

factor, so that race, religion, nationality and sex become irrelevant.

Chief Justice Burger, *Griggs v. Duke Power Company*, 401 U.S. 428, 158, 167 (1971)

Questions

1. Identify the values in each of the passages.
2. Which passages do you agree with most/disagree with most?

Case Study #1: Social Equity vs. Employee Rights

Read the following scenario and complete the assignment in the last paragraph.

In 2002, a group of Hispanic Americans sued the city government for discrimination in employment practices in the police and fire departments. The court encouraged the parties to enter a consent decree, which they did. The consent decree called for the city to cease its discrimination, to identify the victims of discrimination, to make the hiring of the qualified victims a priority, and to establish hiring and promotion goals that would bring the percentage of Hispanic Americans in the public safety departments on par with the number of qualified potential Hispanic-American applicants in the surrounding labor market.

By 2004, although the city had hired a few of the plaintiffs who had not already found other jobs, the city had shown little effort to comply with the consent decree, and the racial imbalances were hardly affected. The Hispanics complained that those who were hired had been kept in lower-paying job classifications longer than their Anglo peers had been and were subjected to racial jokes; they were paired with each other in the police department and assigned to Hispanic-American high-crime areas. In the fire department, they were isolated in the day-to-day informal activities of the department. It was rumored about city hall that the mayor had encouraged the personnel director to "do as little as possible" in complying with the consent decree.

In 2005, the Hispanic advocates went back to the court, requesting judicial intervention. The court summoned the parties, and a revised consent decree was entered. It provided for a court-ordered trustee to monitor the consent decree. In 1996, the city halted all hiring, citing budgetary problems. By 2008, the city began to hire on a case-by-case basis in other departments, but not in public safety, citing the lack of need for additional officers and fire fighters.

The Hispanic plaintiffs returned again to the court, seeking relief. After consulting with the trustee, the judge, citing the court's exasperation and failure to note good faith on the part of the city, was determined to construct a solution that would make a difference. At this point, the mayor announced the hiring of a chief administrative officer and assigned the CAO the responsibility of coming up with a plan to "deal with this mess." The city successfully persuaded the judge to give it six more months to rectify the problems. The judge reluctantly agreed.

You are the CAO. Develop a plan, recognizing that it will have to be approved by a judge who will tolerate no more delays. At the same time, you must understand that the judge is bound to analyze the plan according to the strict scrutiny standard. Thus, you must remedy the effects of the discrimination, but your plan must not place too much of a burden for the remedy on innocent nonminority workers.

Case Study #2: From EEO and AA to Diversity Management

You are a big-city HR director. For years, you and other city administrators have emphasized AA compliance by (1) making it a key organizational objective; (2) taking steps to reduce underutilization of protected classes by targeted programs for recruitment, testing, selection, training, and career development; and (3) establishing separate grievance

systems to protect against sexual harassment, racial and ethnic discrimination, and other violations of employee rights.

Now, you hear increasing complaints about the adequacy of these AA compliance policies and programs from managers and employees. Managers ask, "Isn't there a way that we can create a climate

of ethnic harmony without resorting to slow and costly administrative proceedings?" Employees in protected categories are unhappy: "Why don't you treat us as employees and human beings, rather than focusing only on gender, race, disability, or ethnicity? Aren't our skills and performance more important than these?" Other employees also dislike AA: "I can't get ahead in this organization because I'm a white male. We're discriminated against all the time, but we don't have any legal protection because we're not members of a protected class."

You decide that the best way to deal with these unsatisfactory conditions is by developing diversity management policies and programs. You prepare a formal presentation to the city manager and other department directors explaining how these policies and programs will help the city run better. They listen to your presentation, and then ask questions. How do you answer them?

Questions

1. How does diversity management differ from EEO or AA? Isn't this just "old wine in new bottles"?
2. Why does diversity management require changes in our mission, culture, or values? It's just a personnel issue, right? Can't we just say we value diversity, and let it go at that?
3. How will diversity management programs affect these specific areas of human resource management policy and practice: recruitment and retention, job design, education and training, benefits and rewards, and performance measurement and improvement?
4. Won't this put the AA office out of business? How will you ever sell it to them?
5. Has anyone else done this before? What results did they see?
6. If we're going to do it right, what are the characteristics of a successful diversity management? Of an unsuccessful one?

Notes

1. <http://www.census.gov/Press-Release/www/releases/archives/population/010048.html>
2. U.S. Census Bureau (2006). American Community Survey Data Profile Highlights. Found at http://factfinder.census.gov/servlet/ACSSAFF?_submenuId=factsheet_1&_sse=on; <http://www.census.gov/Press-Release/www/releases/archives/population/011910.html>
3. The Civil Rights Act of 1964, P.L. 88-352, 78 Stat. 241, 28 USC. 1147 [1976].
4. The Equal Employment Opportunity Act of 1972, P.L. 93-380, 88 Stat. 514, 2-0 USC 1228 [1976].
5. U.S. Office of Personnel Management (2008). *Federal Equal Opportunity Recruitment Program Report: Fiscal Year 2007*. Available at: http://opm.gov/About_OPM/Reports/FEORP/2008/feorp2008.pdf
6. U.S. Equal Employment Opportunity Commission (2009). *Laws Enforced by the U.S. Equal Employment Opportunity Commission*. Washington, D.C.: U.S. EEOC. Available at: <http://www.eeoc.gov/policy/laws.html>
7. Kellough, Edward J. (2006). *Understanding affirmative action politics, discrimination, and the search for justice*. Washington D.C.: Georgetown University press p. 33.
8. *Griggs v. Duke Power Company*, 401 U.S. 424 (1971).
9. Ibid.
10. Ibid.
11. *United States v. Paradise*, 480 U.S. 149 (1987).
12. *Johnson v. Transportation Agency*, 480 U.S. 616 (1987).
13. *United States v. Paradise*, 480 U.S. 149 (1987).
14. *Gratz v. Bollinger*, 539 U.S. 244 (2003).
15. *Grutter v. Bollinger*, 539 U.S. 306 (2003).
16. Becton, J. W. Jr., Lt. Gen. et. al. (2003) Amicus Brief to the United States Court of Appeals for the Sixth Circuit. No. 02-241, 02-516.
17. *Richmond v. Croson*, 488 U.S. 469 (1989).
18. *Adarand v. Peña*, 515 U.S. 200 (1995).
19. Riccucci, N. M. (2002). *Managing diversity in public sector workforces*. Boulder, CO: Westview Press.
20. Sentementes, G. G. (July 8, 2008). "Baltimore Recruiters Draw Large Crowds in Puerto Rico." *The Baltimore Sun*.
21. Kelly, E., and F. Dobbin (1998). How affirmative action became diversity management. *American Behavioral Scientist*, 41 (7): 960-984; and Agocs, C., and C. Burr (1996). Employment equity, affirmative action and managing diversity: assessing the differences. *International Journal of Manpower*, 17 (4/5): 30-45.

recruitment is expanded to include situational skills and personal traits, such as the ability to contribute to a work group. Selection decisions become more tentative as loyalty between employee and employer is weakened by contemporary trends toward downsizing and privatization.

While contemporary trends question traditional approaches to job analysis, recruitment, and selection, legal requirements imposed by the Civil Rights Act of 1964 and the Americans with Disabilities Act are built on traditional assumptions about work and reinforce the status quo of personnel management.

Key Terms

acquisition function 182
centralized recruitment
and selection 190
competencies 185
construct validation 198
content validation 198
contextual factors 184
criterion validation 197

decentralized recruitment
and selection 191
fairness is a social issue 182
personal attributes 182
test validation 196
true and false positives and negatives 197
Web-based recruitment 186

Discussion Questions

1. How does one's value perspective influence the objectives of the recruitment and selection process?
2. What does it mean to say that fairness is a social judgment rather than a scientific calculation? What are the implications for the tension between efficiency and diversity?
3. Describe how workforce demographics and the nature of contemporary work influence the acquisition of public employees.
4. What kind of flexible personnel policies are needed to accommodate the caregiving needs of the modern family where both mother and father work? Or where the family consists of children with a single parent?
5. What is meant by contextual factors that influence how well a person performs as an organizational member? How easy do you think it is to recruit and select for these factors? Does an emphasis on contextual factors conflict with an emphasis on recruiting for diversity?
6. Identify eleven steps in the recruitment and selection process. In an organization you are familiar with, which steps are the most difficult to perform? Why?
7. Identify six timely hiring practices and describe how several might be employed to recruit and select for a job category you are familiar with where demand exceeds supply of applicants and service is suffering from staffing shortages.
8. Compare and contrast centralized, decentralized, and Web-based recruitment techniques.
9. Outsourcing or privatization of government services displaces value issues governments deal with in recruitment and selection processes. Which values do you think will be emphasized by private employment agencies? Can the benefits of outsourcing be realized if vendors are required to incorporate the values of responsiveness, efficiency, social equity, and individual rights into their practices?
10. Review the recruitment and selection processes in Table 8-2 and identify the values emphasized in each model. How would you improve these processes?
11. Describe the concept and importance of test validation and three validation strategies. How have affirmative action and advocates of social equity and individual rights advanced the importance of test validation, and therefore the value of efficiency?