

EEO Certifications Institute: Adverse Impact Analysis Core Competencies and Study Guide

Legal framework/history underlying the current understanding of Adverse Impact

- Knowledge of the Civil Rights Act of 1964 as amended in 1991.
- Knowledge of Executive Order 11246.
- Knowledge of the Uniform Guidelines on Employment Selection Procedures.
- Knowledge of the enforcement role of the EEOC.
- Knowledge of the enforcement role of the OFCCP.
- Knowledge of the USSC Griggs and Hazelwood cases involving Adverse Impact.
- Ability to define the term "Adverse Impact" as it applies to assessment, selection, promotion, and termination.
- Ability to define the term "80% rule of thumb"
- Ability to define the term "Statistical Significance"
- Ability to define the term "Practical Significance"
- Ability to define the term "Available Workforce" and describe its implications when assessing Adverse Impact.
- Ability to define the term "Relevant Workforce" and describe its implications when assessing Adverse Impact.

Processes and procedures related to complying with government requirements associated with Adverse Impact

- Knowledge of the processes involved in Applicant Flow Log Reconciliation.
- Knowledge of the Internet Applicant regulations and their affect on conducting adverse impact analyses.
- Knowledge of the procedures for conducting an Availability Analysis.
- Knowledge of the procedures for conducting a Selection Rate Analysis.
- Knowledge of the procedures for conducting a Hires Analysis.
- Knowledge of the procedures for conducting an OFCCP-style Promotions Analysis.
- Knowledge of the procedures for conducting an OFCCP-style Terminations Analysis.
- Knowledge of the procedure for conducting legally-defensible RIF/Termination analyses.
- Knowledge of the difference between "fairness" and "adverse impact" (i.e., adverse impact can happen with a fair test or an unfair test).

Statistical measures of Adverse Impact

- Ability to define the statistical concept known as "Simpson's Paradox."
- Ability to define and interpret the term "Standard Deviations" as they are used to compare rates of selection, promotion, and termination.
- Ability to define and interpret the statistical methodology known as logistic regression as it relates to the determination of adverse impact.
- Ability to calculate the "80% test" (or IRA) for adverse impact.
- Knowledge of the uses of the Chi-Square test.
- Ability to interpret a Chi-Square test.
- Knowledge of the limitations of the Chi-Square test with respect to comparing hiring, promotion, and termination rates.
- Knowledge/application of the Fisher Exact Test.
- Knowledge of the issues surrounding the aggregation of multiple events (e.g., multi-year data) when comparing hiring, promotion, and termination rates.
- Ability to determine whether data are appropriate for aggregation when comparing hiring, promotion, and termination rates.
- Knowledge of when and how to conduct a Step Analysis.
- Ability to determine whether differences in recruitment, selection, or termination rates are statistically significant.
- Ability to determine whether Adverse Impact is practically significant.
- Knowledge of the conceptual underpinnings of practical significance.
- Knowledge of an Office of Federal Contract Compliance Programs "shortfall" analysis and how it is calculated and interpreted.

EEO Certifications Institute: Adverse Impact Analysis Core Competencies and Study Guide

- Ability to determine which applicant data must be kept under the Office of Federal Contract Compliance Programs Internet Applicant Regulations for conducting adverse impact analyses.
- Knowledge of how Census Data can be applied for adverse impact calculations when applicant pool data is "tainted" (i.e., a barriers analysis)
- Ability to determine when it is appropriate to combine multiple events for analysis (i.e., use and interpretation of the Breslow-Day).
- Knowledge regarding the difference between "estimator" and "exact" procedures for calculating adverse impact.
- Knowledge regarding the difference between "estimator" and "exact" procedures for calculating adverse impact and which the OFCCP primarily uses.
- Ability to apply the concept of "Requisite Skills" when determining availability data for Utilization Analyses.

- Ability to distinguish between Selection Rate Comparisons (IRAs) and Utilization Analyses.
- Knowledge of the four (4) approved methods for identifying underutilization.
- Knowledge of an applicant residence analysis for relevant labor market calculation.
- Knowledge of an employee residence analysis for relevant labor market calculation.
- Ability to apply the concept of Relevant Labor Markets for completing Utilization Analyses (e.g., using census data, feeders, factor weights, and "ad hoc factors").
- Knowledge regarding the difference between Standard Deviations and probability values (e.g., inverse relationship).
- Ability to conceptually (not mechanically) compute a Utilization Analysis given applicant pool data and Census Data.
- Knowledge regarding the difference between "overall" adverse impact and "step analyses."
- Knowledge regarding the difference between Utilization Analyses (or "availability comparisons") and "selection rate comparisons" and circumstances under which either technique can turn into "disparate impact discrimination."

USEFUL STUDY MATERIALS

- **Adverse Impact and Test Validation: A Practitioner's Guide to Valid and Defensible Employment Testing, 2nd Ed., by Dan Biddle, Ph.D.**
http://www.biddle.com/aibook2_dbiddle.stm
<http://www.amazon.com/>