



Newsletter

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February PTC/MW Luncheon

- Date:** Wednesday, February 9, 2000
- Time:** 11:30 a.m. to 1:30 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:** \$16.00 members, \$20.00 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:** Please complete the online reservation form under "Luncheons and Workshops" on the PTC/MW website at www.ptcmw.org. You will receive confirmation of your reservation via e-mail. If you do not have access to the Internet or would prefer to speak with someone about your reservation, please contact Kris Benson at Caliber Associates in Fairfax, Virginia. Kris can be reached via voice mail at (703) 219-4429 or e-mail at bensonk@calib.com. Please include the following information in your message: name, membership status, menu selection, e-mail address, and telephone number. **The deadline for luncheon reservations is 2:00 p.m., Monday, February 7th.** Cancel by 2:00 p.m. Tuesday or else you must pay for your meal. Members are welcome to come for the program only without having lunch. (The program begins at approximately 12:45 p.m.)
- Topic:** **Adverse Impact Analysis**
- Speaker:** **Charles R. Mann, Ph.D.**
Charles R. Mann Associates, Inc.

Dr. Mann will discuss the use and misuse of methodologies currently applied to adverse impact analysis. He will consider procedures ranging from the four-fifths rule to odds-ratio analysis with respect to both statistically sound inference and practical considerations.

Dr. Mann is President of Charles R. Mann Associates, Inc., a Washington, DC-based statistical consulting firm established in 1977 to specialize in the application of statistical analysis in legal and regulatory matters. Dr. Mann has been particularly involved in EEO litigation and AAP development since 1971. He is a frequent speaker and expert witness on related topics. Dr. Mann is an elected Fellow of the American Statistical Association and a member of the PTC/MW. He received his Ph.D. in Statistics in 1969 from the University of Missouri.

Inside this month's issue...

President's Message	pp. 2, 10
December Luncheon Summary: <i>Job Analysis and Validation Challenges</i>	p. 3
Bill Seeks to Modify FTC Interpretation of the FCRA	p. 4
Presentation of the PTC/MW Budget	pp. 4, 5
EEOC Updates on Sexual Discrimination	p. 6
Southwestern Bell Entitled to Business Necessity Defense	p. 7
Target Stores Charged with Violating the ADA	p. 8
Employers Share "Worst Interview" Tales	p. 8
Job Announcements	pp. 9, 10
Professional Calendar	p. 11



President's Message

Shane Pittman
Pittman McLenagan Group

Test developers, for very important reasons, put a lot of effort into reducing the adverse impact of their tests. In fact, much of our profession's interaction with Title VII can be said to be in reaction to concerns about adverse impact (as well it should be). Although much of the related case law focuses on broader issues beyond just test content, it's obvious that many practitioners have chosen this focus as the primary avenue of reducing adverse impact. Recent controversies such as Nassau County only serve to highlight this viewpoint. Certainly we, as test developers, need to continue our obsession with test content, but who said that was the only problem – the content of the test? I would like to suggest at least two other areas that contribute to adverse impact and where, it appears, we spend too little time.

Imagine for a moment the following scenarios:

Scenario 1: Let's pretend for a moment that you are an internal consultant tasked with developing a test to be given to a large number of entry-level applicants. You develop your test using all applicable professional guidelines and regulations and your expertise. Then, to attract a large number of applicants, your organization puts up signs all over the surrounding area and even has people walking around with placards that say in effect, "Testing today, y'all come! Good jobs! High pay!" When you look at the results from the applicant population you are dismayed to find that your content and criterion validated test, that showed no problems in the study population, now shows evidence of adverse impact. What happened? Of course everyone says that there must be some problem with the test!

Scenario 2: Now let's pretend that you are an external consultant, hired to develop an assessment center to be used to select candidates for upper management positions. Again, using all your expertise and in keeping with the aforementioned guidelines and regulations, you are confident that the process will not demonstrate adverse impact. You know through voluminous research as well as your previous successes that your assessment center offers the best chance for demonstrating no adverse impact. You are sure it has all the right "pieces." Yet when you administer the

assessment center to the group of qualified candidates, you discover that there are no minorities or females in the top echelon of performers in the test. Of course your client points to you and says there's a problem with your test!

In both of the above scenarios, you focused on the content of the tests by exercising well-accepted concepts in the design and construction of the instruments and felt confident that all was done to ensure that the tests would not cause a problem. In addition, even though you spent considerable time and effort attempting to explain all that "validity stuff," your customers were not convinced that the tests were "good" because of the outcome. The customers want the tests to be "fixed." What can be done to solve this dilemma?

While certainly the content of the test should be analyzed, I would suggest that other factors must be considered when attempting to explore this issue. Sometimes a customer's demand to change an otherwise good test simply because of the presence of adverse impact may be exactly the wrong thing to do. We know that every aspect of a selection process comes under scrutiny - not just the tests, yet in many cases we have allowed ourselves to become known (and perhaps even as a profession) as test specialists, meaning of course that all we know or care about are tests.

One factor for consideration is the recruitment strategy. I have seen, time and time again, organizations using a "y'all come" mass advertising approach to filling jobs. This approach fails to take into consideration the specific nature of the job in question. In large selection processes the focus ends up being more on the numbers rather than the quality. What happens as a result? You end up with large numbers of applicants who should never be tested in the first place. This is a disservice to the individual applicant (this person has a high chance of being unsuccessful) and certainly to the organization. The organization needlessly spends resources on processing individuals who are unlikely to be successful in the job. This method of recruiting will almost certainly guarantee that the results of the test will be impacted by such a strategy because the test was never intended to evaluate the masses.

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PTC/MW Executive Board Meeting

The Executive Board holds regular meetings throughout the calendar year. Contact PTC/MW President Shane Pittman via telephone at (301) 320-9500 or e-mail at shanep@pittmanlc.com for the date and location of the next meeting.

DECEMBER LUNCHEON SUMMARY

Assessments for Future Jobs: Job Analysis and Validation Challenges

Deirdre Knapp
HumRRO

In the December luncheon meeting, Deirdre Knapp discussed some of the job analysis and validation challenges associated with the development of assessment processes for future jobs. The contexts in which this activity might need to be done include the development of a new organization or line of business within an organization, a new office or plant, job redesign, the introduction of new equipment or procedures for existing jobs, and the changing nature of the business environment that might change the requirements of existing jobs.

Deirdre noted that any traditional job analysis strategies (e.g., task/KSAO-based, critical incident analysis, generic worker characteristics instruments) could conceivably be adapted to have a future orientation. What is likely to vary from the usual approaches is who can reasonably serve as subject matter experts (SMEs) and the number of SMEs who can provide job analysis information. Specifically, it is likely that a relatively small number of people will be well informed about how the future jobs are expected to function. These people might include the job designers and/or job incumbents working with new procedures or equipment. The latter might happen when selected incumbents participate in the testing of new equipment, for example, or if one plant/office/region adopts the new job structure or procedures before the rest of the organization follows.

Similar to the job analysis methods, the usual validation strategies (e.g., content validation, synthetic validation, validity generalization, local criterion-related validation) could possibly be applied in a future-oriented context. Deirdre suggested considering all the possibilities carefully, and evaluating them with regard to their ability to be adaptable to further job changes.

Two example projects were described – one for the Federal Aviation Administration (FAA) and the other for the U.S. Army Research Institute for the Behavioral and Social Sciences (ARI). The purpose of the FAA project (performed jointly by Caliber Associates and HumRRO) was to develop a proposed methodology for keeping up with changes to the evolving air traffic controller job, but which could also be applied to other jobs. The proposed methodology views job analysis as a continuous process rather than a single event. The foundation of the proposed system is an automated, dynamic Job Analysis Information Base (JAIB) that incorporates information

about job requirements (e.g., task categories), KSAOs, and the linkages between each. Information for the JAIB would be gathered primarily through a series of periodic data collections. Rather than having one large data collection every 4-5 years, the process assumes more frequent, smaller data collections that focus on parts of the JAIB. Information in the JAIB is to be structured hierarchically to help support this type of process.

The project for ARI (performed under contract by HumRRO) was to identify critical KSAOs for several levels of soldiers in two future time periods that roughly correspond to 2000-2010 and 2010-2025. Baseline task category and KSAO information was derived from extant job analysis information. A major effort was undertaken to identify and summarize information about future era conditions; a great deal of information exists, and not all of it presents a consistent picture. A panel of Army SMEs revised the baseline list of KSAOs to reflect changes they anticipate based on future conditions. They also ranked the most critical KSAOs for each of four enlisted levels (entry-level soldiers and junior, mid-level, and senior NCOs) across the target time periods. After being given information about future conditions, a second panel composed of psychologists also ranked the most critical KSAOs for each target time period and enlisted personnel level. Input from the two panels was combined to yield lists of the important future KSAOs, roughly ranked by importance.

Some cautionary notes about future-oriented job analysis and test validation work were provided. The paramount point was that the future might not bring the expected. There is a good deal of anecdotal evidence that changes are often less dramatic than expected. Accordingly, it is important to bear in mind that prediction is not the same as description. Future-oriented job analysis and validation activities can help an organization prepare for the future, but may not be sufficient to support the legal defensibility of implementation.

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 2000. 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 for this calendar year beginning at the January luncheon. You also can purchase tickets directly from the PTC/MW Treasurer, Elaine Engle, at (202) 324-0518.

Bill Seeks to Modify FTC Interpretation of the FCRA

Emily K. Demonte and David W. Arnold, Esq.

Reid Psychological Systems

A recent opinion letter from the Federal Trade Commission (FTC) regarding the interpretation of the Fair Credit Reporting Act (FCRA) has received a great deal of attention recently. The FTC letter expressed the view that the FCRA's definition of "consumer report" includes sexual harassment investigations when an employer hires an outside party (e.g., attorney, consultant) to conduct such investigations—a somewhat common means of ensuring an impartial investigation. Therefore, the FCRA requires an employee's consent before obtaining the report and requires that the employee receive a copy of the completed report.

While it is readily apparent that the FCRA applies to common pre-employment investigations conducted by third parties (e.g., criminal background, credit, motor vehicle, employment references), the FTC's application of the FCRA to third party sexual harassment investigations has been somewhat of a surprise. As a result of the FTC's interpretation, employers have expressed concerns regarding employees' consenting to such investigations and the ability of third party investigators to obtain candid information from individuals interviewed during sexual harassment investigations.

In reaction to the FTC's interpretation, a bill was introduced on November 16, 1999, which would exempt several specific investigative reports from the definition of "consumer report" under the FCRA. H.R. 3408, titled the "Fair Credit Reporting Amendments Act of 1999," was introduced in the House of Representatives by Representative Sessions. This initiative would exclude those reports "prepared by an employee or agent of a consumer's employer solely for the purpose of investigating allegations of drug use or sales, violence, sexual harassment, employment discrimination, job safety or health violations, criminal activity including theft, embezzlement, sabotage, arson, patient or elder abuse, child abuse, or other violations of law" from the definition of "consumer report." Also excluded would be reports prepared in connection with litigation.

The initiative also includes a provision for disclosure of the excluded reports. With respect to such reports the initiative provides that, "before taking any adverse action based in whole or in part on such report, the

Presentation of the PTC/MW Budget

Julia Leaman

Immigration and Naturalization Service

Elaine Engle

Burgess Levin & Company

This past year was another successful one for PTC/MW with higher than projected income from regular member dues (see Table 1, page 5). For the workshops, we had lower than projected income, but the workshops remain a very successful forum and excellent source for generating income. For 1999, the full benefit of the workshops is not reflected in the year-end report since we will receive an additional \$1,100 once all workshop payments for this year are received. In 1999, some expenditures were made from savings although not as much as the \$2,000 projected. For next year's budget, we propose to spend \$2,500 out of surplus funds for web page enhancements and other activities that will benefit PTC members and strengthen the organization. This level of expenditure will still ensure that PTC maintains sufficient surplus to operate in the event of future financial difficulties.

The cost of the luncheons will remain at \$16.00 for members and \$20.00 for nonmembers, even though Pier 7 is now charging us \$16.25 per lunch. Although we realize that we are losing money on our regular luncheons, the Board also recognizes that one of the goals of PTC/MW is to encourage participation and a sharing of ideas. We hope that subsidizing luncheon costs will entice members to attend the monthly luncheons. While no organization can continue to operate at a deficit forever, we can continue to operate with this deficit for now given our surplus of funds. In fact, we are further encouraging member participation in the luncheons by offering discount tickets at 3 for \$36.00. These tickets can be purchased at the luncheons. We are looking forward to another productive and prosperous year.

person intending to take such adverse action shall disclose to the employee the nature and substance of the information in the report on which the proposed adverse action is based." Also, "if any action is brought by the employee, the information in the report shall be available to the plaintiff under appropriate discovery procedures of the court in which such action is brought."

PTC

Current Members: Have you renewed your membership for the year 2000?

You should have received your membership renewal form in the mail, with a due date of January 31st. If not, please contact Gary Carter, PTC/MW Secretary (see back page).

Table 1. PTC/MW Budget (1999, 2000)

INCOME	1999 BUDGET	1999 ACTUAL	2000 BUDGET
Member Dues	7,800.00	8,135.00	(260 @ \$30) 7,800.00
Student Dues	375.00	225.00	(25 @ \$15) 375.00
Luncheons	3,600.00	2,384.00	(20 @ \$16.00, 9 luncheons) 2,880.00
Workshop #1	1,800.00	971.00	(20 @ \$60) 1,200.00
Workshop #2	1,800.00	790.00	(20 @ \$60) 1,200.00
Workshop #3	1,800.00	591.00	(20 @ \$60) 1,200.00
Workshop Sponsors	750.00	750.00	(3 @ \$250) 750.00
Workshop Payments from 1998	0.00	675.00	
Interest/Dividends	400.00	758.84	600.00
TOTAL INCOME	\$18,325.00	\$15,279.84	\$16,005.00

EXPENDITURES	1999 BUDGET	1999 ACTUAL	2000 BUDGET
Luncheons			
Meals	3,969.00	2,746.50	(23 @ \$16.25, 9 luncheons) 3,363.75
Speaker Travel	500.00	0.00	500.00
Miscellaneous	50.00	0.00	50.00
Membership Directory			
Printing	750.00	539.79	750.00
Mailing	500.00	561.00	600.00
Membership Renewal Letters			
Copying	120.00	0.00	120.00
Mailing	300.00	0.00	200.00
Newsletter			
Printing	4,800.00	4,350.98	5,000.00
Mailing/Shipping	1,600.00	1,391.98	1,800.00
Workshops			
Meals	1,464.75	1,032.26	(23 @ \$16.25, 3 workshops) 1,121.25
Speaker Expenses	1,800.00	339.67	1,800.00
Miscellaneous	150.00	0.00	150.00
Nominations/Elections			
Copying	120.00	137.73	150.00
Mailing	300.00	170.08	300.00
Membership Survey			
Copying	170.00	14.63	
Mailing	350.00	373.24	
Gifts (Speakers, Chairs, Board)	300.00	299.03	600.00
Bemis Award Contribution	100.00	0.00	100.00
General Administration			
Labels	150.00	0.00	150.00
Postage	50.00	33.00	50.00
DC Report Filing (2-year)	0.00	0.00	50.00
Web Page	400.00	385.00	450.00
PTC/MW Brochure	100.00	90.80	150.00
Miscellaneous	250.00	199.67	250.00
TOTAL EXPENDITURES	\$18,293.75	\$12,665.36	\$17,705.00

EXPENDITURES FROM SAVINGS	1999 BUDGET	1999 ACTUAL	2000 BUDGET
Projection Screen		130.63	
Sponsorship IO/OB Conference		300.00	
Gifts for Speakers		245.08	
Web Page Enhancements			500.00
To Be Determined	2,000.00		2,000.00
TOTAL	\$2,000.00	\$675.71	\$2,500.00

EEOC Updates on Sexual Discrimination

Heather Roberts Fox and Lanka P. Karunaratne
APA Science Directorate

Originally printed in SIOP's January 2000 TIP

EEOC Settles Major Harassment Cases

Following the landmark 1998 U.S. Supreme Court opinion that same-sex harassment violates Title VII of the Civil Rights Act of 1964, the Equal Employment Opportunity Commission (EEOC) has settled its first class action suit alleging sexual harassment against men by male coworkers. Readers may recall that the U.S. Supreme Court ruled in *Oncale v. Sundowner Offshore Services, Inc.*, 96-568 (1998) that same-sex sexual harassment was actionable under Title VII (see October 1998 TIP).

In the current case, the Long Prairie Packing Company, Inc., a meat packing plant in Long Prairie, Minnesota, reached an agreement with the EEOC to pay a \$1.9 million dollar settlement to former and current male employees who have been victims of sexual harassment by other male employees. The lawsuit, filed on August 11, also alleged that LPP engaged in a pattern of disability-based harassment by men against men, as well as retaliation against individuals who opposed the harassment. Both parties were able to come to an agreement solely through negotiation as opposed to extensive litigation. The settlement does not represent any admission of wrongdoing by LPP, but includes a "zero tolerance" harassment policy.

In another larger settlement, Ford Motor Company has agreed to pay female employees alleging sexual harassment, racial harassment, harassment on the basis of sex, and retaliation for complaining to management about the harassment, a whopping \$8 million in damages. An independent three-person panel will be appointed to oversee the execution of the terms of the agreement and Ford's enforcement of its harassment policies. Ford will also undertake the task of training all of its employees on the prevention of job discrimination and the panel-approved policies via a projected \$10 million training program. In addition, Ford will take appropriate measures necessary to increase female representation in supervisory positions, with a goal of placing women in 30% of the entry supervisory openings at the Chicago Stamping and Assembly Plants over the next three years.

EEOC Modifies Final Rule on Discrimination

On October 29, EEOC issued an interpretive final rule rescinding specific paragraphs of the EEOC's Sex Discrimination Guidelines, found in 29 CFR 1604.11(c), and National Origin Discrimination Guidelines, found in 29 CFR 1606.8 (c), that set a standard for employer liability for harassment by supervisors. Issuance of the

rule follows the June 1999 release of EEOC's comprehensive policy guidance on vicarious employer liability for unlawful harassment by supervisors. The policy guidance analyzed the U.S. Supreme Court rulings in two cases, *Burlington Industries v. Ellerth*, 524-742 (1998) and *Faragher v. City of Boca Raton*, 524-775 (1998), and concluded that subsection (c) of its guidelines on workplace bias based on sex and national origin is no longer valid due to the Court's rulings (see October 1998 TIP). The Court ruled that employers are "vicariously liable" for harassment by supervisors that culminated in a tangible employment action. However, if the harassment did not result in a tangible employment action, the employer is liable unless it proves that: 1) it exercised reasonable care to prevent and promptly correct harassment; and 2) the employee unreasonably failed to complain to management or to avoid harm otherwise.

A text of the final rule can be found in the Federal Register or on the EEOC web site (www.eeoc.gov). Further guidance on harassment can be found in the "1999 Guidance on Employer Liability for Unlawful Harassment by Supervisors," and "Questions & Answers for Small Employers on Employer Liability for Harassment by Supervisors." These documents can be found on EEOC's web site (www.eeoc.gov) or by calling the EEOC's Publications Distribution Center (800-669-3362).

PTC

Steve Bemis Award Call for Nominations

Know a colleague who has made outstanding contributions as a practitioner in testing? This is your chance to recognize that individual by making a nomination for the Steve Bemis award. Eligible recipients must be:

1. Accomplished personnel measurement practitioners who are recognized for their on-going commitment to the principles of merit and fairness;
2. Professionals who have made an impact in the field by their practical contribution(s) that have resulted in either an improved or a new procedure; and
3. Concerned individuals who are recognized for their commitment to assisting fellow practitioners, being available to them, and freely calling on them.

The PTC board will be considering potential nominees for submission and individual PTC members may also submit nominations. Please call Ann Quigley at (202) 268-3952 with suggestions or for more information. Submission deadline is March 31, 2000, so names should be received as soon as possible.

Southwestern Bell Entitled to Business Necessity Defense

Emily K. Demonte and David W. Arnold, Esq.

Reid Psychological Systems

The 8th Circuit Court of Appeals found that Southwestern Bell Telephone (SWB) was entitled to a new trial in the case of *Belk v. Southwestern Bell Telephone Company*, No. 99-1371, 1999. The court held that SWB was entitled to a specific jury instruction on the business necessity defense under the Americans with Disabilities Act (ADA). The trial court had refused to provide this instruction because this defense was adequately covered by other jury instructions.

Ricky Belk worked as a Service Representative for SWB providing customer service over the telephone. Belk wears a full-length leg brace at all times due to residual effects of polio. In 1995 Belk applied for a Customer Service Technician (CST) position. The job description for a CST includes the abilities to climb ladders and poles, move or lift materials weighing up to 150 pounds and work while "kneeling, stooping, crawling or [maintaining] other uncomfortable positions."

SWB administers three tests to determine qualifications for the CST position: a written technical test, a manual dexterity test and a physical performance test (PPT)—the PPT is the focus of the complaint. The PPT has four components and Belk requested an accommodation for two components. SWB refused both of Belk's requested accommodations, but did modify one component of the PPT. After failing to pass one section of the PPT, Belk was denied the CST position, and Belk filed suit under the ADA alleging failure to accommodate his disability. Belk's complaint also alleged the PPT has a disparate impact on people with disabilities.

An argument offered by SWB was that Belk was not disabled under the ADA due to his ability to walk and engage in many physical activities with the use of his leg brace. SWB claimed that under *Sutton v. United Airlines*, 119 S.Ct.2139 (1999), the determination as to whether a person is disabled should be made with reference to mitigating measures. The court dismissed this argument by saying, "unlike the petitioners in *Sutton*, Belk's brace does not allow him to function the same as someone who never had polio." "It can hardly be disputed that Belk is disabled in the major life activity of walking" since the motion of his leg is limited and his gait is hampered by a pronounced limp. "Therefore he is clearly 'disabled' as defined under the ADA."

SWB also argued that the denial of the requested accommodations and the failure to promote Belk to the CST position were based on test results which were job-related and consistent with business necessity. SWB

draws attention to another recent 8th Circuit opinion. See *Allen v. Entergy Corp*, 181 F.3d 902 (1999). In *Allen*, a group of African-American employees alleged that a test given to determine who would be laid off had a disparate impact on African-Americans. Summary judgment was granted to the defendants on the "basis that the selection test was properly validated as job-related in accordance with EEOC guidelines."

Similar to the evidence offered by defendant in *Allen*, SWB had the test developer discuss how the PPT was developed through first analyzing the job and identifying critical and essential tasks and functions of the job. The test developer's testimony claimed that the PPT's purpose was to evaluate the physical performance of applicants as well as address safety concerns. Finally, testimony was offered that the PPT was developed with the intent to comply with the requirements set forth by the ADA, the Civil Rights Act of 1991 and the *Uniform Guidelines on Employee Selection Procedures*.

Although SWB did not address the plaintiff's response to this evidence, it claims the district court abused its discretion by refusing to specifically instruct the jury on the business necessity defense. In remanding for a new trial, the appeals court held that "SWB was entitled to an instruction on business necessity so that the jury could appreciate the value and purpose" of the test developer's explanations. Without such a specific instruction, "it is not so apparent that the jury 'clearly rejected' SWB's business necessity defense."

PTC

Innovations in Assessment Award

The International Personnel Management Association Assessment Council (IPMAAC) is pleased to announce the creation of a new award—*The Innovations in Assessment Award*. This award recognizes an individual or team of individuals for the development and application of an innovative personnel assessment tool or procedure. The award is open to any individual or group of employees in the personnel assessment field responsible for developing and applying an innovative assessment tool or procedure within recent years. You need not be a member of IPMAAC to submit a nomination. Public and private sector entries are welcome. Nominations are due on March 10, 2000.

The Innovations in Assessment Award will be presented formally at the upcoming IPMAAC Conference, which will be held in Arlington, VA June 3-6, 2000. The winner will receive an engraved plaque to commemorate their accomplishment and a waiver of the conference registration fee for one person. In addition, award recipient(s) will be invited to share their innovation with the IPMAAC membership during a scheduled presentation at the conference and in an ACN article next year.

The nomination form is available through IPMAAC's electronic network, the ECN at www.ipmaa.org. If you would prefer to receive a copy by mail or fax, please contact Ilene Gast by phone (202-305-0590) or e-mail (ilene.f.gast@usdoj.gov).

Target Stores Charged with Violating the ADA

Emily K. Demonte and David W. Arnold, Esq.
Reid Psychological Systems

A complaint was filed on October 6, 1999, in the Northern District of California which alleges that several civil rights violations were committed by Target Stores (Target) against people with hearing disabilities. The complaint was brought against Target by plaintiff Gary Lundstrom under the Americans with Disabilities Act (ADA) and relevant California law and is seeking class action status.

According to the complaint, Target discriminates against plaintiffs by refusing to provide reasonable accommodations during the employment process, and using written job examinations that are discriminatory and not job-related. Specifically, the complaint charges that Target's "denial of a sign language interpreter severely disadvantages hearing disabled applicants in the employment application process." Because most profoundly deaf individuals communicate through American Sign Language, a language not based on spoken English, the denial of an interpreter limits their ability to communicate.

Plaintiff alleges the following: In October of 1998 he applied for a stockperson position with Target Stores in Newark, California. Although requested, defendant refused to provide an interpreter for his pre-employment interview, and he was forced to communicate with the interviewer by writing notes on paper. As a result, plaintiff was unable to understand all of the questions and had to ask the interviewer to repeat questions several times.

Plaintiff further alleges that he was required to complete a lengthy written examination and due to defendant's failure to provide an interpreter for the examination, he left a large number of questions unanswered. Moreover, according to Lundstrom, the examination was not necessary to evaluate his ability to perform essential functions of the stockperson position, while tending to screen out applicants with hearing disabilities.

Complainant seeks an injunction against Target's allegedly unlawful employment practices. Plaintiff also seeks compensatory and punitive damages, as well as attorney fees and costs. We intend to monitor this litigation and will provide any relevant updates.

----- PTC

Employers Share "Worst Interview" Tales

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First impressions are important, and 44 percent of employers responding to a recent survey conducted by the National Association of Colleges and Employers (NACE) say it's a job candidate's general demeanor that first gets their attention. But, sometimes, what the candidate actually does in the job interview can ruin the most favorable first impression. Many recruiters said their worst experiences involved candidates with poor communications skills—the top personal quality they seek in new hires.

Here are a few other experiences employers cited during job interviews:

- ◆ Brought lunch and ate it during the interview
- ◆ Swigged spring water from a bottle throughout the interview
- ◆ Offered to buy drinks for the recruiter after the interview
- ◆ Flirted with the recruiter
- ◆ Said that the application didn't provide sufficient room to list his criminal convictions
- ◆ Came to the interview intoxicated
- ◆ Responded "I don't know" to all 13 of the recruiter's questions
- ◆ Bragged about "drinking his brains out" on weekends to "relax"
- ◆ Used foul language

----- PTC

Keep us informed

If you have any news about PTC/MW members, please let us know. We like to hear about promotions, job changes, etc.

Send news to the Newsletter Editor for inclusion in the "Member News" section of this newsletter.

Job Announcements

Consultant. Aon Consulting has an immediate opening for a Consultant in our Northern Virginia office. The ideal candidate will have a Ph.D. in Industrial/Organizational Psychology and 1-2 years of work or internship experience. Strong data analysis, research design, written, and oral communication skills are essential. Experience in job analysis and competency modeling, selection and assessment procedure design and validation, performance management or multi-rater assessment system development, or employee opinion surveys is preferred.

Responsibilities include work on a variety of human resource consulting projects with Fortune 500 clients across a range of industries. Some travel (local and national) required. Position offers diverse consulting experiences and opportunities to team with professionals in related specialty areas. Advancement commensurate with demonstration of skill growth and ability to manage increased responsibility.

If you are interested in joining our team with an emphasis on providing high quality client service in an energetic, collegial environment, please send or fax your résumé to: Daniel Russell, Aon Consulting, 2600 Park Tower Drive, Suite 101, Vienna, VA 22180; Fax (703) 208-1843; e-mail Daniel_P_Russell@aoncons.com.

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Seeking Résumés. *Fields Consulting Group, Inc.*, a rapidly growing human resources consulting firm, is currently seeking résumés from individuals to fill a wide variety of upcoming positions. We are looking for potential employees with degrees in I/O Psychology or Human Resources Management (Master's level or higher preferred), and/or experienced grad students, interested in Test Development and Administration, Career Development, Statistics, Validation, Personnel Assessment and Evaluation, Project Management, etc. *FCG* is a fast-paced contemporary company that offers an enjoyable work environment and many benefits including flexible (yet demanding) work hours and great potential for career growth and rewards. Full-time, temporary, and part-time considered. Send résumé by e-mail at fcg@aol.com, fax (703) 277-7730, or US mail - 4031 University Drive, Suite 200, Fairfax, VA 22030.

❧

The United States Postal Service has the following employment opportunities to work in U. S. Postal Headquarters in Washington, DC. Successful candidates for each position must demonstrate the following requirements through a combination of education, training, and experience.

Organizational Development Analyst. KNOWLEDGE OF: 1) programs, practices, policies, and procedures related to workplace environment assessment and intervention; 2) organizational behavior and organizational change principles; and 3) counseling and intervention techniques appropriate for individual and work group situations. ABILITY TO: 1) develop and coordinate workplace environment interventions and improvement strategies for local and national implementation; 2) evaluate programs, policies, and systems and recommend and implement modifications; 3) conduct research, including collecting and analyzing data, and reporting findings; 4) oversee and coordinate the work of others to achieve organizational goals, including organizing and assigning the work, monitoring progress, and providing technical guidance and feedback; 5) develop and present instructional or informational materials, technical and non-technical reports, and briefings; and 6) coordinate the development of new (or modifications to) workplace environment and organizational development systems or databases. DESIRABLE EDUCATION: Degree or certification in organizational development or related discipline.

Psychologist. KNOWLEDGE OF: 1) applied industrial/organizational psychology; 2) statistics and statistical analysis packages (e.g., SAS); 3) all aspects of aptitude and achievement test development, including job analysis and validation methodologies; 4) survey research techniques and practices; 5) professional standards related to personnel selection and evaluation, including the *Uniform Guidelines on Employee Selection Procedures*; 6) various approaches to evaluating employee performance. ABILITY TO: 1) communicate in writing to prepare instructional materials and technical and non-technical reports, and briefing papers; and 2) communicate orally to make presentations, guide subject matter experts during job analysis and test item development, and provide technical advice on selection programs, policies, and procedures. EDUCATION REQUIREMENT: A graduate degree in Industrial/Organizational Psychology (or related area of study).

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JOB ANNOUNCEMENTS, FROM PAGE 9 -----

The salary range for the Organizational Development Analyst is \$59,422 to \$80,986 and for the Psychologist is \$48,279 to \$65,704, based on previous experience, salary history, and current postal pay policies. We offer excellent benefits. If your qualifications match the above requirements, submit a separate sheet addressing each knowledge and ability requirement, along with a résumé or Postal Service Form 2591, to the address below.

U. S. POSTAL SERVICE
CORPORATE PERSONNEL MANAGEMENT
475 L'ENFANT PLAZA, SW, ROOM 1831
WASHINGTON, DC 20260-4261

(If applying for Org. Dev. An. :) ATTENTION: VA# 00-040

(If applying for Psychologist :) ATTENTION: VA# 00-042

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Industrial/Organizational Psychologist. Take charge of change at Pepco (www.pepco.com), the area's leading power provider. In our exploration of exciting new areas of business, we are thriving on challenge and opening up more new opportunities than ever before. We need a qualified professional to make an enormous impact on the experience and performance of our ever-expanding team of employees.

Selected candidate will provide expertise in and oversight for the development, validation, scoring, interpretation, evaluation and administration of any devices that are used for employment decisions and are considered "tests" under the *Uniform Guidelines on Employee Selection Procedures*. In addition, candidate will promote improvements in Human Resource utilization, organizational effectiveness and assessments of employee competence by evaluating work environments, job/task designs, employee performance and productivity and by presenting recommendations to management and work groups.

Requirements include: Master's degree in Industrial/Organizational Psychology, competency in techniques of applied behavioral science, job analysis, test development and a minimum of five years' job related experience; valid driver's license and ability to meet company driving standards; and working between multiple work locations. Along with a competitive salary and excellent benefits package, Pepco strives to maintain an environment where the contributions of our employees are recognized and rewarded. Qualified candidates should submit a résumé with salary history to: Pepco, Employment Services, 2301-0100, Pennsylvania Avenue, N.W., Washington, DC 20068; fax (202) 331-6850; e-mail: employment@pepco.com.

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PRESIDENT'S MESSAGE, FROM PAGE 2 -----

Why do we fail to put more emphasis on the recruitment phase (or other non-test phases) of the process? Perhaps we don't see such phases as "tests." As presented in scenario 1, failure to adequately address this phase of the selection process will forever taint the interpretation of adverse impact on the test. No test is powerful enough to sustain such an onslaught. We recently conducted a study evaluating educational success, test success and adverse impact and found, preliminarily that, when controlling for education, the test being studied showed no adverse impact (using the 80% rule). Certainly in scenario 1, management decisions outside the perceived arena of the "test specialist" had an impact on the results of the test.

Now what about that assessment center in scenario 2? We "know" that such an assessment center should not have adverse impact. So what's wrong? What happened? Consider another factor that can impact test success. Organizations, in misguided efforts due to a variety of factors (low representation being chief among them), often place high performing minorities and/or females in highly visible jobs and/or specialty assignments. Doing so often takes such high performers out of the normal process of development for more mainstream jobs in the organization. Depending on the nature of the specialty assignment and the nature of the job for which the assessment center is intended, such assignments may offer excellent development opportunities. Unfortunately, it is my observation that such special assignments are frequently only tangentially related to the promotion that the person is seeking. Because he or she has been out of the main developmental track, he or she has missed opportunities to prepare for the job in question. He or she takes the assessment center and (surprise!) does not do well. Again the customer screams, "It must be the test!" No, not really. The organization has, unwittingly, done a disservice to these individuals. Once again, management decisions beyond the sight of the "test specialist" affected the results of the test. Of course, in scenario 2, if asked, you would say that the organization should develop rotating assignment opportunities for individuals for limited periods of time and make sure individuals are having the opportunity to develop a wide range of skills relevant to success in the organization.

In both scenarios there was an opportunity to consider, in addition to the test content, factors "beyond the test." Those considering themselves test specialists or developers should be more responsible by considering these factors and not throwing the baby out with the bath water.

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PROFESSIONAL CALENDAR

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

- FEB 9** PTC/MW. LUNCHEON MEETING. Dr. Charles Mann, Charles R. Mann Associates, Washington, DC. "Adverse Impact Analysis." Pier 7 Restaurant, Washington, DC. Contact: Dr. Lance Anderson, Caliber Associates, Fairfax, VA, (703) 219-4448 or anderson@calib.com.
- Feb 17 Association of Test Publishers. Conference. "Computer-Based Testing: Applications for the Millennium." Carmel, CA. Contact: Michelle Issing, Designing Events, (410) 751-7171 or testpublishers.org.
- Feb 17 Metro NY Association for Applied Psychology. Dinner Meeting. Dr. Bill Byham, Development Dimensions International. "The Millennium Elephant and Other Challenges Facing the Industrial-Organizational Psychologist in the Next Century." New York, NY. Contact: Metro, (212) 539-7593.
- Feb 22-23 University of Michigan, Joint Program in Survey Methodology. Short Course. "Survey Management." Bethesda, MD. Contact: JPSM, (800) 937-9320.
- Mar 3-5 I/O & OB Graduate Student Conference. Chattanooga, TN. Contact: James LeBreton, jlebreto@utk.edu.
- Mar 6-8 Society for HR Management. Employment Law & Legislative Conference. Washington, DC. Contact: SHRM, (703) 548-3440.
- MAR 8** PTC/MW. LUNCHEON MEETING. Speaker to be announced. Pier 7 Restaurant, Washington, DC. Contact: Dr. Lance Anderson, Caliber Associates, Fairfax, VA, (703) 219-4448 or anderson@calib.com.
- Mar 8-12 Academy of HR Development. Conference. Raleigh-Durham, NC. Contact: AHRD, (504) 334-1874.
- Mar 9 Metro NY Association for Applied Psychology. Dinner Meeting. Dr. Virginia Schein, Gettysburg, PA. "Understanding Poor Women in Work: Opportunities for Industrial and Organizational Psychologists." New York, NY. Contact: Metro, (212) 539-7593.
- Mar 13-15 Institute for Professional Education. Seminar. "Applied Multivariate Methods Using Popular Statistical Computing Packages." Washington, DC. Contact: IPE, (703) 527-8700.
- Mar 13-15 Institute for Professional Education. Seminar. "Linear and Nonlinear Regression with Applications." Washington, DC. Contact: IPE, (703) 527-8700.
- Mar 14-15 University of Michigan, Joint Program in Survey Methodology. Short Course. "Tailored Design of Mail, Internet, & Other Self-Administered Surveys." Bethesda, MD. Contact: JPSM, (800) 937-9320.
- Mar 16-17 Personnel Decisions International. Conference. "Selection 2000." Chicago, IL. Contact: PDI, (612) 573-7883.
- Mar 17 Chicago I/O Psychologists. Meeting. "Current Theories about Leadership." Chicago, IL. Contact: Dr. Steve Allscheid, (312) 553-0213.
- Mar 27-29 Institute for Professional Education. Seminar. "Applied Statistics." Washington, DC. Contact: IPE, (703) 527-8700.
- Mar 27-29 International Quality & Productivity Center. Conference. "Strategic Workforce Planning 2000: Staffing, Recruiting & Succession Planning to Achieve Leadership Continuity." Scottsdale, AZ. Contact: IQPC, (800) 882-8684.
- Apr 1-8 American Psychological Association. Seminar. Dr. William Foote. "Psychological Evaluation in Workplace Discrimination Cases: Research, Law, & Practice." Caribbean Cruise. Contact: Contacts Unlimited, (561) 776-7082.
- Apr 2-5 Society for HR Management. Annual Conference. San Diego, CA. Contact: SHRM, (703) 548-3440.
- Apr 6-9 American College of Forensic Psychology. Symposium. Newport Beach, CA. Contact: ACFP, (949) 673-7773.
- APR 12** PTC/MW. LUNCHEON MEETING. Speaker to be announced. Pier 7 Restaurant, Washington, DC. Contact: Dr. Lance Anderson, Caliber Associates, Fairfax, VA, (703) 219-4448 or anderson@calib.com.
- Apr 13-16 Society for Industrial & Org. Psychology. Annual Conference/Workshops. New Orleans, LA. Contact: SIOP, (419) 353-0032.
- Apr 17-18 American Management Association. Seminar. "Human Resources and the Law." Arlington, VA. Contact: AMA, (800) 255-4141.
- Apr 17-19 International Quality & Productivity Center. Conference. "Transforming the Recruiting & Staffing Function into a Value-Added Business Partner." San Francisco, CA. Contact: IQPC, (800) 882-8684.
- Future SIOP: San Diego, 2001; Toronto, 2002; Orlando, 2003; Chicago, 2004; Los Angeles, 2005.

PERSONNEL TESTING COUNCIL OF METROPOLITAN WASHINGTON

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<http://www.ptcmw.org>

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