

WORKFORCE HORIZONS

Planning Tomorrow's Workforce Today

Louisiana Department of Civil Service

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In This Issue:

- ✓ *Why New EEOC Guidelines on Selection Procedures are Important for Agencies – P.1*
- ✓ *Older Workers Can Be the Answer to Your Staffing Needs – P.3*

WHY NEW EEOC GUIDELINES ON SELECTION PROCEDURES ARE IMPORTANT FOR AGENCIES

Employers use a variety of selection procedures to screen applicants for hire and employees for promotion. Traditionally, Civil Service has taken on responsibility for validating and documenting the job-relatedness of selection procedures used in the classified service such as Minimum Qualifications, Civil Service written tests or other tests and evaluations of Experience and Training or E & T's. However, Civil Service has already delegated and continues to delegate more and more of the applicant screening process to agencies via online posting, direct hire agreements, QUEST, and the upcoming LACareers online application system. As this continues, more of the responsibility for making sure EEOC guidelines are met will shift to the agencies.

The EEOC defines a selection procedure as "any measure, combination of measures, or

procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques from traditional paper and pencil tests, performance tests, training programs, or probationary periods and physical, educational and work experience requirements through informal or casual interviews and unscored application forms."¹

WORKFORCE PLANNING MAXIM OF THE DAY

"The beginning of knowledge is the discovery of something we do not understand" – Frank Herbert

On May 16, 2007 the EEOC held a public meeting addressing legal issues related to Employment Testing and Screening. According to the EEOC, a number of factors have led to an increase in employment testing in recent years including:

- Large-scale adoption of online job applications motivating employers to seek efficient ways to screen large numbers of online applicants in a non-subjective way.
- Increased security concerns after the September 11, 2001 bombings

- Increased concerns about workplace violence, safety and liability

Not surprisingly, this has resulted in a record high of 304 discrimination charges filed with the EEOC in 2007 raising issues of employment testing and exclusions of applicants based on criminal background checks, credit reports, and other selection procedures.

As a result of the meeting the EEOC issued a fact sheet providing technical assistance on some common issues relating to federal anti-discrimination laws and the use of tests and other selection procedures. This fact sheet was last updated in February 2008. To access the fact sheet on the EEOC website click on [fact sheet](#).

The fact sheet includes a section on Employer Best Practices for Testing and Selection. Some of the most important requirements are:

- ✓ Employers should ensure that employment tests and other selection procedures are properly validated for the positions and purposes for which they are used. The test or selection procedure must be job-related and this job-relatedness must be documented.
- ✓ Employers should ensure that tests and selection procedures are not adopted casually by managers who know little about these processes. A test or selection procedure can be an effective management tool, but no test or selection procedure should be implemented without an understanding of its effectiveness and limitations and its appropriateness for a specific job.

- ✓ If a selection procedure screens out a protected group, the employer should determine whether there is an equally effective alternative selection procedure that has less adverse impact and, if so, adopt the alternative procedure

What does this mean for agencies?

Civil Service has already eliminated all Experience and Training Ratings. We are moving to an environment where Civil Service selection procedures will consist of a Minimum Qualification requirement of education and experience plus, in some cases, a rather minimal certifiable or hiring test score. Anyone who applies and meets the Minimum Qualifications and achieves the minimum score required on the test (if a test is required) will be appointable. This will likely be a large number of people. Agencies receiving applications in response to online postings will have to have some procedure for sorting through the applicants to decide which ones to interview. (See the January 2008 issue of *Workforce Horizons* for some suggestions)

Whatever processes are used to exclude people from further consideration or to select people to interview must meet EEOC guidelines as job related selection procedures.

When taking any action that excludes some applicants from further consideration, **it is important that agencies use procedures that are structured, job-related and as objective as possible.**

One way to make selection procedures more job-related is to do a job profile on the position to determine competencies and requirements. Civil Service offers training and assistance to Human Resources

professionals in job profiling. Although the formal “Introduction to Job Profiling” course offered in the past is not currently on the CPTP schedule, it can be offered again if there is enough demand. Meanwhile, if agencies need guidance or assistance with job profiling or making their applicant screening processes comply with EEOC guidelines, they should contact the Civil Service Staffing Division.

In any case, agency Human Resources should play a role in determining and monitoring selection procedures in order to give their hiring managers proper guidance.

¹*Uniform Guidelines on Employee Selection Procedures* adopted jointly in 1978 by the Equal Employment Opportunity Commission, the U.S. Department of Justice, the U.S. Department of Labor and the U.S. Civil Service Commission (now the Office of Personnel Management).

QUOTE OF THE DAY

Those who dare to fail miserably can achieve greatly – John F. Kennedy

OLDER WORKERS CAN BE THE ANSWER TO YOUR STAFFING NEEDS

For many reasons, including economic, more older Americans say they need or want to continue to work past traditional retirement age. Furthermore, according to the Urban Institute, a non-partisan research group based in Washington, D.C., 43% of workers now in their early 50’s can expect to change jobs before their 60’s and one in four will be laid off.

So where do older workers go? According to the Urban Institute, the majority of persons over 65 end up in retail sales. For example, Home Depot has made a nationwide effort to recruit these older workers because they find them to be loyal and dependable

compared to younger workers. According to Tim Crow, Chief Human Resources Officer for Home Depot, “This is the future workforce.”²

These older workers who are changing jobs and taking retail sales jobs can be a potentially talented applicant pool for the state. Many have extensive and valuable private sector experience. Furthermore, it is likely that state classified salaries will attract them compared to what they make in retail sales. So if you are having difficulty recruiting for a position, don’t overlook this potential source of applicants.

Another good source of older workers who have retired and have experience with the state is our own Retiree Rehire Data Base which state Human Resources professionals can access through the HR *Info* link on the Civil Service web site.

Workforce Planning Fact

Although about 12% of the classified workforce was eligible to retire during 2007, only 3% actually retired.

²“Study of Older Workers Finds they are Mostly in Retail,” *Winston-Salem Journal*, June 1, 2008

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Purpose: The purpose of the *Workforce Horizons* is to educate readers about workforce planning issues and best practices, inform them about upcoming Civil Service workshops and training related to workforce planning and to provide practical job aids to assist agencies with workforce planning.

Comments and submissions: We welcome questions about workforce planning and suggestions for improvements to the newsletter as well as submissions of articles about what your agency is doing in workforce planning. Questions, comments, and requests to be added to the distribution list for the newsletter should be sent to the editor.

Current and Back Issues may be viewed by going to the workforce planning portal of the Civil Service web page at www.civilservice.louisiana.gov