

7. *Adverse impact and the four-fifths rule.* To determine whether adverse impact is occurring, the organization should compute and compare selection rates for race, sex, and ethnic groups. A selection rate that is less than four-fifths (or 80%) of the rate for the group with the highest rate is generally regarded as evidence of adverse impact. There are exceptions to this general rule, based on sample size (small sample) considerations and on the extent to which the organization's recruitment practices have discouraged applicants disproportionately on grounds of race, sex, or ethnic group.
8. *General standards for validity studies.* There are three types of acceptable validity studies: criterion related, content, and construct. Numerous provisions pertain to standards governing these validity studies, as well as the appropriate use of selection procedures.
9. *Procedures that have not been validated.* This section discusses the use of alternative selection procedures to eliminate adverse impact. It also discusses instances in which validation studies cannot or need not be performed.
10. *Affirmative action.* Use of validated selection procedures does not relieve the employer of any affirmative action obligation it may have. The employer is encouraged to adopt and implement voluntary AAPs.

Technical Standards

This section contains a lengthy specification of the minimum technical standards that should be met when conducting a validation study. Separate standards are given for each of the three types of validity (criterion-related, content, construct) studies.

Documentation of Impact and Validity Evidence

For each job or job category, the employer is required to keep detailed records on adverse impact and, where adverse impact is found, evidence of validity. Detailed record-keeping requirements are provided.

There are two important exceptions to these general requirements. First, a small employer (fewer than 100 employees) does not have to keep separate records for each job category, but only for its total selection process across all jobs. Second, records for race or national origin do not have to be kept for groups constituting less than 2% of the labor force in the relevant labor area.

Definitions

This section defines terms (25 total) used throughout the UGESP.

Summary

The UGESP make substantial demands on an organization and its staffing systems. Those demands exist to ensure organizational awareness of the possibility of adverse impact in employment decisions. When adverse impact is found, the

is occurring, the organization should compute and compare selection rates for race, sex, and ethnic groups. A selection rate that is less than four-fifths (or 80%) of the rate for the group with the highest rate is generally regarded as evidence of adverse impact. There are exceptions to this general rule, based on sample size (small sample) considerations and on the extent to which the organization's recruitment practices have discouraged applicants disproportionately on grounds of race, sex, or ethnic group.

8. *General standards for validity studies.* There are three types of acceptable validity studies: criterion related, content, and construct. Numerous provisions pertain to standards governing these validity studies, as well as the appropriate use of selection procedures.

9. *Procedures that have not been validated.* This section discusses the use of alternative selection procedures to eliminate adverse impact. It also discusses instances in which validation studies cannot or need not be performed.

10. *Affirmative action.* Use of validated selection procedures does not relieve the employer of any affirmative action obligation it may have. The employer is encouraged to adopt and implement voluntary AAPs.

This section contains a lengthy specification of the minimum technical standards that should be met when conducting a validation study. Separate standards are given for each of the three types of validity (criterion-related, content, construct) studies.

For each job or job category, the employer is required to keep detailed records on adverse impact and, where adverse impact is found, evidence of validity. Detailed record-keeping requirements are provided.

There are two important exceptions to these general requirements. First, a small employer (fewer than 100 employees) does not have to keep separate records for each job category, but only for its total selection process across all jobs. Second, records for race or national origin do not have to be kept for groups constituting less than 2% of the labor force in the relevant labor area.