

38 CASE***A Solution for Adverse Impact***

A federal government agency was in need of assistance regarding its staffing practices. Recently, some of the job applicants had complained that the selection procedures for one of the entry-level law enforcement jobs were discriminatory. The personnel specialists, who had previously ignored this possibility, were now alerted to the potential problem of adverse impact against women and minorities.

Bob Santos was a personnel specialist for the agency and had been employed with the staffing division for almost three years. He kept up with the laws and regulations on discrimination and equal employment opportunity. About two months ago, he attended a training seminar on the Uniform Guidelines on Employee Selection Procedures. Upon returning to the agency, Santos decided that an evaluation of their current staffing practices was necessary because they were developed prior to the adoption of the Uniform Guidelines in 1978. These Guidelines were designed to provide a framework for determining the proper use of selection procedures. They indicated how organizations should evaluate their selection rates using the four-fifths rule, and also specified the standards that organizations should use to validate their procedures.

THE SELECTION PROCESS

The selection of entry-level agents for the law enforcement job involved a two-step, multiple-hurdle process. Applicants were first required to pass a cognitive ability test, a similar but somewhat easier test than the Scholastic Aptitude Test (SAT). The exam was made up of 25 verbal items and 25 quantitative items. A candidate was required to receive a passing score of 70 (35 of the items correct) in order to be eligible for the second step of the selection process, an interview. A three-member panel of supervisors asked each applicant questions on how they would deal with various hypothetical job situations. After an initial period of questions regarding the applicant's education and experience, the applicant was given a situation and then asked to respond to the situation. Typically, after each candidate's initial response, further questioning would ensue from the panel to determine the full response of the candidate. The interview would last about a half hour. At the end of the interview, the three interviewers would rate the candidate on ten dimensions, including attitude, motivation, communication, and so on. Candidates receiving high scores on most of the dimensions would pass the interview. After a physical examination and a security check, the candidate would be hired and asked to report to training.

THE DETERMINATION OF ADVERSE IMPACT

Santos knew that the guidelines required employers to make adverse impact determinations at least once a year. Although records had been kept, the agency had not calculated the selection rates over the past three years. Santos thought that it was long overdue and decided to have this done as soon as possible. A week later, the selection rates were tabulated. The data are presented in Exhibit 2.7.

After calculating the adverse impact for both the test and the interview, he decided that a discussion with the personnel psychologist in the agency would be necessary. A meeting was arranged between Santos, his supervisor and head of the staffing division, and the personnel

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Group
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EXHIBIT 2.7 Tabulation of Selection Rates

Pass Rates for the Test			
Group	Number Who Took Test	Number Who Passed	Pass Rate %
Whites	282	134	47.5
Blacks	36	10	27.8
Hispanics	102	44	43.1
Asians	0	0	0
Native Americans	0	0	0
Men	385	170	44.2
Women	35	18	51.4
Total	420	188	44.8

Pass Rates for the Interview			
Group	Number Who Interviewed	Number Who Passed	Pass Rate %
Whites	112	87	77.7
Blacks	8	5	62.5
Hispanics	40	22	55.0
Men	148	109	73.6
Women	12	5	41.7
Total	160	114	71.2

Note: The number interviewed for each group is less than the number who passed the test. The difference represents individuals who did not wish to continue through the second part of the selection process.

psychologist for the agency, Ron Burden. A discussion ensued regarding the validation requirements of the Uniform Guidelines. It was decided that the original job analysis was poorly done and that very little documentation had been retained by the agency. Although there was a task inventory, the major tasks or job duties had not been rated for importance, frequency, difficulty, and trainability. Burden pointed out that this documentation would be critical if they ever needed to defend the selection procedures in court. By the end of the meeting, the group decided that it would probably be a good idea to do another job analysis that was in accordance with the new Uniform Guidelines. Burden felt that the selection procedures would have to be modified to fit the results of the job analysis. He was asked to determine how the job analysis would be done, while Santos would coordinate the project in the field.

JOB ANALYSIS

The Uniform Guidelines recognize that there is not a single best way to analyze the job. Since there was little documentation available, Ron Burden had to decide on a method or technique that would generate from the agents and supervisors the important work responsibilities and the tasks associated with them. After much deliberation, he decided to use the critical-incident technique. Burden knew that if the agency wanted to continue using situational questions in the interview, the critical-incident job analysis technique readily lends itself to the development of this type of question. The method involves collecting reports of behaviors that are critical, in that they distinguished between successful and unsuccessful work performance. Instructions to the agents and supervisors were to include

- 1) the circumstances that preceded the incident, 2) the setting in which the incident occurred, 3) what the agent did that was effective or ineffective, and 4) the consequences of the incident.

Burden asked a sample of agents to develop three critical incidents and to indicate the task associated with each critical incident. Upon receipt of the critical incidents, Burden and Santos derived an inventory of work behaviors. This list of work behaviors was then sent back to the agents, and they were asked to rate the importance of the behavior, how frequently it was performed, and the amount of training that was required to learn that behavior.

When this information was collected, Burden and Santos generated a list of major job tasks or job duties. They assigned all the important work behaviors to their associated tasks. This list of tasks and work behaviors was then sent out to a group of supervisors who were asked to review the list. This same group of supervisors were also asked to meet for a two-day conference later in the month to determine the important knowledge, skills, abilities, and other characteristics (KSAOs) required to perform these work behaviors. Burden also planned for these experts to select the critical incidents to be used for the new interview.

SUPERVISORY CONFERENCE

At the conference, the supervisors were given the inventory of tasks and their corresponding work behaviors. They were asked to derive the KSAOs and then rate how important the skill or ability was for the performance of the work behaviors. The most important knowledge, skills, abilities, and other characteristics are shown in Exhibit 2.8.

The job experts were asked to evaluate the current staffing practices in light of this list of KSAOs. Burden, Santos, and the supervisors agreed that the content of the exam would have to be changed to reflect the first three KSAOs. Burden proposed a reading comprehension exam in which the content would be a small sample of the procedures, laws, and regulations that are taught at the training academy. Applicants would read a section and then answer questions regarding the laws and regulations taught in that section. This type of test has been called a "miniature training and evaluation test." All the parties agreed that this job-related procedure would be a good way of assessing the first three KSAOs.

The job experts wanted to retain the interview. Burden and Santos agreed as long as the following conditions were met:

1. All interview questions would have to be job-related.
2. Critical incidents from the job analysis would be selected to assess the last five KSAOs.
3. Sample answers to each critical incident would be determined in advance. Interviewee responses would be rated on a five-point scale defined explicitly in advance.

EXHIBIT 2.8 KSAOs Derived from the Task/Behavior Inventory

1. Knowledge of federal law
 2. Knowledge of procedures and regulations
 3. Reading and verbal comprehension
 4. Ability to perform effectively in dangerous situations
 5. Ability to communicate effectively
 6. Skill in interpersonal relations
 7. Judgment ability
 8. Ability to solve problems quickly and effectively
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five KSAOs. Interviewee

4. The same scoring method would be used for each applicant. All procedures would be used consistently for each applicant so that all applicants had the same chance of being selected.
5. All interviewers would be required to attend a training session to learn how to administer and assess the structured interview.

The supervisors agreed to these conditions. However, they did not want the interview to be completely structured. They felt that the interview should begin with a few questions regarding the applicant's past education and experience. Burden and Santos agreed to this with the stipulation that this information should not bias the candidate's assessment and scoring at the end of the interview.

When Burden and Santos returned to the agency, they were happy about what had transpired at the supervisory conference. The question that remained was the type of validation to be used on the newly developed selection procedures. Burden felt that they should validate the selection procedures with a criterion-related validity strategy. They would collect the scores for both the interview and the test and later compare them to either success in training or their performance appraisal at the end of the first year. Since Burden was familiar with these procedures, he felt that this was a preferred strategy over a content validity strategy. On the other hand, Santos felt that a predictive validity study was too costly and unnecessary. Since their newly developed procedures were job-related, a content validity approach was sufficient. Instead of arguing over which type of validation strategy to use, they decided to discuss the matter with Santos's supervisor and meet again later in the week.

QUESTIONS

1. Is there any evidence of adverse impact against any race, sex, or ethnic groups?
2. If the total selection process for a job has no adverse impact, should the individual components of the selection process be evaluated for adverse impact?
3. Which type of validation would you use? Why? What are the differences between content and criterion-related validity studies?
4. Evaluate the job analysis procedures used in this case. Is it necessary to do such a thorough analysis?
5. If you are doing a criterion-related validity study, should your criterion be success in training or on-the-job performance?