Test Development Update

Press Release
Feature Length Recruit Selection Video to be filmed in Wilmington
Wilmington, NC, August 10, 2008

Wilmington based Production Company, HighFall Productions, Ltd. has been contracted to produce a Police Recruit Selection video for Virginia based, International Public Management Association for Human Resources (IPMA-HR). IPMA-HR is a non-profit organization that provides cost effective products, services and educational opportunities to HR professionals at the federal, state and local level.

Toni Kovalski, of TJK Consulting a Wilmington based consultant for IPMA-HR, will be heading up the project and act as Executive Producer. HighFall Productions will be responsible for all aspects of the production. “Once completed, IPMA-HR will make the project available to Police Departments throughout the U.S., as a tool used for selection of new recruits. The DVD will be a situational video that walks potential recruits through various scenarios that police officers face everyday. The applicants are asked a series of questions based upon the scenario and the answers are used to assess the potential for success in an individual candidate.” stated Kovalski. “We are very excited to have HighFall working with us. We have done one in previous years, but decided we wanted to put some production value behind it this time. This will be a much more elaborate and effective tool with HighFall’s assistance.” she went on to say.

“From a production standpoint, this is equivalent to a feature length film, nearly 85 minutes of finished video. It will not be as complex, in that most of it will be filmed from a first person perspective, but we will have an extensive cast and over 65 different scenes.” stated Don Weimer of HighFall Productions. “We are casting now for a large number of paid rolls. They will range from police officers to criminals, so we will be looking for all types of talent. Resumes and headshots can be submitted via e-mail to me for any interested talent.” Weimer went on. “We are thrilled that Toni and IPMA-HR selected us to participate in this project. Their confidence in us is appreciated and we will provide them with an outstanding finished project.” Weimer concluded.

“Pre production begins the second week in August. We have a lot to do in terms of securing locations, talent, props and costumes, so we are leaving an open window between mid September through the third week in October for filming. Anyone interested in the project can find more and up-to-date information on our website, highfallproductions.com.” said Don A. King, a partner in HighFall Productions and one of HighFall’s producers involved with the project.
Thanks to your participation, we recently completed several test development projects. The C-3 Correctional Officer Test and the PST 2.0 Public Safety Telecommunicator Test are now available. Call today to order your free inspection copies!

C-3 Correctional Officer Test

• 100 ITEMS,
• 2 HOURS AND 30 MINUTE TIME LIMIT
• 20 Minutes for TIP
• $15.00 (includes TIP)

No prior training or experience as a correctional officer is assumed of candidates taking the C-3 Correctional Officer Test. The C-3 is designed to assess critical abilities related to the content areas described below:

<table>
<thead>
<tr>
<th>Content</th>
<th>Items</th>
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<tbody>
<tr>
<td>Ability to Learn, Retain, and Apply Information and Ability to Observe and Remember Details</td>
<td>1 – 25</td>
</tr>
<tr>
<td>Ability to Follow Written Directions</td>
<td>26 – 39</td>
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<tr>
<td>Verbal and Reading Comprehension</td>
<td>40 – 65</td>
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<tr>
<td>Ability to Follow Written Directions</td>
<td>66 – 76</td>
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<tr>
<td>Problem Solving and Situational Judgment</td>
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A nationwide job analysis of the entry-level correctional officer position was conducted to pinpoint the knowledge, skills, abilities, and personal characteristics (KSAPs) necessary for success on the job. This test is supported by a criterion-related validation study and rigorous psychometric analysis. The C-3 Technical Report provides complete information on the job analysis and validation processes used in developing this test. A TSA is necessary to order this report.

PST 2.0 Public Safety Telecommunicator Test

No prior training or experience as a public safety telecommunicator is assumed of candidates taking the PST 2.0 Public Safety Telecommunicator Test. Candidates will have 45 minutes to take the interactive portion of the test (Questions 1–42) and 1 hour and 45 minutes to take the remainder of the test (Questions 43–100). The test is divided into three subtests:

• Subtest 1: Ability to Listen, Remember, and Respond to Verbal Information
• Subtest 2: Ability to Use Situational Judgment
• Subtest 3: Ability to Learn and Apply Information

The position title of Public Safety Telecommunicator (PST) was chosen to describe employees whose main responsibilities are call taking and dispatching for a public safety agency. A comprehensive job analysis of the position of public safety telecommunicator was conducted and used to pinpoint the KSAPs necessary for success on the job. These tests are supported by a criterion-related validity study and psychometric analysis. The PST 2.0 Technical Report provides complete information on the job analysis, test development, and validation processes used for these tests. A TSA is necessary to order this report.

Note: The interactive part of the test (Subtest 1) is different from the PST-100/80 tests that are currently available. The interactive part of the test is more challenging in the PST 2.0 and requires the candidate to study information and listen to a roll call meeting in addition to listening to radio traffic. The PST-100 and PST-80 are still available.
In June 2008, the United States Court of Appeals for the Second Circuit refused to rehear en banc the case Ricci v. DeStefano, allowing the district court’s ruling in favor of the New Haven, Connecticut Fire Department (NHFD) to stand. The Connecticut Civil Service Board (CSB) refused to certify the results of a promotional firefighter exam because the exam results yielded too many successful white candidates and too few minority candidates. As of this writing the Supreme Court had not yet decided whether to review the case.

The case arose out of the 2003 exam for promotion to captain and lieutenant. The exams are comprised of written and oral parts which are weighted 60/40 percent respectively. Promotions are based on the “rule of three” where the NHFD can choose one of the three highest-scoring candidates to fill the position.

Forty-one candidates took the captain exam to fill seven vacancies. Twenty-five applicants were white, eight black and eight Hispanic. Twenty-two passed, 16 were white, 3 black, and 3 Hispanic. Because of the civil service rules, no blacks and at most two Hispanics would be eligible for promotion. Seventy-seven applicants took the lieutenant exam, forty-three were white, nineteen black, and fifteen Hispanic. Thirty-four passed, 25 were white, six black and three Hispanic. There were eight vacancies but the top ten scorers were white. As a result, no minorities would be eligible for promotion based on the results of the lieutenant exam.

The CSB held five hearings on the question of whether or not to certify the results. Ultimately the CSB decided not to certify the results. Eighteen firefighters, 17 white and one Hispanic sued the fire department alleging a violation of Title VII of the Civil Rights Act of 1964, and the Equal Protection clause of the constitution.

Much of the district court’s opinion is spent discussing the five CSB hearings, the calling of expert witnesses and the facts that went into the CSB’s final decision not to certify the results. The firefighters allege the decision not to certify the results was racially motivated. Defendants contend that they were attempting to comply with antidiscrimination laws and that they had a good faith belief that Title VII required the non-certification. As to the Equal Protection clause claim, defendants argue that the claim lacks merit because all firefighters regardless of race were treated the same in that none were promoted.

The district court analyzed the Title VII claim under the McDonald-Douglass burden-shifting framework where by the plaintiffs must show that discrimination occurred, then the burden shifts to the defendants to offer a legitimate non-discriminatory reason for the action, then the burden shifts back to the plaintiffs to show that the stated reason is a mere pretext for the real motive – discrimination based on race.

Here, the district court found that the firefighters were able to make out a prima facie case of discrimination: they belong to a protected class; they are qualified for the position; there was an adverse employment action and finally, the circumstances give rise to an inference of discrimination. Finding that the firefighters met all four criteria, the burden then shifted to the defendants who argue that by not certifying the results they were attempting to comply with the letter and spirit of Title VII.

The defendants argue that the promotional exams had a racially disparate impact on minorities and that if they were to certify the exams it is likely that they would be sued by minority candidates who would have a strong argument that the tests were discriminatory. The firefighters argue that the defendants should have conducted a validation study.

The court reviewed prior case law where defendants were allowed to fashion race-conscious remedies to exams that had a disparate impact – such as by race-norming the test results to increase the pass rate for minorities. The court found that the CSB’s solution – to throw out the results – was less race conscious than in prior cases. The court said that throwing out the results is race-neutral in that all candidates of any race are denied promotion while the city searches for an alternative.

Similarly, the court dismissed the Equal Protection claim finding that all plaintiffs were treated equally. As to the argument that the white firefighters had passed the test and were therefore treated differently than those candidates that did not pass, the court said that there is no evidence that city or the CSB had discriminatory animus toward any of the plaintiffs. Instead, the facts show that the CSB discarded the test results because of a statistically adverse impact on minority candidates.
ABOUT IPMA-HR: IPMA-HR has provided high-quality, reliable test products and services to the public sector since 1953. IPMA-HR provides more than 200,000 tests annually to public jurisdictions including the United States, Canada and the European Union. Developed by experienced psychometricians, IPMA-HR tests have been validated and are backed by more than 50 years of experience. Let us assist you as you make the difficult hiring and promotional decisions specific to your field. Our customers agree that we always provide excellent customer service, from the ordering process until long after test administration. IPMA-HR is your trusted source for test products and services.

ASSESSMENT SERVICES DEPARTMENT

Sima Hassassian
Chief-Operating-Officer
E-MAIL: shassassian@ipma-hr.org

Robert Svihla
Test Fulfillment Manager
E-MAIL: rsvihla@ipma-hr.org

Dianna Belman
Assessment Services Manager
E-MAIL: dbelman@ipma-hr.org

Jacob Jackovich
Association Coordinator
E-MAIL: jjackovich@ipma-hr.org

Bob Sewell
Mailroom Manager
E-MAIL: bsewell@ipma-hr.org

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