On May 16, 2007, the U.S. Equal Employment Opportunity Commission (EEOC) held a public Commission Meeting on how agency-enforced laws apply to employment testing and screening. During the meeting, the Commission heard from invited expert panelists, including EEOC attorneys and charging parties, advocates on behalf of employers and employees, and two nationally-recognized organizational psychologists. The panelists shared their experiences and perspectives on employment testing and screening, and answered questions from commissioners.

The meeting took place amid increased employment testing as employers continue to seek lawful and efficient ways to screen large numbers of applicants. Topics of discussion included written tests that evaluate knowledge and skills, criminal and credit histories as a basis for selection, medical exclusions in hiring, and employer best practices. Discriminatory employment tests and selection procedures are prohibited by Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act, which are all enforced by the EEOC. To read the full transcript from the meeting, visit [http://www.eeoc.gov/abouteeoc/meetings/5-16-07/transcript.html](http://www.eeoc.gov/abouteeoc/meetings/5-16-07/transcript.html).

IPMA-HR is currently conducting its annual Needs Assessment Survey. In order to better meet your needs as an HR professional, IPMA-HR asks that you complete this survey to assess what other products and services you may need for the purposes of selection and promotion. The survey, which is operated through Survey Monkey, will be open from 06/29/07 to 07/20/07. An invitation to participate was sent to you if you have a current email address on file at IPMA-HR. The survey should take approximately ten minutes to complete. All data will be kept strictly confidential and will never be used for marketing purposes or distributed to third parties. To thank you for your participation, your e-mail address will be entered into IPMA-HR’s Needs Assessment Survey Lottery. When the survey closes at midnight EST on 07/20/2007, five e-mail addresses will be drawn randomly. Each winner will receive a $100 gift certificate to BestBuy, which can be used in store or online. Please note that you must complete the survey in order to be entered into the drawing. If you have not already completed the 2007 Needs Assessment Survey, please do so today. This offer is only valid for those with a current email address on file at IPMA-HR. If you have any questions regarding the survey, please contact the Assessment Services Manager.
Ask Assessment Services

Our department is in the process of becoming accredited. What information can IPMA-HR provide to assist our agency during the accreditation process?

The Assessment Services Department can provide your agency with a standard letter describing IPMA-HR's organizational structure and the development and validation of its test products and services. Additionally, this letter discusses key concepts important for accreditation such as standardization. If you would like a copy of this letter, please contact the Assessment Services Department.

I heard IPMA-HR offers a customized test called the Generic First-Line Supervisor Test. Who is this test designed for?

IPMA-HR's Customized Promotional Test Service offers agencies the opportunity to tailor cognitive ability tests for the position of first-line supervisor to meet their individual needs. The test questions for the first-line supervisor test were written to be applicable across various public sector departments and can be used to assess competencies that are important for effective performance in a variety of first-line supervisor positions. The generic or non-specific nature of these questions allows for the use across a wide range of first-line supervisory positions. IPMA-HR has a wide variety of knowledge areas from which to draw questions. These include, but are not limited to, Concepts of Supervision, Interpersonal Communication, Situational Judgment, and Conflict Management. If you are interested in receiving a Customization Packet for this test, please contact the Assessment Services Department.

Recently, I administered one of IPMA-HR's promotional tests. I have a candidate who is challenging some of the questions. How exactly should I handle the challenge?

IPMA-HR has received many requests for information on how to handle item challenges. To this end, IPMA-HR will create an Item Challenge Handout containing detailed steps for resolving item challenges while still ensuring test security. In the meantime, please contact the Assessment Services Manager for questions and/or comments regarding the item challenge process.

The dates on the Agency and Candidate Reading Lists do not match, but seem to contain the same books. Can I distribute the lists even though the dates are different?

No, please do not distribute a Candidate Reading List that has a different date than the Agency Reading List. Although the lists seem to contain the same information, subtle differences may exist and could potentially cause confusion in the event of an item challenge. Please contact IPMA-HR for an updated copy of the reading list and verify that the Candidate Reading List you distribute contains the same date as the Agency Reading List. For example, if the Candidate Reading List states “Updated 06/2007,” then the Agency Reading List should also state “Updated 06/2007.”

If I am using a test for which a parallel form exists, can I use the different forms interchangeably?

It is the responsibility of the Agency to decide whether multiple forms should be used interchangeably. Parallel forms refer to two or more versions of a test that are statistically equivalent in terms of raw score means, standard deviations, error structures, and correlations with other measures for any given population. Parallel forms can be used if Agencies want to deliver different tests during the same administration. Although IPMA-HR has statistically equated tests that are considered to be parallel forms, the Agencies using these tests as parallel forms should review the technical report to determine whether adjustments are necessary.

Have a question or comment? Contact the Assessment Services Department!

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Testing in the News

City and Commissioners Liable for Discriminating Against Officers in Promotion

The United States Court of Appeals for the Seventh Circuit upheld a lower court’s ruling that City of Milwaukee police chief, board of police and fire commissioners and the city itself discriminated against seventeen white police officers in denying them promotion to the level of captain. Steven J. Alexander, Keith Balash, Charles Berard, et al., v. City of Milwaukee, Arthur L. Jones, Police Chief, Woody Welch, Chairman of Milwaukee Board of Fire and Police, et al., Docket No. 06-15-5, January 18, 2007.

Milwaukee has a five-member Board of Fire and Police Commissioners, a citizen oversight body that has responsibility, among other things, to approve the police chief’s selections for promotion. The city had no written policy or procedures for selecting candidates to promote from the level of lieutenant to captain except that the law requires them to be “already in the service” and to have proven their fitness for the promotion.

Chief Jones explained that his procedure for selecting candidates included personally evaluating the candidates by considering their skills, abilities and knowledge and in some way their seniority. He also considered verbal recommendations from various individuals and denied that race or gender played any role.

However, a jury found that in fact his considerations did include race and gender and that the board of commissioners simply approved all of the chief’s recommendations. The record shows that of the 41 lieutenants promoted during Jones’s tenure, 17 had spent less than five years in the lieutenant rank, while the same was true for only four of the twenty-one white males promoted during the same time. The 17 plaintiffs here are lieutenants who were eligible for promotion but were passed over in favor of women and minority candidates who generally had less seniority.

The commissioners and the city appealed the lower court ruling. The commissioners argued that they should not be personally liable because they are entitled to qualified immunity but the Seventh Circuit disagreed. Qualified immunity is not available if a constitutionally protected right was violated and that right was clearly established at the time of the violation.

Here, the jury found that the commissioners personally participated in the discrimination against plaintiffs. Race conscious promotions are only constitutional and therefore legal when narrowly-tailored in response to a compelling governmental interest. The court said that a race-conscious promotional scheme with no identifiable standards is clearly unconstitutional.

The next question is whether, at the time of the action, the constitutional right was clearly established so that defendants would be on notice that their conduct was illegal. Here the court found that the state of affirmative action laws was well-settled and clear enough to put the board members on notice that their approach was illegal. The court therefore upheld the jury verdict against the board members.

Similarly, the court found that the city was also liable for the actions of the commissioners because they had final policy making authority for the city. The city did not challenge Chief Jones’ liability and is also responsible for his conduct under Title VII as his employer.

The Seventh Circuit reversed and remanded the part of the lower court’s decision concerning damages. In terms of compensatory damages, the court found that the plaintiff’s damages should be based on their “loss of chance” to be promoted and not on the actual loss of the promotion and that it should be measured up to the time they were able to compete for promotion on equal footing with minorities and women. In terms of punitive damages, the court found that the board members should not share equally in the amount owed, but rather should be required to pay based on the amount of time they were on the board when the illegal decisions were made.

Of the twenty women and minorities promoted during Jones’s tenure, 17 had spent less than five years in the lieutenant rank, while the same was true for only four of the twenty-one white males promoted during the same time. The 17 plaintiffs here are lieutenants who were eligible for promotion but were passed over in favor of women and minority candidates who generally had less seniority.
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.

Join our test development efforts today!
Call to request a copy of IPMA-HR’s 2007 Test Development Brochure.

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* If the addressee is no longer a Test Security Agreement signer for your agency, please call (800) 381-TEST (8378) or e-mail assessment@ipma-hr.org to update your records.