example) or larger (c) for our sample which contained a specific number of individuals (e.g., in my example, for ten individuals).

In other words, what are the chances that we are wrong - that the validity coefficient for the whole population of potential employees would be zero given that we obtained a validity coefficient of .50 based on 10 employees. The minimum correlations significant at the .05 level can be found by consulting tables of the significance of correlations in any stat textbook.

In order for a correlation to be statistically significant at the .05 level based on a sample size of 10, it must be .63. Thus our correlation coefficient of .50 based on 10 employees is *not* statistically significant at the .05 level. The chances are greater than 5 out of a hundred that the actual correlation between the test and the performance criterion for the **whole population of potential employees is actually zero**. Thus, we must conclude that our test will NOT predict the job performance of job applicants - it is not considered valid.

9. Also, **note very well** that statistical significance tells us **nothing** about the magnitude or size of the correlation. In the example in SO 8, for instance, the .05 significance level does NOT mean that the "true" correlation between the test scores and our criterion is .50 or even approximately .50. **It simply means that there is more than a 5% probability that the correlation is zero.**

Moreover, it does NOT mean that if you correlated test scores and criterion scores for different samples, there is a 95% probability that you would obtain the exact same correlation. **Statistical significance only tells you the likelihood that the correlation would not be zero.**

For the exam:

- 9A. Assume that we obtained a .35 correlation between test scores and performance criterion scores and that the correlation was statistically significant at the .05 level. Does this mean that the true correlation between the test and the performance criterion for the population of employees is .35? Or that there is a 95% probability that the true correlation is .35? Explain.
- 9B. Again, assume that we obtained a .35 correlation that was statistically significant at the .05 level. Does this imply that if you correlated the test scores with criterion scores for different samples of individuals, there is a 95% probability that the correlation would be .35? Explain.
10. 182, 1 Point #1. Not for the exam, but at the end of the study objectives I have given you a table indicating the relationship between the sample size and the magnitude of the correlation that is necessary for statistical significance.
11. 182, 1, Point #2.
- 11A. What does it mean when we say that a "validity coefficient computed on a small sample size is *less reliable* than one based on a large sample?"
- 11B. Explain, based on the material below, why a validity coefficient computed on a small sample is less reliable than one computed on a larger sample.
- A larger sample means that the correlation coefficient that you obtain is going to be more stable *because you are sampling a greater number from the population*. With smaller samples, your correlation coefficient will be less stable due to measurement error introduced by sampling errors - that is, it will vary more from sample to sample.
12. 182,1 Point # 1 (yes, go back to point # 1). Based on the material below, explain *why* it is that as the sample size *decreases*, the correlation required to achieve significance *increases*.

The reason is because of the unreliability that occurs when you compute a correlation coefficient using a small sample size. That is, we know, as I explained above, that the correlation is going to vary more across samples if you use a small sample size (even

though, theoretically there is only ONE TRUE correlation for the population). Because of that variation, the magnitude of any one correlation coefficient from any one small sample must be larger in order to compensate for the fact that the correlation from that sample may, indeed, be wrong, or more technically, may not be as representative of the true correlation for the entire population.

13. 183, 1. *Regardless of the reason*, in essence, what is wrong with a small sample size? Include in your answer how that affects conclusions regarding the predictor.
14. 183, 2. In the study conducted by Schmidt (this is a terrific study, by the way):
 - 14A. What was the original sample size?
 - 14B. How many individuals were in the smaller samples?
 - 14C. What proportion of the coefficients calculated on the smaller samples were statistically significant, indicating that the test was valid?

OK, now to reliability: Turn to page 111,0

15. 113,3 What is the fundamental definition of "reliability?"

Not for the exam, but the following material will help you understand the subsequent material on "reliability." One of the confusions about reliability is that there are different "types" of reliability. One type is stability over time. Another is dependability - whether the test accurately samples the content (for example when you test for math, you can have a wide variety of math problems - but did the test include a right number of addition, subtraction, multiplication, and division items, and would test scores differ if different addition, subtraction, multiplication and division items were included). Yet another measures consistency - whether different items or different parts of the same exam are measuring the same thing. For example, if you administer a test designed to measure mechanical ability or intelligence, is it the case that all of the items on that test do, in fact, measure mechanical ability or intelligence? In a perfectly reliable test, a person would get exactly the same score on that exam if it were given at different times, or exactly the same score on two tests that measured the identical thing (such as math ability). But the probability of that happening is very, very small because measurement error creeps in.

16. 114,1 State and explain the components that make up an obtained score.

Not for the exam, just more explanation about the concept of the "true score." The "true score" concept is often alien to students in our program, and therefore conceptually confusing to them. The "true score" is conceptually perceived to be the person's actual knowledge or ability with respect to the attribute being assessed. But in any testing procedure, measurement error creeps in, so that the score that the person actually obtains rarely is the person's "true score."

The error can be due to many things: the person may not be feeling well that day, the test itself may not sample an adequate number of items (for example, my essay examinations do not include all of the study objectives), the wording of an item may be defective or be interpreted incorrectly by the person taking the test, etc. I am sure you have all experienced the problem of taking an exam and not answering a question correctly that you "really did know" for some reason related to your physical condition, some reason related to the testing conditions (not enough time so you were hurrying), or the way the question was worded.

This is “measurement error.” See also the examples in Table 4.1. They are excellent examples.

17. 119, 2

17A Why is test-retest method called test-retest method?

17B. What is the resulting correlation coefficient called, and why?

17C. What does the coefficient indicate?

The example in 119,3-120,3 will help but I am not going to ask any questions over it.

18. 120, 3- 121,1

18A Why is an interval that is too short between test administrations inappropriate?

18B Will an interval that is too short between test administrations underestimate or overestimate the reliability of a test? Why?

19. 121,1, last sentence. In general, how long should the test-retest interval be?

20. 121,2-3

20A. Why is an interval that is too long between test administrations inappropriate?

20B Will an interval that is too long between test administrations underestimate or overestimate the reliability of a test? Why?

21. 122,1. Test-retest is a suitable method if we are interested in what aspect of the measure? If the measure has high test-retest reliability what can we conclude? However, if it is low, what won't we know?

22. 122, 2. Describe the parallel or equivalent forms method of estimating reliability. How is the reliability measure determined? What is the reliability coefficient called and why?

23. 122,2

23A. If the two forms are administered on different occasions, with a relatively long interval in between, what is the reliability coefficient called and why? Note that if the coefficient is high it would indicate both that the forms are equivalent and the scores of individuals are stable over time.

23B. Also, based on the following, be able to state what it would mean if the coefficient was low. If the coefficient is low, the error could be due to (1) nonequivalence of forms; (2) instability of scores over time; or (3) some combination of the two.

24. 123, Figure 4.4. Not for the exam, but note the three criteria used to determine form equivalency. If ever you need to create equivalent forms of tests, refer back to this. If these three things don't exist, it is no doubt due to the fact that you have incorrectly sampled the items from the universe of items. Or, your random sampling went awry for some reason.

25. 124,3. Does equivalent/parallel form reliability tend to underestimate or overestimate reliability and why? Is test-retest or parallel form reliability generally preferable and why?

26. 124,5. What is an internal consistency reliability estimate and what does it show?

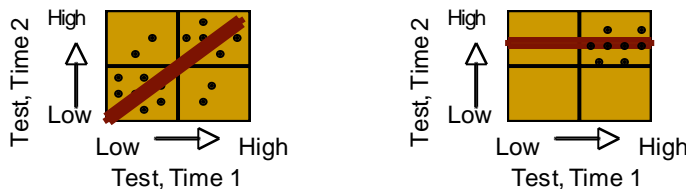
27. 137, 2 (the material after the formulas) If given a reliability coefficient be able to statistically interpret it as the authors have done in terms of the percentage of differences due

to true variance and the percentage due to error. Be prepared - a reliability coefficient is interpreted much differently than a validity coefficient as you will see in U5 - many students confuse them.

28. 139, 1. Although the authors are right in terms of how high a reliability coefficient should be, I am going to give you a rule of thumb. Learn the following numbers: When predictors are being used in selection, generally the reliability coefficient should be no lower than .85 and preferably it should be .90.
29. 140,2: 29A **For the exam:** Generally speaking, how do individual differences among respondents affect estimates of reliability. Do they increase or decrease reliability estimates? For example, you administer a math exam to (a) a group of 50 college undergraduates and calculate reliability and then give the math exam to (b) a group that consists of 25 high school students and 25 college undergraduates, would you expect the reliability to be higher for the group in (a) or the group in (b)?

29B. Also, for the exam, be able to explain why this is the case, using (reproducing) the diagrams below to illustrate your answer. This seems counterintuitive, but read the explanation provided in 141,1 in the text.

Also, look at the diagrams below. In the diagram on the left, represents a situation where the test takers vary with respect to their scores on the exam. The correlation is a positive correlation. Now, assume that you have administered the exam to individuals who are very similar with respect to their test scores – everyone scores highly on both administrations of the exam. That situation is depicted in the diagram on the right. As you can see, the correlation would now be about zero.



30. 142,1 In general, how does the length of a measure affect estimates of reliability? It may help to think of within-subject data – the more data points you collect for an individual, the more confidence you have that the data actually represent the person’s true performance, not simply momentary fluctuations due to unknown factors in the environment.
31. 143,1. Explain how and why the difficulty of the test questions affects estimates of reliability. Again, the diagrams in SO 29 are relevant. If the test questions are too easy, for example, everyone would score very highly, which would be represented by the diagram on the right in SO 29. **Also, for the exam,** be able to reproduce the diagrams in order to help explain your answer.
32. 148,1. Not for the exam, but note the very important caution in these paragraphs. Just because a test is commercially available and published by a reputable publisher, does NOT mean it meets testing standards.
33. 148,2,2. Why should any user carefully search for and insist on reliability information?
34. There is a VERY nice table on page 149 that summarizes information about reliability. It may come in handy some day - I will not ask any questions over it, however.

THE END

INSERT PPT SLIDE OF HIGH POSITIVE, HIGH NEGATIVE AND ZERO RELATIONSHIP
SLIDE # 8 U4

Magnitude of Correlations Needed to Achieve Significance for Various Sample Sizes

Sample Size	.05 Level	.01 Level
3	0.98	1.00
4	0.95	0.99
5	0.88	0.96
6	0.81	0.92
7	0.75	0.87
8	0.71	0.83
9	0.66	0.80
10	0.63	0.76
11	0.60	0.73
12	0.57	0.71
13	0.55	0.68
14	0.53	0.66
15	0.51	0.64
20	0.44	0.56
25	0.40	0.50
30	0.36	0.46
35	0.33	0.43
40	0.31	0.40
50	0.27	0.36
70	0.23	0.30
100	0.19	0.25

Unit 5: Gatewood, Feild, & Barrick, Chapter 5, Validity

1. 153, 4. Not for the exam, but why is it that we want to know how well a predictor is related to job performance criteria that are important to us?

Again, keep in mind that the *predictor* is the selection instrument – the measure that you want to use to predict the future job performance of an applicant. In the past, I have assumed this knowledge, but students for some reason, seem to be confused about it. Please ask me if you don't understand this point.

I have explained the following before, but I want to return to it. You need to determine the validity or job relatedness of a selection instrument for *current* employees, but once you establish the validity of the selection instrument for those current employees, you administer it to those who apply for the position in the future, and use it to *predict* their job performance.

To illustrate: Assume that you have a positive correlation (that is statistically significant) between the test scores and performance appraisal scores for *current* employees. And, current employees who scored between 50-75 on the exam also had high performance appraisal scores, indicating they perform well on the job. Now, you administer the exam to job applicants. If an applicant scores between 50-75, you can *predict* that he/she will also perform well on the job on the basis of what you know about the relationship between the exam scores and performance appraisal scores for your current employees.

2. 154, 5. What is the difference between reliability and validity? I'll help. Reliability tells us how dependable a measure is but it does not tell us whether or not the measure is related to job performance. Validity tells us whether **what** is measured is indeed **related to job performance**.
3. 154, 6-155, 0. Explain how validity and reliability are related to each other. Be able to give and explain an example of a measure that is reliable but not valid.
4. 155,1-3. What two factors determine the *maximum possible* correlation between X and Y? (don't learn the formula).
5. 155,5 Not for the exam: Note that the authors use the term “criterion-related validity” as the second major category of validation. In the past, they have referred to this as “empirical validation.” I am not sure why they changed their terminology, but it is in the case within the field, this type of validation procedure is more commonly referred to as “criterion-related validity” rather than empirical validity.

Criterion-related is sometimes also referred to as "empirical validity" to contrast it with content validity. With both types of criterion-related validity, test scores are correlated with measures of job performance (performance criterion measures) whereas with content validity, determination of job-relatedness does NOT use statistical procedures - rather content validity is based on expert judgment.

6. 156, 2-3. State the first two reasons why content validation is often used. (Don't learn the third one in 156,4)

The rest of this study objective will not be on the exam: Content validity is much more widely used in selection than is criterion-related validity. Only large organizations can afford and have sufficient numbers of employees do conduct criterion-related studies. Also, an

organization must have a good performance criterion measure for job performance, which may not exist for many jobs even in large organizations. Thus, since the Supreme Court decision in 1995 (Rudder v. District of Columbia) that stated that content validity was acceptable as a form of defense in adverse impact cases, more and more organizations have been using this approach. Selection specialists (as am I) still tend to be more comfortable with criterion-related validity because of the statistical confirmation of the job relatedness of a selection instrument (the statistical significance of the correlation between the test scores and job performance scores), however.

7. 157,2.

7A. How do content validity and criterion-related validity differ with respect to the emphasis given to the type of selection procedure?

7B. How do content validity and criterion-related validity differ with respect to the basic method used to determine the validity of a selection procedure? All I want you to notice here is that criterion-related validity (both concurrent and predictive) require some type of statistical correlation between the test and performance criterion while content validity does not – rather, content validity relies completely on expert judgment.

The first point is VERY important. *If you use criterion-related validity you can select an off-the-shelf test or write your own. But since it is cheaper to use an off-the-shelf test that is what is usually, although not always, done. However, if you conduct a content validity study, then you should plan on writing the selection instrument yourself.* If you select an off-the shelf test it will probably NOT meet the requirements of content validity.

8. 157,3. Explain (a) what face validity is, (b) why it is NOT really a form of validity in the technical sense, but (c) why face validity is important even though it is not a form of validity in the technical sense.

9. 158,1 What is the "heart" of any validation study and why?

10. 158, 2. List the major steps involved in the conduct of a comprehensive job analysis for content validity - don't include the 5 steps under D although these are indeed required. Note that this have been stated in the Uniform Guidelines and are an absolute must to include in any job analysis upon which content validity is based. (You can use this same method for criterion-related validity, but you have some other options as well.)

Again, note carefully, that you do NOT correlate the test scores with the performance criterion scores as the last step.

11. 166,2. Learn the first point and the following: when cutoff scores are grouped according to magnitude or ranked ordered. State these if I ask you to indicate when content validity is NOT acceptable according to the Uniform Guidelines. I am asking you to learn these two specifically because these are the two that are most violated in practice.

I have not asked you to learn the second one because this is true of either content or criterion-related validity strategies. You should never test for KSAs that an employee is expected to learn on the job, regardless of the validity procedure.

12. 167, 3. Be able to explain why concurrent and predictive validity are both referred to as criterion-related validity or "empirical" validity. That is, how are these approaches similar?

13. 167, 4.

13A. Explain what "concurrent validity" is. The example on the following pages will help.

13B. Be able to indicate how you would conduct a concurrent validity study using the steps indicated in Table 5.1 on page 170.

14. As indicated in 167,4 a **selection test/instrument is *only* considered to be related to a performance criterion when the correlation between them is statistically significant at the .05 level. Add this as the last step in conducting a concurrent validity study.**
15. 171, 1-5. Basically, all the weaknesses associated with concurrent validity have to do with differences between your current employees and the applicants who apply for the job in the future. You are conducting your study with one sample of the population (your *current* employees) and you are assuming, statistically, that your *applicants* are coming from the same *population* of individuals. However, your applicants may not be from the same population – that is, they may differ in important ways from your current employees (ways that affect how they would score as a group on the test and/or how they would perform on the job).

For the exam: Explain the *basic reason* that accounts for *all* of the weaknesses that are related to concurrent validity.

16. Before really understanding the weaknesses related to concurrent validity, you need to understand one more concept related to correlation): *Restriction in range*.

As you have learned, in criterion-related validity studies, the ultimate proof that your selection test is job related is that the correlation between the test scores and performance criterion scores is statistically significant. Correlation tells you the degree of relationship that exists between the two measures. A *high positive* correlation means that (a) individuals who have a high test score also have a high performance criterion score, (b) individuals who have a middling test score also have a middling performance criterion score, and (c) individuals who have a low test score also have a low performance criterion score.

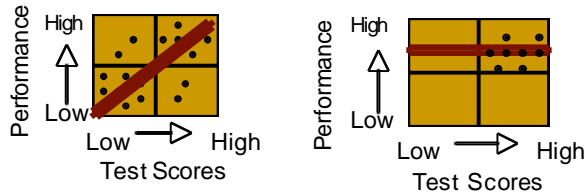
Clearly, in order to determine that such a relationship exists between the test scores and the performance criterion scores, you need individuals in your sample who obtain *high, medium, and low* scores on the *test* and also who obtain *high, medium and low* scores on the *performance criterion* score. If you only have individuals in your sample who score high on the test and high on the performance criterion score, you will get a zero correlation between the test and the performance criterion; that is, you need a *range of scores* on both measures in order to determine the extent to which the scores are related to each other.

Any procedure that eliminates or reduces the entire range of scores (high scores, medium scores or low scores) will reduce your ability to determine whether a relationship truly exists between the test and the performance criterion score.

The term *restriction in range* refers to situations where high scores, medium scores or low scores on *either* or *both* the test and performance criterion are eliminated or reduced. When restriction in range occurs, the *true correlation* or relationship that exists between the test and the performance criterion will be *underestimated*.

Again, look at the diagrams below. The diagram on the right represents a situation where there is a range of scores on both the test and the performance appraisal. And, a positive correlation results. However, assume now that you used a concurrent validity approach (I am

exaggerating the example in order to demonstrate the point). And, also assume that all of your current workers score well on the exam because they are very experienced and also



perform very well on the job. In other words, you have *restricted your range* by eliminating those who would score poorly and “middling” on the exam and perform poorly or “middling.” That situation is illustrated by the diagram on the right. You end up with a zero correlation. However, because your current employees are not representative of the applicants who would apply, you have just greatly underestimated the validity of your test.

For the exam:

- 16A. What does *restriction in range* mean? Be able to illustrate your explanation by reproducing or using the diagrams above. Be able to provide a diagram that represents restriction in range on the test score but not the performance score, and vice versa. I have not given you examples of this – I am asking you to do this to make sure you understand the concept of restriction in range.
- 16B. How does restriction in range affect the correlation between test scores and a performance criterion scores? And, does restriction in range underestimate or overestimate the validity of a predictor/exam?
17. 171, 1-5
- 17A. Explain specifically why differences in tenure or the length of employment of current employees may affect the results of a concurrent validity study – thus, making them less applicable.
- Let’s take an extreme example to help explain this. Suppose you had an aging work force. That is, most of your employees had been on the job for many, many years. If that is the case, then you would expect them to perform better on any job related test than job applicants who had not had such experience. Not only that, but you would expect the job performance measures to be higher for very experienced workers than for less experienced workers. Thus, you have restricted your range of both the test scores and performance scores. The effects of job tenure on both the test scores and the job performance criterion thus decrease the probability that you would get the same correlation if you correlated the test scores and job performance measures of less experienced workers – workers who are likely to be more similar to the job applicants (unless, of course, you have a pool of very experienced applicants for some reason).
- 17B. Explain why rejected applicants, turnover (including those who were fired), and promotions may affect the results of a concurrent validity study. Again, let’s look at an extreme example. Based on your current selection procedures (before you attempt to validate your new selection procedures), you reject some applicants who clearly would not have performed well on the job. In addition, (a) some individuals who could not perform well left the company and (b) some who did not leave voluntarily were fired.

That leaves you with job incumbents who are, in general, better job performers than otherwise would have been the case. You would again, as above, expect this group of job incumbents to score better on the selection test and have better performance measures than your group of applicants. You have restricted your range of scores on both the test and the performance criterion by using your current workers as the sample for your validity study.

18. 171,6

18A. Explain what "predictive validity" is.

18B. Be able to explain how you would conduct one of these studies based on the steps provided in Table 5.1 on page 170. **Again, add the statistical significance test as the last step.**

Note that the applicants SHOULD NOT be hired on the basis of the selection scores you are conducting the validation study on (although unfortunately this is one of the methods included in Figure 5.5 -- this method really reduces the chances that you will find your selection procedure valid even when it is. In other words, it greatly underestimates the true validity of the selection procedure. This is because you are only selecting individuals who score well. *If* the selection procedure is highly related to job performance, everyone who is selected will perform well on the job, which will restrict the range of scores on both the test and the job performance criterion. Hence, you are likely to get a very low correlation between the two.

19. 172,2 What are the two *practical* weaknesses of predictive validity?

Note for the exam but note that neither is a methodological weakness as are the weaknesses related to concurrent validity – rather they are both procedural/practical implementation weaknesses. Note the second weakness – last sentence in the paragraph. Companies in general are not often willing to hire applicants *randomly* - without using the information obtained on the selection procedure. It may well be that random selection will result in some poor employees so it is understandable that companies and managers strongly resist this procedure.

20. 173, 1.

A. For ability tests, what do current data indicate about the superiority of predictive vs. concurrent validity?

B. Predictive and concurrent validity studies have differed with respect to what types of tests?

21. 174,1, point 4. Note the fourth requirement for conducting a criterion-related validity study. Indicate the number of employees that are often required and what will happen if the sample is too small. Actually you can conduct a study with 50 - 100 employees - **learn this number**. The reason why the sample must be large is because of the statistical significance requirement. That is why many companies use content validity instead of either concurrent or predictive validity.

22. Not for the exam, but Table 5.2 on page 176 is excellent. If you are faced with conducting a validity study, you should use this table to help you decide which validation strategy is most appropriate.

23. 175,3-179,0. I am not going to ask any questions about construct validity – this is a very confusing concept, and from a practical standpoint, is not used much, if at all, in personnel selection. But I do want to explain it just for your information, if you ever need to know about it.

Even though companies rarely, if ever, use construct validity it is ALWAYS included in testing courses. Basically you first hypothesize underlying "constructs" or hypothetical traits that are relevant to job performance. Per the example in the text, you hypothesize that people who work well in teams are extroverted, have a high need for affiliation, participated in team activities growing up, etc. Then you develop a measure that attempts to measure those constructs. Now you have to determine whether your measure is actually measuring those constructs by correlating your measure with other measures that supposedly measure those "constructs." If the correlations are statistically significant, then you can conclude that your measure is "construct valid." Thus, construct validity really has to do with test construction, NOT validity (not whether or not the measure is job related). After you use construct validity to develop and construct a test of some hypothetical construct, then you must conduct a validity study to show that in fact the measure is related to the job. And, because you are dealing with "hypothetical constructs" that cannot be observed, you cannot use content validity to justify the use of the selection measure, you must use a criterion-related study.

Again, not for the exam, but the material below explains why construct validity is not very appropriate or relevant for selection specialists who are hired by an organization.

The only professionals I know who actually use construct validity are professional test developers when attempting to create a new test of some construct such as personality or intelligence. I have never, ever seen a test specialist do this. Why? Time and money. The job of a selection specialist is to identify and validate selection procedures that will predict who will perform well on the job. Since construct validity deals with the construction of such measures as intelligence, personality, etc., there are typically professionally developed tests available. And, given that once the test is developed, you still have to conduct a criterion-related validity study, it does not make any sense in terms of time and money for a selection specialist to construct tests when off-the-shelf tests are already available (and probably better constructed than what the selection specialist could do since construction is done by professionals who expect to sell their tests).

24. 183,4. What is the coefficient of determination, how is it symbolized and what does it mean? This is VERY important. On the exam I may ask you to statistically *interpret* a validity coefficient such as .50. If I do, **this is what you should say: 25% of the differences in individuals' job performance can be accounted for by the differences in their test scores.**
- 25 Note that you interpret a *validity* coefficient very differently than you interpret a *reliability* coefficient, even though they are both correlation coefficients. Go back to page 137, 2 and SO 27 in Unit 4 and restudy how to interpret a reliability coefficient. Note that it is very different. You do NOT square a reliability coefficient when you interpret it - I am not going to go into the mathematics - *but you do not square it because you are correlating a measure with itself.*

For the exam:

- 25A. Be able to interpret both a reliability coefficient and a validity coefficient.
- 253B. If given an example of a reliability procedure and a validity procedure, be able to recognize the difference between an example of a reliability coefficient and a validity coefficient. For example, if an example indicates that test scores are correlated with a performance criterion measure, then the resulting correlation coefficient would be a validity coefficient. On the other hand, if an example indicates that scores from two administrations of the same test or scores from two equivalent tests are correlated, the correlation coefficient would be a reliability coefficient.

26. 183,4. What are common validity coefficients (not the coefficients of determination but the actual correlation coefficients)?

Not for the exam. Note how low the correlations may be. This means that typically (only) 10% to 25% of the differences between the job performance of individuals can be accounted for by differences in their test scores.

Remember, the purpose of selection instruments is to *enhance* predictions about how well individuals will perform on the job, not to make perfect predictions, which we know is impossible. All selection specialists know this.

Some people dismiss tests because we cannot perfectly predict performance and thus will make selection errors even when we use them. On the other hand, many people who do not understand tests, place too much weight on them, basically, because they have a quantifiable number “to hang their hats on.”

The correct position is to recognize that predictions made by selection instruments are not and cannot be perfect, yet they are certainly better than “nothing” – that is making random hires without the information that tests can give us. They are quantifiable and they can and do enhance our predictions about who will do well on the job and who will not. And they are certainly better than subjective opinions.

Now skip to page 201. I want to deal with one more validation procedure.

27. 201,3. What is meant by "validity generalization"?

Basically, this means that where adequate validity generalization evidence is available, the results can be generalized to settings having *very similar* or *the same* jobs. A separate validation study for each job in each organization is not needed. For example, most manufacturing organizations have a position called a set-up mechanic. Thus, if several organizations conducted validity studies for the same selection test/procedure and that test was shown to be valid in each of those organizations, then you could use that same test in your organization without having to conduct your own validity study. Or if you have a computer systems analyst position in your company, you could use validity data from other organizations to support the use of a particular selection procedure without doing your own validity study.

Clearly, this would be a great advantage for small organizations and would also save even large organizations considerable amounts of money.

28. Not for the exam. Validity generalization, although a bit controversial, is generally accepted by testing experts. However, it remains legally controversial. Until the legal issues are resolved, I do NOT recommend that you attempt to use this approach, thus I am not going to

spend a lot of time on it. However, I do want you to know something about the legal status of validity generalization so I will cover that in the next study objective.

29. 207, 4-208, 0. Frank Landy is referring to a court decision that was then codified in the CRA of 1991 that indicates that the only acceptable criterion measure is *actual job performance*.

FOR THE EXAM: Based on the material below, provide two reasons why this provision of the CRA of 1991 makes the legality of validity generalization questionable. (You don't have to memorize this provision – if I ask a question about this, I will include the provision in the question).

This is related to the validity generalization issue because (a) criterion measures used in criterion-related validity studies have often included *personnel data* such as absenteeism, turnover, accident rates, etc. (b) Moreover, if courts interpret the “*actual*” in actual job performance literally, then it could maintain that only the *performance of the workers who participate in the study* would be acceptable criterion measures. That is why this provision in the CRA of 1991 is relevant here.

30. I am also going to skip the material on job component validity – it is highly unlikely you would ever use this approach. But basically, just for those of you who are curious, job component validity permits small organizations that have a number of similar positions (positions that share some of the same job requirements) to conduct a criterion-related validity study, rather than relying on content validity.

I believe that this approach has basically become “obsolete” since the Supreme Court ruled that content validity is an acceptable defense for adverse impact. Prior to this ruling, it was not clear whether the Supreme Court would accept content validity, as opposed to criterion-related validity as a defence, hence, job component validity was a way that you could do a criterion-related study in spite of small samples as long as there were similar/related jobs in an organization.

However, you should also be aware that selection specialists still prefer the statistical evidence of validity that comes from a criterion-related study (as I do). It is much less prone to human errors in judgment that can result from a content validity study. Nonetheless, it is a practical reality that criterion-related studies are much more costly; hence organizations are likely to use content validity primarily now.

31. 213,5. In the survey conducted in 1993 (the random sample of 1,000 companies listed in Dun's Business rankings) with organizations who had 200 or more employees, what percentage indicated that they had validated their selection techniques? This is rather chilling given both implications of selection and the legal mandates. Those organizations are very vulnerable to legal charges and penalties.

THE END.

Unit 6: Job Analysis: Gatewood, Feild, & Barrick, Chapters 7, 8 and 9

BRING THE MATERIALS FOR THE TASK ANALYSIS PROJECT, UNIT 9/10 IN THE COURSE PACK, TO CLASS ON MONDAY. I AM GOING TO DESCRIBE THE PROJECT IN LECTURE - I have provided a written description of this project at the end of this unit's study objectives.

1. Not for the exam but note the legal standards listed on 261. There are too many things to learn for the exam - but if you ever need to conduct a job analysis refer back to these pages. If you do not follow every one of these guidelines your job analysis will NOT be legally acceptable.
2. I mentioned the following point in the last unit, but I am going to review it again because it is so important: **Even though in the criterion-related validity does not require a job analysis from a professional perspective, as long as the correlation between the test scores and job performance measures are statistically significant - the courts do require one for all types of validation procedures.** That is why I am going to emphasize job analysis to the extent I am to the exclusion of a lot of other material.

FOR THE EXAM:

- 2A. Usually legal and professional guidelines are consistent with one another. However, how do they differ with respect to job analysis and criterion-related validity?
- 2B. From a legal perspective, what is *fatal* to any type of validity study in a court challenge?
3. 263,5-265,0. The difference between work oriented job analyses and worker oriented job analyses will become clearer in a moment.
 - A. What is the basis for all *work* oriented job analysis methods, and (b) are these methods job specific or generic?
 - B. (a) What do *worker* oriented job analysis focus on, and (b) are these methods generic or job specific? Note that when the authors talk about broad human behaviors" involved in work activities, they really are not talking about "behaviors" as behavior analysts refer to them - they are really talking about general categories of skills/behaviors or general abilities/attributes.
4. 265,2, last sentence. If a job analysis is being conducted for content validity, what type of job analysis *must* be used?
5. 265, 3. Please note that the PAQ is a type of job analysis NOT a test - students often get mixed up on this. If you call it a test on an exam I will take off points.

Not for the exam: The text lists the job analysis interview and the job analysis questionnaire as two separate types of job analysis procedures. An interview may be used alone, however, a job analysis interviews are the first step in developing a job analysis questionnaire so the two cannot really be separated.
6. Not for the exam. As the authors note in 266,2 - the interview is typically used in conjunction with other methods - rarely, if ever, is it a "stand alone" procedure unless there are only 1 or 2 job incumbents. In 273,4, they state more strongly that the interview should not be relied

upon as the sole method when the job analysis is used for selection purposes. This is excellent advice.

7. 269,1 and Table 7.1 on page 269. State the four components of a task statement.

Not for the exam: This is THE standard format for a task statement regardless of whether tasks are obtained through interviews or questionnaires. Usually you conduct interviews first, then develop a set of tasks, have the people you interviewed and/or other job incumbents review them for completeness and accuracy, and then include them in a questionnaire that you send to a representative sample of job incumbents (and/or others, such as supervisors).

8. 269,2 - 270, numbers 1-6. Be able to write two task statements for a job you have previously held. Pay particular attention to the way in which task statements are written. These are terrific examples of task statements and their proper format. The format must follow the format given in the text -no deviations. **LOOK AT THE WAY THE VERB IS WRITTEN** - it is a *present tense, singular verb* (that means there is an "s" at the end of the verb).
9. Not for the exam but also note on page 271, Figure 7.4 how the KSAs and additional information are tied to the specific task statement. This is a legal requirement for the type of job analysis called a task analysis that I am asking you to do as your project. **Also, remember with the passage of ADA, you should include things like requirements for attendance, working with others, getting along with others, etc.**
10. 273,1-3 List three (any three) limitations of the job analysis interview.
- 11.276,1 Note, the task analysis method that I am asking you to model is based on the Office of Personnel Management model - I much prefer, even for a task inventory, more complete task statements. It makes the construction of tests much easier - and therefore I recommend that you adopt this approach in any job situation, and am *requiring* you to adopt it for your task analysis.
12. 276,4-277,0 Section 14 c of the Uniform Guidelines discusses the technical standards for the job analysis if it is to be used for content validation. All of the rating scales listed in the text **MUST** be included. Learn these four scales and be able to provide them on the exam.
- Also, because of the ADA, I am going to require when you do your task analysis that you also assess the physical working conditions of the job as discussed as the "third portion" at the end of 277,0.
13. Many task inventories used for content validity also include a section in which incumbents are asked to rate the KSAs as well. This is a very good practice since these were inferred from the tasks.
- Further, to be used for content validation the following three pieces of information **MUST** be collected for the KSAs: (1) Whether each KSA is necessary for the successful performance of the job; and (2) whether the KSA is required upon entry to the job or can be learned on the job and (3) how difficult it is to obtain the KSA - what sort of education and/or experience is required.
- For the exam:** Learn these three scales that must be included for KSAs if your analysis is to be used for content validity.
14. In 277,2 - a suggestion is made to obtain the name of the individual who fills out the form. I disagree strongly. Whoever is in charge of the job analysis should have a master list of the

names of the individuals who are sent questionnaires, numbers assigned to these individuals (and the code should include all of the relevant information such as geographical location, sex, protected class, etc.), and these numbers should be placed on the questionnaire. However, the names should be known only to the person in charge of the analysis. You will get more accurate information from the incumbents if they feel that the information will not be used "against" them - notice that one advantage mentioned by the authors is that the name is useful when combined with personnel file data - this is exactly what employees are afraid of when you conduct a job analysis. When I have conducted job analyses, even one-on-one interviews, I have almost always had to assure and reassure the individual that the information was confidential in the sense that it would be combined with information obtained from others and that his/her information would *never* be identifiable or given to his/her superiors unless combined with the information from others.

For the exam, be able to state why I argue against having employees put their names on the job analysis form.

15. 280,1-2. What are the two advantages of a task inventory? What are the disadvantages?
16. A task analysis can be used when conducting a *content* validity study, or a *criterion-related* (concurrent and predictive) validity study. Learn this very important point.
17. In lecture, I am going to discuss an important court case related to job analysis when it is used for a content validity study. The name of the case is Kirkland v. NY State Department of Correctional Services. After lecture, be able to state the two important aspects of this case.
18. 280,6 Not for the exam. The PAQ is a very commonly used job analysis procedure with an excellent history and reputation. This is an example of a *worker-oriented* rather than a *work-oriented* job analysis procedure.

In the past, I have had students conduct a PAQ analysis, but due to how time consuming the analysis is, I decided to drop it from the course. This questionnaire is NOT good for managerial and executive positions, but the authors who developed it (McCormick & Jeanneret) subsequently developed its companion, the *Professional and Managerial Position Questionnaire* (PMPQ), which is also of very high quality.

19. In lecture I am going to explain how the PAQ was developed – it will help you understand this method of job analysis. I am also going to talk about the underlying rationale for the PAQ in detail.

A. **FOR THE EXAM:** Based on the following material and my lecture, be able to state the underlying rationale (the two basic assumptions) of the PAQ.

The first underlying rationale (assumptions) of the PAQ is that there are a limited number of human attributes and all jobs can be characterized by the extent to which each attribute is required for any particular job. That is, there are a certain number of human attribute “building blocks” (the authors of the PAQ identified 187) and each job can be constructed from these building blocks by identifying which of these blocks to what degree is required for this particular job in comparison to all other jobs that exist.

The second underlying rationale of the PAQ: The PAQ assumes that each human attribute is normally distributed across all jobs.

B. FOR THE EXAM: Based on the following, describe how the important job attributes for each job determined by the PAQ.

Each job is compared to the normal distribution for each attribute to determine how much of that attribute is required for that job in comparison to all other jobs. The data are then typically reported in percentiles – for example one job may fall at the 90th percentile for the use of manually powered tools which means that 90% of all jobs that exist require LESS of this attribute than your job. Hence, it is a very important attribute for your job.

20. 283, point #1. Not for the exam. As you will see in a moment, one of the disadvantages of the PAQ is that it requires the reading level of a college graduate. Thus, it is best if trained job analysts administer the form – that is, use it in an interview with a job incumbent. This is very time consuming as the administration usually takes about 3 1/2 hours. But you cannot simply give this questionnaire to job incumbents to complete on their own unless they can read at a college graduate level.
21. 285, 1. Not for the exam. Note that the analysis really must be done by the PAQ services. PAQ Services has the data base to score and analyze it.
22. Note well that because the PAQ is *worker-oriented*, not work oriented it *cannot* be used as the job analysis procedure for *content* validity (when used alone). Thus, whenever you use the PAQ you must ultimately conduct a criterion-related validation study (again, remember that both concurrent and predictive validity studies are forms of criterion-related validity studies).
 - 22A. Can the PAQ be used in a content validity study?
 - 22B. If you use the PAQ, what type of validity study must you conduct?
23. 285,2.
 - 23A. What disadvantage does the PAQ have with respect to reading level?
 - 24B. What disadvantage does the PAQ have with respect to the fact that it scores the basic work *elements* rather than the specific tasks of a job? I love the Arvey & Begalla study.
24. 285,3 The fact that the PAQ cannot be used to develop job descriptions has become a more serious disadvantage since the passage of ADA. Although the selection specialist in the past has not been responsible for the development of job descriptions, the ADA, for all intents and purposes, **requires job descriptions prior to any selection (a little known requirement)**. Thus, it might save the organization time in the long run to use a job analysis procedure, such as a task analysis that can form the basis of both a selection system and a job description.

For the exam, based on the above: The PAQ cannot be used to develop job descriptions. Even though selection specialists have not typically been responsible for developing job descriptions (the HR compensation specialists typically are responsible for that), why has this become a *major* disadvantage?
25.
 - 25A. 286,1. The PAQ provides a standardized, quantitative means for collecting job information. Why is this an advantage?
 - 25B. Learn the following points: (a) Because of its standardized format, the PAQ is the best job analysis procedure to use if you are using *validity generalization* to determine the validity of your test (ignore, for the moment, that validity generalization may not be

legal if challenged in court). (b) Why? For validity generalization you must prove that your job is very similar to the job in the other organization that conducted the original criterion-related validity study. Because the PAQ is standardized and provides quantitative data, it is much easier (and provides a more accurate comparison) to compare the same job (or similar jobs) in different organizations.

25C. 286, 2. What *professional technical* advantage does the PAQ have?

25D. Based on the material below, what *legal* advantage does the PAQ have?

An excellent *legal* advantage of the PAQ that is not stated is that the PAQ has stood up in court and is *highly* recommended by the EEOC. So if in doubt, (and you are doing a criterion-related study) this procedure is a very safe bet.

26. 286,5-6. Not for the exam, but SME workshops are very useful. I have used this method very frequently in the past for the creation of the task statements and then determination of the relevant KSAs. It is much more efficient than conducting interviews. Once I obtained the information from the SMEs, wrote it up and had them verify the information, I developed a task inventory that was sent to all or a sample of incumbents.

27. The material on pages 291-293 and summarized in Table 7.3, page 290 is excellent but I am not going to ask anything about it on the exam. However, you should use it as a good reference source if you ever need to compare job analysis procedures.

28. The material in Chapter 8 (333-344) provides excellent instruction and examples of how to get from the task analysis and task inventory to the selection of actual tests and selection procedures. You should refer to this when you need to.

29. Learn the following steps required to select tests based on a PAQ analysis. The text talks about the PAQ from 344-350; however it is much too detailed for our purposes, so I am going to summarize the steps for you.

Assume that you have completed a PAQ analysis. To select tests:

(A) Analyze data on-line using PAQ Services;

(B) Based on the PAQ report that indicates the tests in the GATB that are most relevant, locate tests similar to these (note the real neat information you get from the report – see Figure 8.14, page 349, and Figure 8.15 on page 351- you can even get a list of potential substitutes for the GATB tests); Note that you cannot use the GATB tests – these are the sole property of the U.S. Employment Service and they do NOT make them available to private employers. However, you can, as indicated in Figure 8.15 ask PAQ to give you a list of tests that are similar to the GATB tests.

(C) **EMPIRICALLY validate these tests;**

This next part won't be on the exam, but students often forget this step and the next one, so I want to provide a bit of explanation. Remember, the PAQ is *only a job analysis procedure*. While the report suggests tests that are likely to be job related, and even gives you *predicted* validity coefficients, you have not yet shown that the tests are valid for your jobs. Thus, you *must* conduct an empirical validity study with your employees once you select the tests based on the PAQ analysis.

D) Check the statistical significance of the correlation between X and Y.

The End

Units 9 and 10: Task Analysis Project

You are going to develop a task analysis. The task analysis is the first step in the development of a task inventory (job analysis questionnaire) that is then sent to all or a sample of job incumbents. I am not going to have you develop the actual questionnaire. Neither am I going to ask you to get ratings for the task statements and KSAs. The project consists of just the first step – the identification of the task statements and the KSAs for each task statement.

The task analysis is the most versatile job analysis procedure because, if you recall, (a) it can be used for both content and criterion-related validity studies, and (b) is *required* for content validity studies.

The task analysis is due Monday, April 20 and will be worth 70 points. I suggest that you start it immediately - it is a time consuming project.

There is a relatively new resource on the internet that will make this project a lot easier and a lot less time consuming called O*NET (Occupational Information Network). This is a new job analysis system developed by the Department of Labor.

The web site address is online.onetcenter.org (note there is no www before the address). *Don't ignore this or (a) your project will take a lot longer than necessary, (b) will be a lot more difficult for you, and (c) it won't be nearly as good!*

In the course pack, in Unit 9, I have provided sample task analyses that students have completed in the past. These are excellent models and all were done with the use of O*Net. The material at the end of the task analysis section – the sections that begin with the heading, “Work Activities” were modeled after the material from O*Net. I want you to use the information on O*NET for the sections contained after the list of tasks and KSAs (with the exceptions listed below). *Note that the tasks on O*Net are not detailed enough, however. You will use the material from the text to write the tasks and KSAs.*

To see an O*NET model, I recommend you go to the web site, and use a “Bartender” as an example position. First, click the *Find Occupation* button on the main page. Then under *Browse by Job Family*, select “Food preparation and serving related,” and click the *GO* button. Then click on “Bartender” which is the first position listed.

Instructions:

1. You may conduct the task analysis for one job incumbent. Do NOT do the task analysis for a job that you currently hold or have held in the past. I want you to have the professional experience of collecting information about a job that you are not familiar with. It is harder than it may appear to be.
2. The job may either be a part-time job or a full-time time.
3. You will be developing task statements for the position, identifying the KSAs required for the position, and identifying the physical activities/requirements, environmental conditions, and typical working incidents (here is where many job analysts put things like persuading individuals, working under stress; things that are critical for ADA now. For examples of typical working incidents see Figure 7.3 on page 268).

For each task statement, the format should be the format provided in Figure 7.4 on page 271 of Gatewood, Feild, & Barrick.

Note that this differs from the format provided on O*NET. O*NET actually provides the END result of a task analysis and inventory, NOT the starting point of a task analysis. That is, on O*NET, they simply list all of the relevant/important tasks in one section, and all of the relevant KSAs in another section *without* linking the KSAs to the task statements. Again, this is fine for the *end* product, but does not meet the legal requirements for a task analysis. If you simply presented this end product in court, you would lose your court case. For the court case, you must provide the *initial* analysis as well; an analysis that ties/links the KSAs to *particular* task statements. (see page 332, point 6 – as noted by the authors, the Uniform Guidelines require that a relation be shown between each identified KSA and the relevant work task or work tasks.)

4. You should have from between 15 - 30 task statements depending upon the nature of the job. Part of the problem with writing task statements is determining how specific or how broad they should be. You will understand this difficulty more when you attempt to write them.
5. O*NET task analyses have the following sections AFTER the tasks and KSAs:
 - A. Work Activities
 - B. Work Context – the environmental conditions and the physical requirements
 - C. Job Zone – more or less a grouping of positions that are similar in certain ways
 - D. Interests
 - E. Work Styles – interpersonal and personal styles required for performance
 - F. Work Values
 - G. Related Occupations

For your task analysis, I am only going to require the following sections as part of the analysis:

Work Activities
 Work Context
 Work Styles

That is, I am *not* going to have you include the following sections: Job Zone, Interests, Work Values and Related Occupations.

Steps.

1. Review the interview guide provided in Figure 7.3 on page 267.
2. Review the example provided by the authors with respect to interviewing a job incumbent and then writing task statements based on the results of the interview (pages 268-270: *An Example*). I have also provided a task statement worksheet that is the same as the one provided in Table 7.1 on page 269 in Unit 9 of the Course Pack. They will provide the structure for you if you want to use them.

For additional instruction on writing task statements, see pages 323,0-324.

Note that while you can obtain “basic task statements for the position from O*NET, the tasks on the web site are not as complete as the ones recommended by Gatewood, Feild, & Barrick, and the ones that I am asking you to write, so you will have to modify the task statements from O*NET even if you find they are relevant and appropriate to the particular position you are analyzing.

3. Writing and determining KSAs. Read Gatewood, Feild, & Barrick, pages 327,3-328, 1 and Figure 8.3 on page 329. I will hold you to all of the guidelines on these pages and you will lose points if you do not follow them.

Note that there is disagreement and considerable confusion when attempting to distinguish between a skill and an ability. As the authors say, it really doesn't matter as long as the skill/ability is listed.

However, in order to introduce an "understandable" difference, I am going to require that a skill include a numerical qualifier: **When writing a skill always, always include a numerical qualifier. If there is not a numerical qualifier, then the attribute should be listed as an ability.** That, in fact, is what distinguishes an "ability" from a "skill." Because of the numerical requirement, many task statements *will not* have any skills associated with them. You can see this in Figure 7.4 on page 271.

On page 328, pay **particular** attention to # 3, 4, 6, & 7- I often get questions from students about these, particularly #3. Note carefully that if something like statistical abilities or high level math abilities are required and stated as either an ability or skill, you do not then have to list the more basic abilities/skills associated with them (in this case, for example, addition, subtraction, multiplication, etc.). The higher-level ability/skill covers these. That prevents you from having an extremely long list of skills/abilities.

4. Documenting Work Activities, Work Context, Work Styles, and licensure/certification requirements, see O*NET and Gatewood, Feild, & Barrick, pages 330, point 5 through 332,3.
5. I am going to give you more specific instructions with respect to interviewing a job incumbent. The interview guide in Figure 7.3 on page 267 is good, but gives the wrong impression in terms of how long it takes to collect this information, and how you should break up the material/questions.

You should plan to meet with the job incumbent at **least 3 times**, each for about an hour and a half to two hours to collect the information. Some students have had to meet with job incumbents 4 times or for more time each time they met with them.

Then you should plan to meet with the job incumbent a fourth time (if necessary) to verify and confirm your final task analysis (which will include the KSAs).

6. Before meeting with the job incumbent, you should first obtain any written documentation exists about the job - for example, a job description and/or organizational chart.

Also, before you begin you should locate the job title/position using O*NET. Once you locate the position using the *Find Occupation* button on the main page, and the *Browse by Job Family* you will find a list of task statements, KSAs, Work Activities, Work Context, Job Zone, Work Styles, Interests, Work Values, and Related Occupations.

Again, believe me, this will save you untold amounts of time. You can use the information to prepare for the interview, and then again when you are writing the task statements and KSAs based on your interview!

7. During the first meeting you should focus on collecting *task statements* and task statements *only*. Individuals find it easier to do all of the task statements first, and then go back and determine the KSAs for each task statement.

I have also found that it is easier for individuals if you first ask them simply to state the major aspects or areas of their job. Once you have that list, then you take the first major area, and ask the job incumbent to tell you the tasks or job duties within that area; then move to the second major area; and so forth.

8. You should then type up the tasks and schedule another meeting with the job incumbent to determine the KSAs.

At that second meeting:

A. You should ask the job incumbent to review the list of tasks to make sure each one is accurate, and that you have listed all of the major tasks (that is, that you have not missed anything).

B. Then present each task statement to the job incumbent and ask what KSAs are required for that task. Depending upon how long this takes, you may want to continue with C below or schedule a third meeting to obtain the final information for the task analysis.

C. Also ask about the Work Activities, Work Context, Work Styles, and Licensure/Certification requirements as indicated from the O*NET task analyses. **BE SURE TO ASK ALL OF THE WORK CONTEXT** questions from O*NET that are relevant for the position you are analyzing – this is critical for ADA.

9. You should then type up the entire document and have the *job incumbent review it one more time*. If revision is required, then you should ask the incumbent to review the revised version.

Therefore, the entire task analysis process will require 3-4 meetings.

10. I have an optional task analysis workshop scheduled during class on Monday, April 6. I will answer any questions you may have and review your task statements, KSAs, and Work Activities, Work Context, Work Styles, and Licensure/Certification requirements.

You won't benefit from the workshop unless you have already met with the job incumbent and started to write the task statements or KSAs. So you should plan accordingly.

11. Task Analysis Report Format. See the models in U9 in the course pack. With the exception of the way the tasks and KSAs are presented, the report should look similar to the task analyses on O*NET.

A. Description of the company and position. Include the name of the position in the company and the corresponding O*NET position name (if there is a corresponding O*NET position).

B. Description of the method/steps you used to develop the task analysis. How many times did you meet with the job incumbent? What did you do during each meeting? How long was each meeting?

C. Task statements with KSAs linked to each task statement

D. Work Activities

E. Work Context: Environmental Conditions AND Physical Requirements

F. Work Styles (these also get at key ADA requirements – getting along with others, dependability, coming to work regularly, etc. See the Bartender position for examples).

G. Licensure/Certification Requirements (I have added this – this is not included in the O*NET format)

12. I will deduct points for grammatical and spelling errors. You will lose credibility in a professional setting for bad writing.
13. I will deduct points for lateness - see the syllabus.
14. You must complete this project or receive a zero. You cannot use the make-up exam to replace this.
15. **MAKE SURE YOU BACK UP YOUR WORK ON THE COMPUTER.** In the past, several students have lost their work at some point in the process.

Psy 6430, Unit 7: Tests, Gatewood, Feild, & Barrick, Chapter 12.

This unit is going to be a survey of different types of tests.

1. Before Chapter 12, go to page 91,1 Locating existing selection measures. What are the advantages of using existing or off-the-shelf tests?
2. 92,3 State the name of the most important source for information on tests.
3. 95,3 Not for the exam, but note the caution about developing selection measures: I agree.

Now go to Chapter 12, page 533.

4. 534,2-5

- 4A. Explain why the distinction between aptitude and achievement tests is arbitrary and thus why these terms are being replaced with the term "ability" tests.

Note that there is a "typo" in the third sentence of 534,3. The sentence begins "*Ability* tests were thought..." The authors meant "*Achievement* tests." They are contrasting the old yet still common distinction between "achievement tests" and "aptitude tests" and why both should be referred to simply as "ability tests."

Not for the exam, but tests like the ACTs, SATs, and GREs used to be considered *aptitude* tests - hence, once upon a time, there was a strongly stated belief that you could not study for these tests and improve your scores. In fact, once upon a time, even ETS, the developers of the GREs stated that in their information about the test.

- 4B. Why can't tests measure "future capacity to learn", or "pure" innate or unlearned potential?

This is basically the same answer as 4A, just stated a different way. But these points are VERY important - many people have serious misconceptions about what tests measure.

- 4C. Based on the following, be able to answer: Even though tests cannot measure future capacity to learn, why is it that they are useful for the prediction of future learning?

Note, however, that while tests cannot measure "future capacity to learn" or unlearned potential, they can measure *the prerequisites that are necessary for further learning in a specified area*, and thus can predict future learning/performance.

5. 534,6. Not for the exam, but mental ability tests are commonly called "intelligence tests" and still are today. As the book states, many of the early court cases were highly critical of the use of intelligence tests in selection.
6. 536,1 Why is it that all mental ability tests are not interchangeable? Include in your answer the main abilities that may that may be tested by an ability test.
7. 538,1. Why should selection specialists refer to these types of tests as mental ability tests rather than as IQ or intelligence tests, even though they are the same type of test? I don't know if you can follow the implications - but the authors are resisting the general (and often traditional testing notion) that there **IS** actually something called "intelligence" or IQ that exists within a person. They are taking the approach I adopt - mental abilities are, in fact, learned skills just like other "abilities." What is tested by intelligence tests - are the skills presented in Table 12.1 on page 536- not unlike those tested in the GREs.

You may want to read 538,2 about the strong relationship between these type of exams and academic performance, but I won't ask anything about this on the exam.

8. 538,3 What have the validity studies *uniformly* concluded?

Not for the exam, but several studies have shown mental ability tests to have higher validities than any other type of selection procedure, with the exception of work samples.

9. Not for the exam, but do look at the validity coefficients in Tables 12.3 (page 539), 12.4 (541), and 12.5 (page 542).

10. 547,1-3.

10A. What is meant by differential validity?

10B. What are the conclusions of studies of differential validities? This is important.

11. 548,1 What have been the results of meta-analysis studies with respect to differences among demographic groups in cores on cognitive ability tests? Provide the information in both the second and third sentences.

Not for the exam, but the fact that ethnic/racial minorities (except for Asians) score more poorly on ability tests than whites is clearly related to the current controversy of college and graduate school selection procedures because schools tend to rely heavily on ACTs, SATS and in graduate school, on GREs.

Some schools/universities no longer use minority status as a factor when determining admission. Because this clearly decreases the number of minorities admitted, some schools have discussed abandoning the use of ACTs and SATs as selection tools since these instruments further decrease the number of minorities that are admitted. An article, published in the American Psychologist (April, 2001) by a group of highly regarded testing experts dealt with this issue - that is, regardless of the purpose for which the test is used, are there ways to decrease the disqualification of minorities while still retaining valid tests?

This group concluded that there were no alternatives to traditional cognitive testing that were equally informative, equally valid, and also economically and politically viable.

This remains a very difficult problem/issue.

12. 549,1. Adverse impact is likely to occur when using cognitive ability tests.

12A. Remember, however, adverse impact does not mean that unfair discrimination has occurred (learn this point again).

12B. What two things make a defense against adverse impact likely? That is, why is it likely that organizations can defend the use of cognitive ability tests even though they have adverse impact?

13. 549,2. Although the studies summarized in the text report and document test score differences, what is *not* appropriate for anyone to argue based on the data in these studies?

14. 551, 2. If selection of a diverse workforce is a goal of an organization that wishes to use mental ability tests because of their validity, what is the main option?

15. 551,5-552,0. Not for the exam, but note the legal confusion regarding validity generalization.

16. 552,1. What two factors should be taken into account when deciding whether or not to use cognitive ability tests?

Not for the exam: The discussion in this paragraph is excellent. What are the goals of an organization? Cognitive ability tests are indeed the most feasible, least costly of the *valid* selection instruments. Thus, the question does indeed become: Is the organization willing to limit their use and pay the costs of other selection procedures that have less adverse impact?

17. 555, 4. I know this is bad news, but what have studies about the effects of coaching found?

18. 556,1-560,1. Not for the exam. The tests described in this section are, indeed, very popular tests - thus you should refer to this section if you are looking for a test. I am not going to have you learn anything specific about any of these tests.

However, you should note the material on page 559 about physical abilities analysis – check out the validity correlation coefficients in 560,1. These are VERY high coefficients – remember, that the typical correlation coefficient ranges from about .25 to .50.

19. 561,1. Selection specialists working with physically demanding jobs must be especially concerned about what groups of applicants? Therefore, what is the essential issue when using physical ability tasks?

Not for the exam but note again, adverse impact does NOT mean unfair discrimination. You simply must take extra precautions. Also, remember that if you also take any physiological measures such as heart rate or pulse rate, the physical agility tests become classified as medical tests according to ADA and subject to the rules of medical tests.

20. 562,1, end of paragraph. What have the courts ruled about using height and weight as selection requirements? What rationale has been used to defend height and weight and what, specifically, has been the court's position?

21. Go to page 571. The data and information on personality testing is difficult. Read 571,3-573,2 but I won't ask you anything over it. Clearly there is some good work going on but the topic is still emerging and in the state of flux. If you decide to use personality tests - read this carefully. Note the caution given in 592,3. Clearly, the authors are not giving overwhelming support to the use of personality tests for selection.

22. Although not directly addressed by the authors in this section, if you use a personality test you must use criterion-related validity to support it because personality traits cannot be directly observed (this relates back to material about when *content validity cannot* be used).

FOR THE EXAM: Recognize that if you use a personality test you must use a criterion-related validity study because personality traits cannot be directly observed.

23. 595,2-596,1

23A. Explain the legal issue with respect to ADA raised by the use of personality tests. – the last sentence in 595,2 provides an excellent summary. Basically, if the test can and is sometimes used to diagnose mental/psychiatric disorders, then it will be considered a medical examination. If it deals with other types of “personality traits” (honesty, integrity, positive commitment toward work, loyalty) then it probably will not be considered a medical examination. I dealt with this earlier in the class as well – my strong advice is that you treat every personality test as a medical examination until things are clarified in the courts.

- 23B. 596,1 Although not related to EEO and AA laws, what is a second legal issue that you must be concerned about if you use personality tests as selection instruments?
24. 605,4 What two limitations of other selection procedures are presumably reduced with performance tests? Note that both have to do with verbal behavior – and are very reasonable. Performance tests are indeed behavioral samples of actual work behavior and thus really are the types of tests that behavior analysts are most comfortable with, but note in the next study objective what their limitations are.
25. 606,1 Many consulting organizations use stress interviews in an attempt to assess how a person reacts in stressful situations. *Explain* why stress interviews as often conducted typically aren't representative of job activities.
26. 606,3 What is a limitation of performance tests related to *practical* considerations and how they compare with other types of tests?
27. 617,2-5 How do performance tests fare in terms of validity and adverse impact in comparison to other types of tests? (just be able to state that the validity of performance tests appears to be very high, and, in addition, they appear to have less adverse impact than other types of tests - however, be a bit cautious about conclusions drawn about adverse impact given the results of the study described in 618,1).
28. 619. Assessment centers have been highly successful in many organizations but they are very time-consuming and costly to develop. I doubt that many of you will end up designing an assessment center, thus I am just going to briefly touch on them.
29. 622,2 and the last sentence in 623,2. Briefly describe what an In-basket test is and what it measures.
30. 623,3-4 and last sentence of 624,0. Briefly describe what a Leaderless Group Discussion is, and what it measures.

Western uses a cooperative LGD to select its Medallion Scholars - the most prestigious scholarship given to high school students to attend Western. We made considerable use of cooperative LGDs when I worked for Port Authority as well. It really is astonishing how well they work - even with assessors in the room. Usually, you give the candidates a list of the traits you are measuring - but even so, if the group interaction test is written well, within the first 10-15 minutes, candidates appear to forget that they are in a testing situation and that the raters are in the room. In other words, I have seen candidates get inappropriately aggressive and hostile even though they are well aware that that will be viewed negatively. It appears as though the contingencies of the verbal interaction with others evokes their well-learned repertoires.

31. Now go to page 641,1. I, like the authors, am appalled that a legitimate book on selection procedures must include a section on graphology. Even more appalling is that its use really is on the rise in this country. Dow (a Michigan-based international company) uses it extensively in their selection system. It is estimated that graphology is used in 80% of European countries for selection. And, about 2,500 U. S. firms use it as a selection instrument.

FOR THE EXAM. What does the evidence say about how graphology works for selection?

- 32.

32A. 642, 5 What does the law say about the use of polygraph testing for selection, in general?

32B. 643,3 What is the major drawback of polygraph testing – and the reason why it is illegal in most situations? (see also the discussion in 644,3) When answering this, don't just say "false positives" – rather, explain what false positives are.

Not for the exam but note the specific provisions of the Employee Polygraph Protection Act of 1988 on pages 644,4-645,1. It details when polygraph tests are not acceptable and when they are. I will not ask any questions on this but if you find yourself in doubt - read this!

33. Paper and pencil integrity tests:

33A. 645,2 Not for the exam, but note that a few states have passed laws against the use of paper and pencil integrity tests – so be careful if you use them. Check out the state laws first. Once again, the reason is due to high false positives.

33B. **FOR THE EXAM:** 652, 1. These tests have been consistently valid with in reference to what type of criteria?

34. Drug testing

34A. 652,2-654,0. Not for the exam, but the prevalence data are interesting.

34B. 654,2 Not for the exam, but note the interesting legal issue involved with overt paper and pencil tests – the violation of the Fifth Amendment's prohibition against involuntary self-incrimination. By the way, I have a hard time believing individuals would, in fact, answer these questions honestly.

34C. **FOR THE EXAM:** 656,1 The legal status of drug testing is unclear. However, when are organizations at less risk and when do they face more legal risk?

Not for the exam, but in 656,2 note the legal questions that may surface with drug testing, and the advice given on 658. Basically, don't institute drug testing until you consult with a very, very good lawyer.

35. I am not going to ask any more questions about graphology if you want, read the validity studies on 659,3-662,1. And if you really want a good chuckle, read 662,2-664. I actually admire the authors for their approach to this topic - they make great fun of it that encourages the reader to do so as well.

THE END

Psy 6430, Unit 8: Interviews, application blanks, reference checks

Ok, this unit is going to be a little disjointed - like the last one was. I want to cover some material in an abbreviated way that I have not covered previously.

Gatewood, Feild, & Barrick, parts of Chapters 10, 11, 12.

1. 364,1 Why is the "the more the better" a danger for employers when they use application forms? Your summary should include the following: (a) they are covered by the federal and state EEO and AA laws; (b) under those laws, it is **assumed** that **all** questions on the form are used to make employment decision; (c) therefore, under a charge of discrimination, the burden of proof may be on the employer to demonstrate that **all** application questions are fair, and not discriminatory.
2. 364 Table 9.1. Not for the exam. You should evaluate every application form using the questions in Table 9.1. By far the vast majority of application forms used by companies would be considered illegal, and do put the organization in jeopardy. Organizations are fortunate that not many individuals/applicants know these laws.
If any of you have copies of application forms for organizations, bring them in and we will evaluate them.
3. Note the research described on 365,2-366,1.
For the exam, 366,1. A review of federal court cases revealed that questions related to what were the most likely to lead to litigation? And, what percentage of those cases were won by plaintiffs?
4. 367,3. What laws determine the legal status of pre-employment inquiries, and thus what should employers research FIRST when reviewing their application forms?
5. 367,3. When state laws and federal laws differ, which set of laws does the EEOC favor? Why? State laws cannot be more "restrictive" than federal laws, because federal laws supersede state laws. However, state laws can be more permissive (inclusive) in the sense of favoring individuals (not states or the government typically). For example, see the material in 368,3 about criminal convictions.
6. 369-374, Table 9.2. I won't ask anything on the exam but - carefully note the information that is considered to be illegal or at least inappropriate and place the company in the position of having to defend the use of questions. Most companies ask for this information on application blanks! Just FYI, why is it inappropriate to ask about marital status, children and child care? Why is it undesirable to ask about military experience? Note the information on age: **you should not ask date of birth - or any other information that reveals age- such as dates when a person graduated from high school, college, etc.** What's wrong with height and weight questions? Note the legal status of arrests and convictions. Note that it is illegal to ask about arrests - arrests do NOT indicate that the person was convicted of a crime - only the he or she was arrested.
By the way, Table 9.2 is relevant to interviews as well and Dr. Fuqua often asks me to hand out a copy of this table when faculty are interviewing a applicant for one of our faculty positions.
7. 375,1 (bottom of page). Given that companies are required to collect and report demographic information on job applicants, how can this be done without subjecting the company to

charges of discrimination? The points starting with the words "Collecting descriptive data...."

8. 376-377,2. Note that people do falsify academic credentials, information about former employers and salary info. You should ALWAYS check this information. Interestingly, just this year, for the first time, I received a telephone call from the head of a search committee for a university that was searching for a faculty member. The person asked me one simple question: Did you really write the letter of recommendation for the candidate?

For the exam: 376,3. According to ResumeDoctor.com and the popular press, what is the approximate range of the percentage of applicants provide false information on applications (30%-40% or 45% will be just fine.)

9. 377,0 The following statement on applications has been shown to decrease faking by what amount: "deliberate attempts to falsify information can be detected and may be grounds for either not hiring you or for terminating you after you begin work."

Not for the exam but every application form should include the statement at the very bottom of 377. As indicated in 377,1, it is easier to fire a person for lying than it is for any misrepresentation of actual information (if you did not check it out before hand).

10. 381-393. Not for the exam. T&E evaluations can be very helpful in documenting past experiences and relevant KSAs - and they have higher validity than seeking this information through an interview. Of particular interest is the *behavioral consistency* method, described on pages 389-392. I have seen this used by a few organizations over the years, and was impressed. This is actually an excellent first step in any job applicant screening. I strongly recommend it. Moreover, it can be developed and used easily in small organizations.

Note that many people try to collect the type of information collected in a behavioral consistency T&E in an interview, but an interview is usually not long enough to obtain this type of information and does not result in a written permanent product from the applicant that others in the organization can then evaluate. It's much better to have candidates address job related KSAs in this manner.

11. 389,2. As you will read in a moment, behavioral consistency T&E's have been found to have very high validity. Briefly describe this type of T&E evaluation.
12. 393,4. What was the estimated validity of behavioral consistency T&E's, as determined by the studies conducted by McDaniel, Schmidt and Hunter?

Not for the exam, but you might find the material in 394,4-395,0 about educational experience interesting.

13. 398,1. What is the principal purpose of a reference check? And, what role, therefore, does it primarily play in selection?
14. 399,1. Not for the exam, I am going to revisit this issue soon, but note that over 50% of the companies that were contacted had someone refuse to provide information for fear of legal action and 25% had a policy not to provide any information beyond employment verification. The reason for this will become clearer to you in a moment. If I were an ex-employer, by the way, I would adopt this position/policy.
15. 404,3, end of paragraph. What is a very good indicator of the reference giver's attitude toward the person written about? The material that starts "Other research suggests...."
16. 405,1. Not for the exam, but note the "troubling" recent finding.

17. 412,3. Defamation is the reason why ex-employers are reluctant or refuse to give out any information in reference checks.

For the exam be able to state why ex-employers may refuse to give out information in reference checks and include in your answer what defamation consists of, that is the definition provided in the first sentence.

Not for the exam but note in 413,2 that libel, slander or defamation are in fact becoming major issues for organizations. There are now firms that individuals can hire who will call their former employers, posing as potential employers, to determine what the organization is saying about the individuals. So you do need to be very careful, and you need to make sure everyone in the organization is careful. That's one of the reasons I believe it is good practice to ban any former supervisor, peer, etc. from talking to anyone who is conducted a reference check - it is too hard to control what people will say in that type of interaction. At the minimum the policy should be that ALL reference checks be directed to Human Resources. See the article I have included at the end of these study objectives.

18. Negligent hiring.

18A. 413,4-414,0 Explain what negligent hiring means.

Not for the exam, but note carefully the wording of point 3 on page 414 - the employer knew or *should have known*. Western, as any university, is vulnerable to these charges based on any charge that may harm a student.

18B. 415,1. Be able to explain the "Catch 22" situation that organizations can find themselves in regarding reference checks.

18C. 416,5 How can an organization get out of this "Catch 22?" Why does this procedure protect an organization?

Not for the exam, but note in 416,2 that employers can also get in trouble if they refuse to give out any information. Read the case in 416,3-4 and go back and read the case in 413,1.

The material in Chapter 10 is good but highly specialized. Few companies actually use weighted application blanks and bio data. Both have been found to have excellent reliability, good validity and not much adverse impact. However, I remain very concerned about the types of questions included on the form. I would not ever recommend the use of these questions unless a very good criterion-related validity study had been conducted. For example, look at the items in Table 10.1. They seem to me to be very subject to invasion of privacy claims. Also, quite frankly, if I were an applicant I would be incensed at having to complete that type of information and would refuse. Also, note the very excellent discussion in 441,1. Some factors that may well *correlate* with a job performance criterion may have discriminatory features – and, represent features that for the *current sample of employees* correlate with job performance, but may not at all be causal variables – that is may not, in fact, be factors that actually cause an individual to be a better performer than another.

Chapter 11: The Selection Interview.

19. 484,2. In terms of assessing KSAs during interviews, what two main types of characteristics are best evaluated in the interview? Give examples of each type.

Not for the exam, but the authors make an extremely valid point in 482,2. You should not spend your time during the interview attempting to assess factors that can be more easily, more reliably and more efficiently collected by other means.

For small companies, I would recommend review of the resume, a behavioral consistency T&E, and then interviews – but after the T&E’s have been evaluated and individuals screened on that basis.

20. 484,3. Not for the exam, but note the point made again about assessing job knowledge via an interview vs. test.
21. 485,0. When individuals have typical reading and writing skills, when are job knowledge questions appropriate in an interview?
22. 487,1. Despite validity data from meta-analyses, unstructured interviews can result in very poor selection decisions - no big surprise there (see the material in 486,1). Summarize the findings of the series of studies conducted by Barrick, Stewart and colleagues about first impressions in an interview.
23. 494,3. Good news! What are the conclusions of several studies that have examined the influence of demographic characteristics on interview outcomes? This has not been the case historically, thus the legal restrictions seem to have had the desired effects. (On the other hand while not for the exam, see 495,3)
24. 495,2. What are two ways to reduce any effects due to age, race, sex, and other demographic variables?
25. Not for the exam, but you may find the material in 500,1-3 interesting since many of you will soon be interviewing for positions.
26. 502,3. The authors provide an excellent environmental analysis of why interviewers give more weight to negative information than to positive information in an interview - what is it?
27. 503,4 Not for the exam, but note the difference in validity coefficients for structured vs. unstructured interviews.
28. 510,4 One of the major weaknesses of an interview is that it is often used to accomplish too many purposes. What three functions should be separated?
29. 512,2 What does the recent research say about giving pre-interview data to the interviewer? This is a bit surprising, isn't it?
30. 518,1 What do the data say about the validity of a panel interview vs. the validity of an individual interview?
31. The information in this chapter is excellent - it gives very specific recommendations and guidelines for developing an effective interview. I will not ask anything about this material on the exam. But you should consult it when developing an interview.

THE END

Insert article about Documented Reference Checking