

Testing the Test: Is your test ready for a battle against Title VII?

Title VII of the 1991 Civil Rights Act (CRA) requires that any test that has “adverse impact” (substantially different passing rates between subgroups) needs to be “validated.” As defined by the 1991 CRA and the 1971 Griggs case used to interpret the Act, validation means that the tests needs to be “job related for the position in question and consistent with business necessity.” The 1978 Uniform Guidelines on Employee Selection Procedures (adopted by EEOC, DOJ, and DOL to enforce the 1991 CRA) provide about 27 pages of technical requirements that apply any time an employer needs to justify the adverse impact their test is causing on one or more groups. Under these Guidelines, employers can successfully employ one of three validation strategies to defend their testing practices: content validity, criterion-related validity, or construct validity. Content validity requires showing how the content of the test measures important skills or abilities needed for the job (as shown by job analysis); criterion and construct validity require forms of statistical evidence that connect test performance to job performance.

So how likely is your employer to be brought under such scrutiny? Every year hundreds of employers are required to defend their testing practices under Title VII. Any time an employer’s testing practice causes “statistically detectable” adverse impact, they instantly move to the Title VII “radar screen” watched by the Office of Federal Contract Compliance Programs (the “OFCCP” is DOL’s enforcement arm for government contractors), the EEOC, DOJ, or any one of thousands of private plaintiff firms.

Over 100,000 of America’s largest

employers are federal contractors and subject to OFCCP reviews or “compliance audits.” Just a few years ago, the OFCCP began stepping up its enforcement efforts surrounding hiring, testing, and compensation. By bringing on six Ph.D.-level statisticians (including a testing expert) they now bring a new set of tools and resources to these audits, and many employers are being blindsided. Before adding this roster of experts and new enforcement strategies to their mix, the OFCCP Director Charles James said “It was like taking a knife to a gunfight” when faced with high-level employment defense firms and experts battling EEO enforcement issues like hiring, testing, and compensation. Now with expert level help they are stepping up enforcement efforts, including filing and winning numerous pre-litigation or litigation cases involving testing. For example, the OFCCP cited Whirlpool for using a verbal/math skills test that had adverse impact, and the battle resulted in an \$850,000 settlement payout. Numerous other cases are on the brink of litigation.

Even in light of such pressures, some employers and law firms are advocating the use of largely unproven validity defense strategies such as “validity generalization” (VG), which argues that local validation studies should not be needed because the at-issue test has “been proven valid in so many other similar situations.” Such defense strategies are dangerous at best because several courts have already dismissed (as a matter of law) overly-generalized defense approaches because they do not adequately connect the test to the job requirements in such a way that a judge will bless.

For example, in the Sixth Circuit

EEOC v. Atlas Paper case (868 F.2d. 487, 6th Cir., cert. denied, 58 U.S. L.W. 3213, 1989), the court offered a direct critique of VG by stating, “The premise of the validity generalization theory, as advocated by Atlas’ expert is that intelligence tests are always valid. The first major problem with a validity generalization approach is that it is radically at odds with Albemarle Paper v. Moody, Griggs v. Duke Power, relevant case law within this circuit, and the EEOC Guidelines, all of which require a showing that a test is actually predictive of performance at a specific job. The validity generalization approach simply dispenses with that similarity or manifest relationship requirement . . . Thus, the Supreme Court concluded that specific findings relating to the validity of one test cannot be generalized from that of others” (EEOC v. Atlas Paper, 868 F.2d. at 1499).

The judge further condemned the VG strategy by issuing a “factual conclusion of law” based upon the applicability of the U.S. Supreme Court

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Do Your Employer's Basic Qualifications (BQs) Address OFCCP's New Internet Applicant Regulations?

For the past several decades employers have argued that for practical reasons it was necessary to consider for employment only those individuals possessing the requisite BQsⁱ. Unfortunately, during that same timeframe, enforcement agencies have been required to adhere to the definition of applicant set forth in the Uniform Guidelines which was silent on the topic of qualifications. Fortunately for employers, the ability to consider an individual's BQs is a cornerstone of the Internet Applicant Regulations.

According to the Internet Applicant Regulations, acceptable BQs must be established *in advance*, prior to considering any expressions of interest and must be advertised to potential applicants as requirements they must possess to be considered. In addition, acceptable BQs must meet *all* of the following three conditions. BQs must be:

1. Noncomparative (i.e., used as hurdles);
2. Objective and not depend on subjective judgment; and
3. Relevant to the performance of the particular position and enable the employer to accomplish business-related goals.

How can employers develop BQs that will survive scrutiny from government enforcement agencies (e.g., OFCCP)? What about challenges that are brought by private plaintiff groups?

Employers that are challenged because of their BQs will generally not have a difficult time defending the first two criteria above (unless of course they were clearly violated). This is because the first two requirements are very clear-cut and uncomplicated. Employers can address these first two requirements by insuring that BQs are "set in stone" (i.e., non-comparative) and are sufficiently objective that a third-party (with the contactor's technical knowledge) would be able to evaluate whether the job seeker possesses the BQs.

It is the third criteria that will carry the day, or not, when an employer's BQs are challenged. The reason for this is straightforward. This is because the "relevant to performance" criterion has *two levels*. The first level is exactly as it is written. This level applies to an employer's recordkeeping requirements. The second level, however, is where employers should be most concerned. This "second level" exists whenever the employer's BQs *create adverse impact*. Once this happens, the full weight of Title VII (the 1991 Civil Rights Act) immediately applies. Unfortunately for employers, the Title VII standard is much higher. Rather than the first level (showing that the BQ is simply "relevant" to job performance), now an employer will be required to prove—using the Uniform Guidelines and other relevant standards—that the BQ is "job related and consistent with business necessity."

This has been true of BQs that have adverse impact since the Griggs v. Duke Power Company (1971) case, where the BQ of having a high school diploma had adverse impact against blacks and was not shown to be significantly related to successful job performance. When framed in 1978, the Uniform Guidelines adopted much of the Griggs standard for establishing the "job relatedness" threshold that selection procedures (including BQ screens) need to meet if they have adverse impact. And, this "job relatedness" standard has been

essentially coined "validity" ever since.

So how can employers meet the *level two* standard (showing "job relatedness" or "validity" for their BQs when they have adverse impact)? Below are some guidelines for doing just this.

Steps For Validating BQs That Are Self-Reported By Applicants

There are several various methods that can be used to validate BQs. At the heart of all *acceptable* methods is a "linkage" or some type of clear connection that traces the BQ back to essential requirements of the job, which are usually found in a job analysis that outlines the knowledges, skills, abilities, and personal characteristics (KSAPCs) of the target position. See Chapter 2 for a full discussion on conducting job analyses. Section 14C6 of the Uniform Guidelines also provides clear guidance on the type of evidence required for proving validity of BQs that are based on training or experience.

The five-step process outlined below provides steps that, when conducted in order and completely, should survive a full "job relatedness" review when employers need to justify BQs that have adverse impact. These steps are not provided to simply justify a selection procedure that has adverse impact. This is because a selection procedure that is valid is one that is *truly anchored in the actual requirements of the job*. Making sure that the actual requirements of the job and the requirements of the selection procedure is the net goal of any thorough validation process. With this said, below are the five steps suggested for validating BQs:

1. Develop a job analysis for the target position. A job analysis process results in a document that is more in-depth than most "job description" or "job

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Albemarle case findings regarding the *situational specificity* of validity by stating:

The kind of potentially Kafkaesque result, which would occur if intelligence tests were always assumed to be valid, was discussed in *Van Aken v. Young . . .*, 451 F.Supp. 448, 454 (E.D. Mich. 1982), *aff'd* 750 F.2d. 43 (6th Cir. 1984). These potential absurdities were exactly what the Supreme Court in *Griggs and Albemarle* sought to

avoid by requiring a detailed job analysis in validation studies. As a matter of law . . . validity generalization theory is totally unacceptable under the relevant case law and professional standards (*EEOC v. Atlas Paper*, 868 F.2d. at 1499).

Given the highly restrictive results in the *Atlas* case, employers will likely be hard-pressed to rely solely on VG evidence to defend their tests in court. The Guidelines currently only allow validity to be “imported” into a new

situation only when a job analysis in the “other study(s)” and the local situation show a high degree of comparability between positions, and evidence of test fairness is substantiated (Section 7B). The 5th Circuit Appellate court has accepted this type of “generalized evidence” (based on job similarity documentation) in at least two cases (*Cormier v. PPG Industries, Inc.*, 519 F.Supp. 211, (W.D. La. 1981, *aff'd* 702 F.2d 567 [5th Cir. 1983] and *Bernard v. Gulf Oil Corp.*, 890 F.2d 735 [5th Cir. 1989]).



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BQs

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specification” documents. A Uniform Guidelines style job analysis will include an analysis of job duties, KSAPCs, physical requirements, and other requirements (e.g., licenses). Job analyses should always include input from qualified Job Experts, and it is typically recommended to include at least seven Job Experts in the process (and more is helpful with positions that have more than 50 incumbents). The final job analysis should represent all KSAPCs with at least 70% agreement from job experts (e.g., “70% of job experts agree that KSAPC #4 is at least critically important”).

2. Isolate critical KSAPCs from the job analysis that are necessary on the first day on the job (i.e., before any training is provided). See the “Selection Plan” section in Chapter 2 for further details on setting apart

KSAPCs that can be included in a selection process.

3. Develop *multiple levels* (4-9) of each BQ requirement (to be reviewed and rated by job experts). This can be accomplished by working with 1-2 Job Experts, trainers, or supervisors to draft a set of BQ requirements for a similar area (i.e., education/experience, weight handling requirements, licenses, etc.) that *range in qualification* from the lowest to highest level that might possibly be required for entering the position. For example, consider the following four BQ levels for an HR Consultant position (the BQ in this example pertains to training, education, and experience—the same process can be used for other BQs, such as weight handling requirements).
 - Level 1: Must possess BA/BS in statistics, business,

psychology, or HR.

- Level 2: Must possess BA/BS in statistics, business, psychology, or HR and two years (FT/equiv.) experience in HR, personnel, or EEO field applying statistical and data analysis methods/concepts; or, Masters degree in same fields with no experience.
- Level 3: Must possess BA/BS in statistics, business, psychology, or HR and four years (FT/equiv.) experience in HR, personnel, or EEO field applying statistical and data analysis methods/concepts; or, Masters degree in same fields with two years experience; or, Doctorate degree in same fields with no experience.
- Level 4: Must possess BA/BS in statistics, business,

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psychology, or HR and six years (FT/equiv.) experience in HR, personnel, or EEO field applying statistical and data analysis methods/concepts; or, Masters degree in same fields with two years experience; or, Doctorate degree in same fields with no experience.

4. Convene a panel of seven to ten Job Experts to review and rate each draft BQ level on several factors, including:
 - a. Is the BQ based on a clear resemblance between the specific behaviors, products, and KSAPCs required on the job?
 - b. Is the BQ based on objective criteria related to actual job requirements? Job Experts should be instructed to answer “Yes” if a third-party with their employer’s technical knowledge would be able to correctly evaluate whether the applicant possesses the qualification (without more information about their employer’s judgment).
 - c. Is the BQ the *minimum* level/amount needed on the *first day* of the job (before training)?
 - d. Will the BQ be easily understood by applicants?
 - e. Is the BQ designed to differentiate whether an applicant is *minimally qualified for the job* (rather than being used to differentiate one applicant from another)?
5. Evaluate the survey results and set the BQ at a level that represents at least 70% Job Expert consensus on that level *or lower*. For example, assume 10 Job Experts rated the four

BQ levels in the example above, and their ratings came in supporting the following levels: 4, 4, 3, 3, 3, 2, 2, 1, 1, and 1 (with level 4 being the “BA plus six years” requirement). Because seven Job Experts supported setting the BQ level *at least* at “level 2” (a BA plus two years or a Master’s degree with no experience), the final BQ would be set at this level (assuming all other ratings on the suggested questions above came out with acceptable levels of agreement).

One might think...why not just develop definitive and final BQ statements and have them “blessed” by Job Experts? Developing BQs can be done this way, but only for some jobs where the requirements are very clear and highly specific. One must consider: Would Job Experts have come up with something totally different had they not be “spoon fed” the single BQ they were asked to endorse? This is one reason why presenting multiple levels is useful.

Yet another process to use for validating BQs might have Job Experts “fill in the blank” with the education and experience requirements they believe are most appropriate—such as “Applicants must possess ___ degree in ___ fields and have ___ years experience in ___ areas.” The limitation of this technique is that Job Expert’s responses cannot be compared relevant to each other because such ratings are *compound and inter-related*—one Job Expert’s rating regarding a unique combination of education and experience cannot be compared to another who might have placed more value on one area and not the other.

It is important to note that BQs can be used in sequence to further refine applicant pools to manageable levels, so long as the search criteria are established in advance.

For example, according to the Internet Applicant Recordkeeping Rule, Frequently Asked Questionsⁱⁱ:

An employer initially searches an external job database with 50,000 job seekers for 3 basic qualifications for a bi-lingual emergency room nursing supervisor job (a 4-year nursing degree, state certification as an RN, and fluency in English and Spanish). The initial screen for the first three basic qualifications narrows the pool to 10,000. The employer then adds a fourth, pre-established basic qualification, 3 years of emergency room nursing experience, and narrows the pool to 1,000. Finally, the employer adds a fifth, pre-established, basic qualification, 2 years of supervisory experience which results in a pool of 75 job seekers. Under the Internet Applicant rule, only the 75 job seekers meeting all five BQ would be Internet Applicants, assuming the other three prongs of the “Internet Applicant” definition were met.

A strategy often utilized by enforcement agencies or plaintiff groups is to look for exceptions to supposedly objective, standardized protocols as a way of attacking components within a selection process. Circumventing BQs to hire the nephew of the Executive Vice President can cause a chain reaction ultimately resulting in the downfall of the BQ screening process, and subsequently the entire selection process. In short, ensuring BQs are noncomparative, objective, and relevant to the performance of the particular position is only one piece of the equation. Applying BQs in a uniform and consistent manner can be equally important.

Lastly, since employers are only required to solicit demographic

Q & A Session: Compensation Analysis

The new compensation analysis guidelines were released by the Office of Federal Contract Compliance Programs (OFCCP) on June 16, 2006. With new guidelines come questions about what it all means, so the experts at Biddle Consulting Group, Inc. (BCG) have compiled a few frequently asked questions and answers.

Do you recommend that I begin running multiple regression right away in order to address the OFCCP Guidelines?

While BCG agrees with OFCCPs use of Multiple Regression as a tool to analyze pay, each contractor needs to consider the impact of running statistical compensation analyses on their organization. First, BCG recommends that company leadership agrees to rectify any issues uncovered once proper analyses have been completed. It is far worse to discover pay inequities and do nothing than to not conduct the analysis in the first place. Next, involve your corporate counsel and protect all analyses under Attorney Client Privilege. This will help to keep results from becoming public information (or worse, Plaintiff Exhibit One). Also, when analyzing pay, BCG highly recommends corporate counsel be involved throughout the process, particularly when it comes time to make changes to salary as a result of unexplained problem areas (if any).

What should I do if I run compensation analyses and I cannot account for differences in pay?

If thorough and complete regression analyses (that include all relevant variables) are conducted by SSEG and a file-by-file cohort review fail to justify the reasons for compensation disparities, calculate the amount needed to eliminate statistical significance in current salaries and make adjustments. However, if your

organization wishes to request the Compliance Coordination Incentive (CCI), then remunerations will need to include back-pay and interest for a 2-year period (see question 9, below).

If I cannot account for differences in pay and decide to make salary adjustments to those affected, is there anything else I need to be concerned with?

Carefully think about how/when to make salary adjustments. Adjusting one group (e.g., women) could create a problem area for another group (e.g., minorities). It's also important to discuss exactly how compensation changes will be made (e.g., lump sum, at time of performance review, as part of a market comparison study, etc.).

What if I can't figure out how to get at least 70% of my organization into a SSEG?

The requirement to cover at least 70% of your workforce in SSEGs with at least 30 total employees and five employees in each comparison group (i.e., men/women, whites/minorities) is purely a statistical desire and not one based upon the specific circumstances within your organization. BCG recommends that organizations be aggressive in creating SSEGs with sufficient sample size; however, it is not recommended that SSEGs ever include employees that are not similarly situated. It is much better to defend properly created SSEGs with insufficient sample size than it is to defend statistical problem areas in SSEGs with sufficient sample size but which contain dissimilar employees.

That said, the benefit of performing proactive compensation analyses (prior to audit) is that employers have the ability to be aggressive with their SSEGs and revise them based upon the results, if necessary. The goal is to produce

accurate analyses of similarly-situated employees with consideration being given to relevant factors that affect compensation.

If one or more of my AAPs have less than 500 employees (the minimum threshold for multiple regression . . . if my organization wishes to request the CCI), how should I analyze pay to be compliant and what will OFCCP do in the event of an audit?

While regression may be required for plans with over 500 incumbents, that does not mean that multiple regression does not apply to an AAP with less than 500 incumbents. The threshold was created with the belief that an AAP with over 500 people most likely will have sufficient sample size to yield meaningful statistical results. However, it's important to note that even a single job title with sufficient sample size could be subject to regression by the OFCCP regardless of how many employees are in the affirmative action plan. In fact, based upon our experience, most regression analyses currently argued by the OFCCP are based upon single job titles, not SSEGs.

In the compensation analysis guidelines there is mention of the variables used to explain pay in regression analyses. Which ones do I need and what if I don't have most of them?

BCG recommends that if your organization doesn't keep good records of the factors that affect employee compensation then there is no time like the present to start. Begin by identifying the factors that affect compensation and which you already store electronically within your HRIS. For the remaining factors, identify a process for collecting

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Compensation Q & A

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that information and adding it to your HRIS.

For example, two of the more relevant factors that affect compensation are education and previous experience within the industry. However, those are also two of the factors most often neglected by organizations. Remember, if your organization doesn't collect this information then it's impossible to use it to defend against claims of discrimination. Absent other job-related factors that can legitimately explain differences in compensation, the differences will appear to be related to gender and/or minority status. This is not a good situation in which to be.

Is OFCCP really going to take my compensation data and conduct multiple regression analyses or is this just a lot of hype?

The OFCCP began requesting additional data and conducting regression analyses on contractor compensation data long before the new guidelines were published. In fact, there have been many compensation audits settled by using regression over the past several years.

We expect that with the hiring of additional statisticians, the OFCCP will be even more aggressive in seeking out systemic pay issues.

I want to know exactly what the OFCCP will do when reviewing my Item #11 submission. What "red flags" are they looking for?

The answer is speculative. BCG has been involved in audits where the OFCCP utilizes a 2/30/3 theory (2% differences in average compensation impacting at least 30% of the protected members in the workforce, with the rate of impact on protected members being at least 3 times the rate of impact on non-protected employees). We have also been involved in audits where the OFCCP identified problem areas by simply using 2% differences. The reality is that the compensation guidelines are complicated and dynamic, and the OFCCP is still working toward getting their hands around the issues. As a result, it will likely take awhile for these issues to be resolved.

Do I really need to implement these

new guidelines in my organization and should we request the Compliance Coordination Incentive (CCI)?

The stated truth is that the new guidelines are voluntary. However, the reality is that the OFCCP will be using the strategies outlined in these guidelines against your organization in the event of an audit. As a result, we strongly recommend erring on the side of caution and aligning your organization's compensation analyses with the OFCCP's voluntary guidelines.

With that said, under most circumstances we stop short of recommending that employers request the CCI. Doing so will require employers to waive attorney-client privilege on all proactive compensation analyses and submit to the OFCCP all analyses, results, problem areas, supporting documentation for SSEGs, any anecdotal (non-statistical) analyses, changes to compensation when problem areas are identified, and employee-specific compensation information. Therefore, under most circumstances we do not

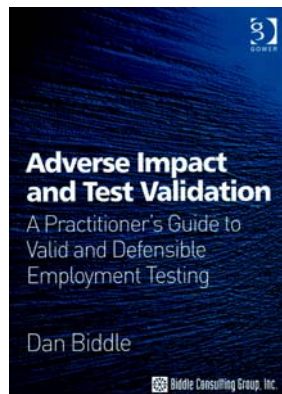
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2nd Edition Adverse Impact and Test Validation Book Debuts at the 24th Annual Industry Liaison Group National Conference

This highly pragmatic guide goes beyond the concepts, theories, and ideas behind adverse impact and test validation. It not only explains what to do, but crucially, also shows you how to do it. The second edition has been expanded to include two brand new chapters with a new Appendix and comes with new editions of the accompanying software.


The second edition of the Adverse Impact and Test Validation book by Dan Biddle, Ph.D. and special acknowledgement to chapter contributors: Patrick Nooren,

Ph.D., Stacy Bell, Jim Higgins, Ed.D., and James Kuthy.



The book contains new material on using multiple regression to evaluate pay practices and provides step-by-step instructions for using SPSS or Excel for evaluating your company's pay practices for possible inequities. New content on how to define "Internet applicants" and set up

defensible Basic Qualifications (BQs) for online recruiting will help employers insure compliance with Equal Employment Opportunity (EEO) regulations and screen in qualified applicants.

The CD included in the back cover of the book includes tools (which may be used on a trial evaluation basis) describing several of the functions described in the book, including the Adverse Impact Toolkit®, Test Validation and Analysis Program® (TVAP®), Guidelines Oriented Job Analysis® (GOJA®) Manual, and Content Validity Checklists. 

Compensation Q & A

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recommend requesting the CCI and recommend only providing employee-specific data after the OFCCP identifies specific problem areas in need of further investigation.

If I don't follow these guidelines, can I just develop a quick analysis for the sites that get audited?

It's possible that reactive analyses in the event of an audit will be sufficient to explain problem areas and address the OFCCP's requirements for yearly compensation analyses. However, organizations are required to conduct yearly compensation analyses and (for the most part) the OFCCP's voluntary guidelines outline a reasonable approach that has been supported by numerous court precedent.


It's also important to note that by conducting compensation analyses proactively (i.e., not as the result of an audit), organizations can rectify problem areas for much less time and financial expense than if the OFCCP were to identify those same problem areas. For example, if regression analyses are conducted proactively, organizations have the ability to identify specific individuals being paid less than would be expected, and the amount needed to reduce and/or eliminate that disparity. If the OFCCP identifies problem areas, their typical approach for remuneration is termed "make-whole relief" consisting of two years back-pay and interest for all impacted employees . . . which can be several times more expensive than finding and eliminating the problem areas proactively.

What does BCG recommend we do?

The OFCCP's first look at your compensation data is in the response to item #11 of the audit scheduling letter. This data includes total salary by gender/minority status, as well as a headcount in each of these aforementioned groups.

With this information the OFCCP can calculate the average salaries and compare them to each other.

BCG recommend that contractors identify all groupings in the item #11 report (the OFCCP typically uses pay grade if available) with 2.0% or greater differences in average salaries negatively impacting women and/or minorities. For each of those groups we recommend performing a preliminary regression analysis using only one or two readily-available variables (e.g., time in company, performance appraisal scores, time in job, etc.). If the differences are explained for all at-issue groups then there is no need to investigate further. If the differences persist, include additional explanatory variables and review the groupings to determine if they include only similarly situated employees. Re-define the analysis groups based upon a review of employee qualifications, skills, responsibilities, and type of work and re-run the regression analyses. If differences still persist, and all variables that impact compensation are included, and groups of similarly situated employees (SSEGs) have been created, evaluate all remaining statistically significant differences using a non-statistical cohort analysis (i.e., file-by-file comparison). Typically it requires both statistical and non-statistical analyses to adequately explain-away differences in compensation (in most cases, the OFCCP will only issue a Notice of Violation where there is both statistical **and** anecdotal evidence of discrimination). If problem areas cannot be explained away via regression as well as a non-statistical "cohort" analysis then BCG recommends identifying the amount needed to eliminate problem areas (by employee) and making adjustments to salaries.

Keep in mind, making salary adjustments is only one issue to consider, how to make those adjustments and whether they create other problem areas can be equally important. 

Compensation Info Online!

Check out www.biddle.com to get all of the information you need regarding compensation analyses.

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Topics covered include:

The Basics
Step-by-Steps
Outsourcing
Software
SSEGs
Methodology
OFCCP Compensation

You will also find documentation written by Jim Higgins', Ed.D., Senior Consultant of Biddle Consulting Group, Inc. on the following informative topics:

Introduction to Correlation

The Correlation Coefficient

Introduction to
Linear Regression

Introduction to
Multiple Regression

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2006 Events Calendar

<i>Conferences</i>	<i>Webinars</i>	<i>Training Workshops</i>
<p>Biddle Consulting Group, Inc. will be a corporate sponsor at the following conferences and will have a vendor booth at each show listed below.</p> <p style="text-align: center;">: August 5-9 : <i>NILG Conference Exhibit Booth & Workshops Phoenix, AZ</i></p> <p style="text-align: center;">: August 7-9 : <i>APCO International Conference Exhibit Booth & User's Group Orlando, FL</i></p> <p style="text-align: center;">: October 25-27 : <i>International Public Management Association (IPMA-HR) Conference Las Vegas, NV</i></p>	<p style="text-align: center;">Webinars are affordable and easily accessible seminars conducted by BCG experts via internet and conference call</p> <p style="text-align: center;">: August 31 : <i>NILG Conference Wrap-Up: Overview of Sessions Cost: \$99</i></p> <p style="text-align: center;">: September 28 : <i>Compensation Analysis: Collecting Data to Interpreting Results Cost: \$99</i></p> <p style="text-align: center;">: October 26 : <i>OFCCP Audits: Proactive Analyses to Address Problem Areas Cost: \$99</i></p>	<p style="text-align: center;">: November 14-15 : <i>AAP Methodology & Software Training Folsom, CA Cost: \$990</i></p> <p style="text-align: center;">see our website for a complete schedule of upcoming seminars and webinars in AAP and Compensation Analysis</p> <p style="text-align: center;">www.biddle.com/training.stm</p> <p style="text-align: center;"><i>Presentations</i></p> <hr style="width: 20%; margin: auto;"/> <p style="text-align: center;">: October 15-17 : <i>Speaker: Dan Biddle, Ph.D., President of Biddle Consulting Group, Inc. 2006 SWARM Conference Little Rock, AR</i></p>
<p>For more information on any of the conferences or other events listed, or to have BCG speak at your event, please call Biddle Consulting Group, Inc. toll-free at (800) 999-0438 or e-mail us at staff@biddle.com</p>		

BQs

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information from applicants, and people only become applicants once they meet *all four* prongs of the Internet applicant definition, the OFCCP realizes that it is possible for employers to evade scrutiny of their BQs by not soliciting demographic information from those deemed unqualified. Realizing this, the OFCCP has reserved to right to evaluate the impact of BQs by comparing the demographic composition of those meeting the BQs to external labor force

statistics and/or census data. According to the Internet Applicant Recordkeeping Rule, Frequently Asked Questionsⁱⁱ:

The Internet Applicant rule emphasizes that OFCCP will compare the proportion of women and minorities in the contractor's Internet Applicant pool with labor force statistics or other data on the percentage of women and minorities in the relevant labor force in order

to evaluate the impact of BQ. If there is a significant difference between these figures, OFCCP will investigate further as to whether the contractor's recruitment and hiring practices conform with E.O. 11246 standards.

¹ 41 C.F.R. § 60-1.3(4)

² Located on the Internet at: <http://www.dol.gov/esa/regs/compliance/ofccp/faqs/iappfaqs.htm>



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