



Newsletter

A monthly publication of the Personnel Testing Council of Metropolitan Washington
Volume XXIII Number 7
July 1999

July 1999 PTC/MW Workshop

NOTE: THIS WORKSHOP IS SCHEDULED FOR THE FIRST WEDNESDAY IN JULY

- Date:** Wednesday, July 7, 1999
- Time:** 11:30 a.m. to 3:45 p.m. Lunch is served at noon and is included in the registration fee
- Place:** **Pier 7 Restaurant.** 650 Water Street, SW, Washington, DC (1 block left of Hogates)
- Price:** \$50.00 students, \$70.00 members, \$85.00 non-members. Free parking up to 3 hours
- Menu:** Medallions of New York Sirloin, Breast of Chicken Tarragon, Chef Salad, Broiled Filet of Sole and Scallops, Seafood Newburg with Rice, Vegetable Plate, or Fruit Plate
- Reservations:** Complete and return the registration form found on page 6 of this PTC/MW newsletter
- Topic:** Team Performance Measurement
- Speaker:** **Dr. Jan Cannon-Bowers**
Dr. Kim Jentsch
Naval Air Warfare Center Training Systems Division

Drs. Jan Cannon-Bowers and Kim Jentsch will discuss their work on team performance with emphasis on how to assess the competencies associated with effective teamwork. To do this, they will summarize their findings regarding the nature of teamwork and team decision making, describe team performance measurement techniques and conclude with an exercise designed to demonstrate the performance measurement techniques.

Dr. Cannon-Bowers is a Senior Research Psychologist with the Naval Air Warfare Center Training Systems Division. In addition, she is the Branch Head for Human Systems Integration. Dr. Cannon-Bowers has been with the Navy for over ten years. Dr. Kim Jentsch is a Research Psychologist with the Naval Air Warfare Center Training Systems Division and has been with the Navy for ten years. Their work focuses on research in team performance and team decision-making, primarily with teams from surface ships. Both have their doctorates in Industrial Psychology from the University of South Florida.

Inside this month's issue...

- President's Message (p. 2)
- California Proposes Workplace E-mail Monitoring Legislation (p. 3)
- APA Task Force Releases Draft on Test User Qualifications (p. 3)
- ADA Update (p. 3)
- May Workshop Summary: *Workshop on Expert Witnesses* (pp. 4 - 5)
- Supreme Court Determines that Pursuit of SSDI Benefits Does Not Preclude Legitimate ADA Claims (p. 5)
- July 1999 Workshop Registration Form (p. 6)
- Professional Calendar (p. 7)

President's Message

Deirdre J. Knapp

Human Resources Research Organization

We have all heard the admonitions that employment-testing specialists should be better at communicating to employers the value of implementing valid selection systems. I must admit that I have not personally done much work in this regard, at least with respect to developing quantified utility estimates. But I recently read a report of a study that has made me think about this issue. The report¹ describes the results of a survey of Human Resource directors and managers that was conducted in 1997. Respondents were asked what types of selection tests they use. More than 70% reported using reference checks, interviews, and background checks. Skills tests (which I believe includes standardized cognitive ability tests among others) were reportedly used by 55% of the respondents for non-management jobs and only 23% of the respondents for management jobs.

Observing the relatively limited use of sophisticated selection tools, the report also notes reasons why respondents were reluctant to use such tools. The top three reasons given were (1) the diminishing applicant pool [29% endorsing as the most important reason], (2) lack of confidence in results [25%], and (3) costs of administration [20%]. The last reason listed, costs of administration, is no surprise at all and the second reason listed, lack of confidence in results, isn't too surprising either. The top reason listed is the one that intrigues me the most. I've seen situations in which tests have been developed and validated, just to be rejected because the employer wasn't willing to turn anyone but the most clearly unqualified away.

I think that the study data cited here help to illustrate how important it is for us to strive to be aware of the factors that influence decision-makers about the implementation of new selection systems. These factors are subject to change over time and across individuals. For example, if the employer is motivated to keep all the applicants possible, then trying to sell the employer on a fancy new selection system is not likely to work no matter how valid and inexpensive the system is. Rather, it would make more sense to focus on employee performance management and development programs.

It's all part of knowing your customer's (or employer's) needs in order to know what to sell and how to pitch the sale. That is, after all, what we are doing. Whether you work for a contractor or as an internal consultant, chances are that you have to determine what you believe to be the right solutions for the organization (i.e.,

what you are selling) and figure out how to sell these solutions to the applicable decision-makers. I suspect that most of us could do a better job at this by explicitly identifying the issues that matter to the decision-makers we are trying to influence rather than trying to decide for them what "should" matter. For example, in some situations, management will be more interested in having a glitzy system than having a cost-effective one. If we ignore that motivation, then using a straight rational argument for a cost-effective system is likely to fall flat. We need to take the time to know and understand our market within each organization in order to influence it in the way that we think will be most beneficial. So maybe you can convince the manager carried away by the appeal of a slick system to use a more reasonable option, but it will help to pitch your case with the manager's interests in mind. You might also find it helpful to put a couple of bells and whistles on your cost-effective system to make it more appealing to those looking for glitter. Compromises aren't bad if the end result is a system that works better than what the organization already has or alternatives that would be worse.

That's it for this month's musings. Next month I plan to update you on various activities that we are working on this year in PTC/MW. Until then, take it easy.

PTC

Special Offer for PTC/MW Members!

25% Discount on Luncheons

As a reward to all of our members who attend the luncheons regularly, PTC is offering discount tickets good for three luncheons at a total cost of \$36.00. These advance tickets can be used for any of the regular PTC luncheons through December 1999. The tickets are transferable to another PTC member, but only one of your tickets may be redeemed at each luncheon.

Tickets will be on sale at the luncheons. You also can purchase tickets directly from the treasurer, Julia Leaman, at (202) 305-0602 or by e-mail (julia.a.leaman@usdoj.gov).

¹ The 1997 Survey of Human Resource Trends Report. Published jointly by Aon Consulting and the Society of Human Resource Management.

**Deadline for submissions for August newsletter:
Wednesday, July 14**

California Proposes Workplace E-mail Monitoring Legislation

Maureen P. Toner and David W. Arnold, Esq.

Reid Psychological Systems

In April of this year, the California Senate introduced a bill (SB 1016) that would prohibit employers from secretly monitoring the e-mail or other personal computer records of their employees. The bill's main provisions, as amended, would require any employer who intends to inspect, review, or retain any personal electronic mail or any other personal computer records generated by an employee to prepare and distribute to all employees (current and new) the employer's workplace privacy and electronic monitoring policies and practices. Upon distributing these policies and practices, the employer shall require every affected employee to verify that he or she has read, understood, and agrees to the policies and practices. This bill would also protect employees' rights to review any data pertaining to themselves that is collected by employers' monitoring and the right to dispute and have inaccurate data corrected or deleted. SB 1016 has been amended three times and is currently in committee.

SB 1016 has been introduced to address privacy issues and trends in the workplace in which, according to a 1997 survey by the Society of Human Resources Management, only 52% of its responding members had formal written policies addressing the use of e-mail. We will keep you apprised of any further developments regarding SB 1016.

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APA Task Force Releases Draft on Test User Qualifications

Heather Roberts Fox

APA Science Directorate

The American Psychological Association's Task Force on Test User Qualifications has released a draft of its report on the qualifications of test users. The task force has requested review and feedback from APA governance groups, Council members, divisions, state associations, APA members and appointed representatives from external organizations. If passed by the APA Council of Representatives, this report may become the policy of the association.

The task force report is divided into several chapters, including the background and history of test user qualifications, the core knowledge and skills required for all persons using psychological tests, and the unique knowledge, skills, and experience required for each context of test use (e.g., employment, health care, education). Leaetta Hough, in consultation with several other prominent I/O psychologists, drafted the section on testing in the employment context.

If you are interested in participating in the coordination of comments from PTC/MW, please contact PTC president [Deirdre Knapp](#). The PTC response must be submitted to the task force by its October 1, 1999, deadline. APA members can obtain a copy of the draft by contacting Andrea Walker, in APA's Office of Testing and Assessment, at 750 First Street, NE, Washington, DC 20002-4242 or via e-mail at alwalker@apa.org.

----- PTC

ADA UPDATE

Rheta Baron King, *ADA Consultant, Pasadena, CA*

The acquisition or modification of equipment was the most common accommodation provided for workers with disabilities, according to a recent survey on the impact of the ADA conducted by the Washington Business Group on Health and Cornell University. More than 90 percent of all survey participants reported that they had made this type of accommodation. Among respondents whose workforces are unionized, unions were involved in the job accommodation process 58 percent of the time.

Most respondents reported that ADA compliance had required changes to the questions asked of applicants during job interviews, accessibility-related relocation of recruiting and employee orientation sites, and revised wording of job applications.

Human resources staff are relatively unfamiliar with issues related to interviewing applicants with auditory or visual impairments, according to survey participants. These types of disabilities cause uncertainty during the hiring process because staff are inexperienced with

using sign language interpreters, readers for the blind, and adapting print materials to formats such as large print or Braille.

Wrongful discharge and failure to provide reasonable accommodation were the most common disability discrimination complaints filed by employees of participating employers. Next most common, in descending order, were unfair discipline, harassment, failure to hire, layoff, failure to rehire, and failure to promote.

The Washington Business Group on Health, Cornell University, The Lewin Group, and the Society for Human Resources Management are collaborating in this four-year research and demonstration project to investigate the impact of the ADA on the employment practices of private sector businesses.

Employment policies and procedures which enhance both the hiring and retention of workers with disabilities will be identified as "best practices."

MAY WORKSHOP SUMMARY

Workshop on Expert Witnesses

Lance Seberhagen

Seberhagen & Associates

Here are some highlights from the PTC/MW workshop presented by Lance Seberhagen and Bob Ramos (HumRRO) on "Expert Witnesses: The Good, the Bad, and the Ugly," 5/12/99.

What is an expert witness? There are two kinds of witnesses in litigation: eyewitnesses and expert witnesses. Eyewitnesses may tell only about what they have observed directly and may not express opinions about the case. Expert witnesses have specialized education and/or experience which enables them to develop informed opinions, within the scope of their expertise, which may be helpful to the judge or jury in deciding the case. However, expert witnesses do not just spout opinions. Experts must explain the factual and technical basis for their opinions, if their testimony is to carry any weight. Expert witnesses are hired by plaintiffs, defendants, or the court to provide their testimony, while eyewitnesses are not paid, except to cover expenses.

What are the characteristics of a good expert witness? An expert must have relevant expertise which goes well beyond that of the average person. (In I/O psychology, most experts have a Ph.D. degree, but this is not an absolute requirement.) Equally important, an expert must be a neutral, objective party, with no interest in the outcome of the case (e.g., no contingency fees, no emotional involvement). Experts must also be able to analyze problems, meet deadlines, explain complex subjects in plain English, and keep cool under pressure. Ideally, experts should be full-time scientist/practitioners who work occasionally as expert witnesses, rather than working as full-time expert witnesses, so they can keep up with the field and maintain contact with reality.

Why be an expert witness? The work of an expert can be very interesting, challenging, and stimulating. Experts must be extremely well prepared and do their best work if they hope to survive in court. This helps experts to stay sharp and keep up with legal developments. Experts also gain satisfaction from helping to maintain the integrity of the legal system. Experts are normally well paid, and good work on one case can sometimes lead to other work (e.g., referral to other lawyers or employers). The downside is that experts must work in a highly adversarial situation in which the lawyers will do almost anything to win their case (after all, their role is to be an advocate for their client). Thus, an expert should expect and be ready to handle the insults, sarcasm, and dirty tricks which normally come with each case. A little bit of expert witness work goes a long way.

What is "junk science"? One definition: "Bad science used by lawsuit-happy trial lawyers, the food police, environmental Chicken Littles, power-drunk regulators, and unethical-to-dishonest scientists to fuel specious lawsuits, wacky social and political agendas, and the quest for personal fame and fortune" (junkscience.com, 1998). This issue arises from the perception, if not the fact, that some experts will say almost anything for the right price. Plaintiffs' experts have been the primary target of "junk science" arguments, but the issue applies equally to defendants' experts. The Supreme Court resolved the matter by saying that judges have wide discretion in evaluating whether expert testimony has a sound and reliable basis. Thus, a court may accept an individual as an expert but give the expert's testimony little weight.

What is the role of the plaintiff's expert? The plaintiff's expert is normally an outside consultant who is hired to conduct an independent evaluation of an employment practice. For example, the expert might evaluate the adverse impact and validity of the employee selection procedures for a given job. The expert helps the attorney to assess the legitimacy of the complaint and explain the complaint in court. The expert begins by reviewing the formal complaint and related case documents. Then the expert tells the attorney what additional information is needed (e.g., documents to get, questions to ask) to provide a proper basis for evaluating the challenged practice. After reviewing all relevant information, the expert writes a report and testifies in court regarding his/her findings and conclusions.

What is the role of the defendant's expert? The defendant's expert may be an employee or an outside consultant. However, if the expert is an employee or the one who developed the challenged practice, the expert will be tainted by conflict of interest (e.g., to keep his/her job or reputation). Thus, defendants normally have at least one independent expert on their litigation team to give credibility to their case. The defendant's independent expert may perform a review similar to that of the plaintiff's expert or conduct new research (e.g., validation study). Then the expert writes a report and testifies in court. In-house experts, who may testify as combined eye/expert witnesses, also have an important role to play by developing defensible practices, giving managers early warning about potential problems, identifying outside experts, and providing support to the defense team.

How does an expert evaluate a test? Under legal and psychological standards, all tests are presumed to be invalid until proven valid, and the test user is responsible for proving validity. Thus, the plaintiff's expert does not have to conduct a study to prove that a test is invalid but merely has to show that the test user has not

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Supreme Court Determines that Pursuit of SSDI Benefits Does Not Preclude Legitimate ADA Claims

Maureen P. Toner and David W. Arnold, Esq.
Reid Psychological Systems

On May 24, 1999, the U.S. Supreme Court unanimously clarified whether the law erects a special presumption that would significantly inhibit Social Security Disability Insurance (SSDI) recipients from simultaneously seeking relief under the Americans with Disabilities Act (ADA). See *Cleveland v. Policy Management Systems Corp.*, No. 97-1008, 1999.

The SSDI program provides benefits to individuals with disabilities so severe that they are unable to engage in any gainful employment existing in the American economy. Subsequent to suffering a disabling stroke and losing her job, the plaintiff, Carolyn Cleveland, pursued and obtained SSDI benefits. In addition, Ms. Cleveland also brought an ADA complaint alleging that her former employer, Policy Management Systems, had discriminated against her on the basis of her disability when it terminated her employment. The district court granted the employer's motion for summary judgment, holding that the plaintiff's claim that she was totally disabled for purposes of receiving SSDI benefits precluded her from proving an essential element of her ADA claim—specifically, that she could perform the essential elements of her job with reasonable accommodation.

The Fifth Circuit affirmed and held that applying for or receiving SSDI benefits creates a rebuttable presumption (which Cleveland did not rebut) that the claimant of such benefits is estopped from asserting that she is a qualified individual with a disability. In vacating

the judgment of the Fifth Circuit, the Supreme Court held that pursuit, and receipt, of SSDI benefits does not automatically estop the recipient from pursuing an ADA claim or erect a strong presumption against the recipient's success under the ADA. However, to survive a summary judgment motion, an ADA plaintiff cannot ignore her SSDI contention that she was too disabled to work. To survive a motion for summary judgment, the plaintiff must explain why that SSDI contention is consistent with her ADA claim that she could "perform the essential functions" of her previous job, at least with "reasonable accommodation."

In discussing why SSDI and ADA claims may legitimately co-exist, the Supreme Court noted, *inter alia*, that under the ADA a qualified individual includes a disabled person who can perform essential job functions with reasonable accommodation. By contrast, for SSDI purposes, the possibility of reasonable accommodation is not taken into account. Consistent therewith, the Court noted that Cleveland had attempted to explain the discrepancy between her SSDI claim that she was totally disabled and her ADA claim that she could perform the essential functions of her job. "The first [SSDI] statements," she says, "were made in a forum which does not consider the effect that reasonable workplace accommodations would have on the ability to work."

Accordingly, the Supreme Court vacated the Fifth Circuit's judgment and remanded the case for further proceeding consistent with its opinion.

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CONTINUED FROM PAGE 4

demonstrated the validity of the test in accord with legal and psychological standards. However, the standards do not always provide a bright line between acceptable and unacceptable. The real question then becomes, "How bad can a test be and still be acceptable?" Test reviewers need to keep in mind that (1) there is more than one right way to demonstrate validity; (2) tests do not have to be perfect, just effective; (3) standards must be reasonable and practical; (4) the focus should be on serious or fatal flaws, not multiple nit-picks; and (5) there can be legitimate differences of expert opinion.

What are some common signs of unacceptable testing? Tests developed for one purpose are used for a different purpose. Tests have incomplete documentation (e.g., technical reports, test manuals, tests,

answer sheets, raw data). There is no testing specialist to provide technical supervision. Job analyses are obsolete, incomplete, or biased. Tests measure skills which are learned on the job or are different from those identified in the job analysis. Tests are not reviewed by subject matter experts. Tests do not provide reliable measurement. Criterion measures lack content validity. Validity is inflated by capitalization on chance. Validity is based on one-tailed significance tests, often without disclosure. Validity is based on corrections to nonsignificant correlations. Untrained staff administer and score tests. Tests are not administered under standardized conditions. Scoring procedures are error-prone and unreliable. Test security is lax. There is no attempt to minimize adverse impact in the development, administration, and use of the test.

PTC

PTC/MW Workshop Registration Form
Team Performance Measurement
July 7, 1999

Date: Wednesday, July 7, 1999
Time: 11:30 a.m. to 3:45 p.m.
Place: Pier 7 Restaurant, 650 Water Street, Washington, DC
Price (includes lunch): Students: \$50, Members: \$70, Non-members: \$85

Yes! I'd like to attend the PTC/MW Half-Day Workshop on July 7, 1999 from 11:30 a.m. to 3:45 p.m. at the Pier 7 restaurant, 650 Water Street, Washington, D.C.

Name: _____
Organization: _____
Street Address: _____
City/State/Zip: _____
Work Phone: () _____ Home Phone () _____
e-mail address: _____

I have enclosed a check made payable to PTC/MW for the amount indicated below:

<input type="checkbox"/> Students \$50	<input type="checkbox"/> Members \$70	<input type="checkbox"/> Non-members \$85
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Above amounts include lunch. Please indicate your luncheon selection below:

<input type="checkbox"/> Medallions of NY Sirloin	<input type="checkbox"/> Vegetable Plate
<input type="checkbox"/> Breast of Chicken Tarragon	<input type="checkbox"/> Seafood Newburg with Rice
<input type="checkbox"/> Chef Salad	<input type="checkbox"/> Broiled Filet of Sole and Scallops
<input type="checkbox"/> Fruit Plate	

Send Completed form and check to: Suzanne Tsacoumis
HumRRO
66 Canal Center Plaza, Suite 400
Alexandria, VA 22314
(703) 706-5660
Stsacoumis@HumRRO.org

Note: PTC EIN 510227161
Completed forms must be received by Friday July 2, 1999.
Cancellations are refundable only through June 30, 1999.

PROFESSIONAL CALENDAR

by Lance W. Seberhagen, Seberhagen & Associates, sebe@erols.com

1999

- JUL 7** PTC/MW. 1ST WEDNESDAY, SPECIAL EVENT! LUNCHEON/WORKSHOP (11:30 am - 3:45 pm, extra charge). Dr. Jan Cannon-Bowers and Dr. Kim Jentsch, Naval Air Warfare Center. "Team Performance Measurement." Pier 7 Restaurant, Washington, DC. Contact: Suzanne Tsacoumis, HumRRO, (703) 706-5660.
- Jul 12-14 International Quality & Productivity Center. Conference. "Broadbanding: Aligning Compensation and Career Development to Drive Organizational Performance." Chicago, IL. Contact: IQPC, (800) 882-8684.
- Jul 13 Center for Corporate Education. Seminar by Dr. Mike McDaniel, Virginia Commonwealth University. "Interviewer Skills: Strategies for Wisely Choosing Candidates." Richmond, VA. Contact: CCE: (804) 828-3165.
- Jul 14 Center for Corporate Education. Seminar by Dr. Mike McDaniel, Virginia Commonwealth University. "Situational Judgement Tests: A New Applicant Screening Technology." Richmond, VA. Contact: CCE: (804) 828-3165.
- Aug 3 Center for Corporate Education. Seminar by Dr. Mike McDaniel, Virginia Commonwealth University. "Interviewer Skills: Strategies for Wisely Choosing Candidates." Richmond, VA. Contact: CCE: (804) 828-3165.
- Aug 6 SkillPath Seminars. Conference. "Leadership Development & Teambuilding." Washington, DC. Contact: (800) 873-7545.
- Aug 6-11 Academy of Management. Annual Conference. Chicago, IL. Contact: AOM, (914) 923-2607.
- Aug 8-12 American Statistical Association. Annual Convention. Baltimore, MD. Contact: ASA, (703) 684-1221.
- AUG 11** PTC/MW. LUNCHEON MEETING. Dr. Deborah Gebhardt, Human Performance Systems, Hyattsville, MD. "Application of Medical Guidelines to Multiple Job Families." Pier 7 Restaurant, Washington, DC. Contact: Suzanne Tsacoumis, HumRRO, (703) 706-5660.
- Aug 20-24 American Psychological Association. Annual Convention. Boston, MA. Contact: APA, (202) 336-6020.
- Sep 8-9 U.S. Office of Personnel Management. Conference. "Strategic Compensation." Alexandria, VA. Contact: Radiah Rose, OPM, (202) 606-8486 or totalcomp@opm.gov.
- Sep 8-10 Institute for Professional Education. Seminar. "Applied Multivariate Methods Using Popular Statistical Computing Packages." Washington, DC. Contact: IPE, (703) 527-8700.
- Sep 8-10 Institute for Professional Education. Seminar. "Categorical Data Analysis." Washington, DC. Contact: IPE, (703) 527-8700.
- Sep 13-15 Institute for Professional Education. Seminar. "Applied Statistics." Washington, DC. Contact: IPE, (703) 527-8700.
- Sep 13-15 University of North Texas. International Conference. "Work Teams." Dallas, TX. Contact: Melanie Bullock, Center for Study of Work Teams, UNT, (940) 565-2198 or workteams@unt.edu.
- Sep 27 Linkage Inc. Conference. "Emotional Intelligence: Optimizing Human Performance in the Workplace." Chicago, IL. Contact: LI, (781) 862-3157.
- Sep 27-29 Linkage Inc. Conference. "Best of 360-Degree Assessment." Dallas, TX. Contact: LI, (781) 862-3157.
- Sep 28-Oct 2 Human Factors & Ergonomics Society. Annual Conference. Houston, TX. Contact: HFES, (310) 394-1811.
- Sep 29-Oct 1 Mid-Atlantic Personnel Assessment Consortium. Fall Meeting. New York, NY. Contact: David Hamill, The Pittman McLenagan Group, (301) 320-9500 or davidh@pittmanlc.com.
- Oct 9-13 OD Network. Annual Conference. San Diego, CA. Contact: ODN, (973) 763-7337 x25.
- OCT 13** PTC/MW. SPECIAL EVENT! LUNCHEON/WORKSHOP (11:30 am - 3:45 pm, extra charge). Dr. Garnett Stokes, University of Georgia. "Biodata." Pier 7 Restaurant, Washington, DC. Contact: Suzanne Tsacoumis, HumRRO, (703) 706-5660.
- Oct 13-15 Institute for Professional Education. Seminar. "Linear and Nonlinear Regression with Applications." Washington, DC. Contact: IPE, (703) 527-8700.
- Oct 17-21 International Personnel Management Association. Annual Conference. Washington, DC. Contact: IPMA, (703) 549-7100.
- Oct 25-28 Linkage Inc. Conference. "Building and Leveraging Your Organization's Intellectual Capital." Boston, MA. Contact: LI, (781) 862-3157.
- Oct 27-29 Washington Business Group on Health. Annual Conference. "Disability Management." Washington, DC. Contact: WBGH, (202) 408-9320.

Future SIOP: New Orleans, 2000; San Diego, 2001; Toronto, 2002; Orlando, 2003; Chicago, 2004; Los Angeles, 2005.

PERSONNEL TESTING COUNCIL OF METROPOLITAN WASHINGTON

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