EMPLOYMENT TESTING
AND TITLE VII**

1. Statements by Administrative and Judicial Agencies


Texts of the decision and order of the Hearing Examiner, the review decision of the Illinois Fair Employment Practices Commission, the order modifying the Commission’s review decision, and the opinion of the Illinois Supreme Court. These are the most important documents in this well-known case involving the use of a general intelligence test.


Presents a summary, from a variety of sources, of the opinions of personnel managers and testing experts on the proper use of tests with minority groups, as well as of the actions which have been taken by a number of leading companies. Concludes with a statement of principles upon which sound testing practices should be based.


The general guidelines set forth in this publication are based on the recommendations of a panel of psychologists. The emphasis is on relating the use of tests to job requirements and job performance as well as on viewing tests as but one factor in a “total personnel assessment system.”


A very useful study which contains discussion of ways in which tests discriminate against members of minority groups and proposed solutions

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**Items from this list should be ordered directly from the publisher. Addresses are given in connection with each reference.*
to the problem of cultural bias in tests. It also lists recommended guidelines for employers. Appendices include a chronology of the Motorola case and a selected bibliography.

2. Discussions of the Implications for Test Users


Reviews the legislative history and the legal implications of the Tower amendment to Title VII, especially with reference to "validity," "professionally developed," and "ability." Concludes by spelling out the responsibilities of psychologists in connection with the law.

Barrett, Richard S. "Gray areas in black and white testing." Harvard Business Review (Graduate School of Business Administration, Harvard University, Boston, Mass. 02163), January-February, 1968. pp. 92-95. $2.00.

Points out that neither setting lower passing scores for Negroes nor giving them a different test is likely to solve the dilemma under present fair employment practices legislation. The development of better tests is not likely to solve the problems, but other ways in which to make selection fairer include: restructuring the jobs, improving preliminary screening, using warm-up tests, and training interviewers to make decisions which correctly reflect top management policy.


Relates recent questioning of the social consequences of ability testing and of traditional test theory to the possible effects of Title VII on personnel administration. The author believes that "at its worst, Title VII can serve to solidify outmoded concepts and techniques of measurement" and that at its best, it may further the professional growth and standing of the personnel worker by requiring him to make personnel decisions "on the basis of impartial rules which are both explicit and meaningful."


The author of this article is concerned only with "inadvertent discrimination." With reference to Title VII, he points out that the basic question is whether tests are intended or used to discriminate and argues that testing specialists must "gather data to demonstrate that their tests are valid as predictors of relevant aspects of job behavior for all classes of applicants." He specifies various problems on which research is needed and suggests several research models which can be used, the limitations of which he also discusses.

In view of the EEOC guidelines and of recent court decisions, the author cautions employers to guard their right not to test, as well as to "adopt the due-process notion of reasonable action" with respect to their use of psychological tests.

Lockwood, Howard C. "Critical problems in achieving equal employment opportunity." *Personnel Psychology* (P.O. Box 6965, College Station, Durham, N.C.), Spring, 1966. pp. 3-10. $2.50.

A member of the Lockheed staff cautions that test content must be relevant to job requirements, that tests should be validated for the uses to which they are put, that employment people should select applicants who pass the minimums as well as those with top scores. He also suggests that more effort might be made to measure motivation.

3. Surveys and Recent Research Studies


A survey in fourteen states showed that allegations of discrimination by testing were infrequent and more likely to involve administrative irregularities than the tests themselves. The consensus of the FEPC administrators was "that test results should be interpreted with caution, that perhaps rigid cut-off scores . . . should be avoided, and that discrimination by testing falls well within the purview of existing laws and does not require further regulation."


This survey of thirty-five firms includes discussion of their practices in testing Negro applicants. Almost all of them reported that they were applying the same standards to Negroes as to whites, and none mentioned the use of "culture free" tests.


A report on five different studies of the validity of selection tests for predicting job performance, taking ethnic and cultural deviation factors into account. Results indicate that tests valid for one ethnic group are
not necessarily valid for another, that tests may operate unfairly against certain ethnic groups, that the moderated prediction technique may be useful in improving prediction, that training may increase predictor scores for all ethnic groups, that factor analysis is a useful approach to the measurement of cultural deprivation, and that non-verbal tests do not necessarily improve prediction. The recommended selection approach is that tests should be validated separately for each ethnic group.

*Personnel Psychology* (P.O. Box 6965, College Station, Durham, N.C.), Spring, 1966. pp. 11-39. $2.50.

F. M. Lopez, Jr., R. D. Dugan, and R. E. Krug report respectively on the selection of Negro and white toll collectors by the New York Port Authority, experience in the insurance business with graduates of southern, predominantly Negro colleges and northern college graduates, and the work of the American Institute of Research on "culture fair" tests.


Report of an investigation into the technical quality and fairness of employment methods in thirty-nine firms. The author found little evidence of research into the validity of tests, interviews, or other selection procedures, although the policies of the firms were fair. In his recommendations, he suggests that validity be adopted by administrative agencies as the criterion of fairness. Other recommendations are the development of employer seminars, encouragement of awards to recognize "affirmative action" by employers, research into vocational competence, and the publication of military research dealing with minority groups. The second section of the report describes methodology and results.


Presented at the annual meetings of the American Psychological Association in the fall of 1967, this paper reports the results of two studies made of groups including "Anglos," Negroes, and Spanish-Americans. The results indicate that Negro job applicants might be at a disadvantage "if verbal employment tests were replaced with spatially-oriented 'culture-fair' tests" and that verbal comprehension, numerical ability, and space visualization tests are equally valid for both Negroes and whites in relation to training achievement criteria. Statistical data on which these conclusions are based, are appended to the paper.

*A summary of this report appears in the March-April, 1968 issue of *Personnel Administration*, pp. 59-55.*