

Wonderlic, Inc.

Employment recruiting, assessment and retention solutions

Minimum Qualifications:

Risks and Returns



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General Counsel

Introduction and Overview

- A. Definitions
- B. Intent of Use
- C. Utility of Use – Case Study
- D. Minimum Qualifications Issues
- E. Obvious
- F. Case Law
- G. Recommendations and Conclusions

A. Definition - Minimum Qualification

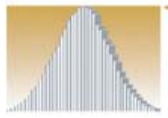
A qualification needed to perform the job at a minimum level.



B. Intent of Use - Minimum Qualifications

- ❖ Don't waste applicant's time
- ❖ Don't waste employer's time
- ❖ Shrink applicant pool
- ❖ Allow employer to focus on competitive candidates exclusively
- ❖ Save employer \$\$\$
- ❖ Decrease time to fill jobs

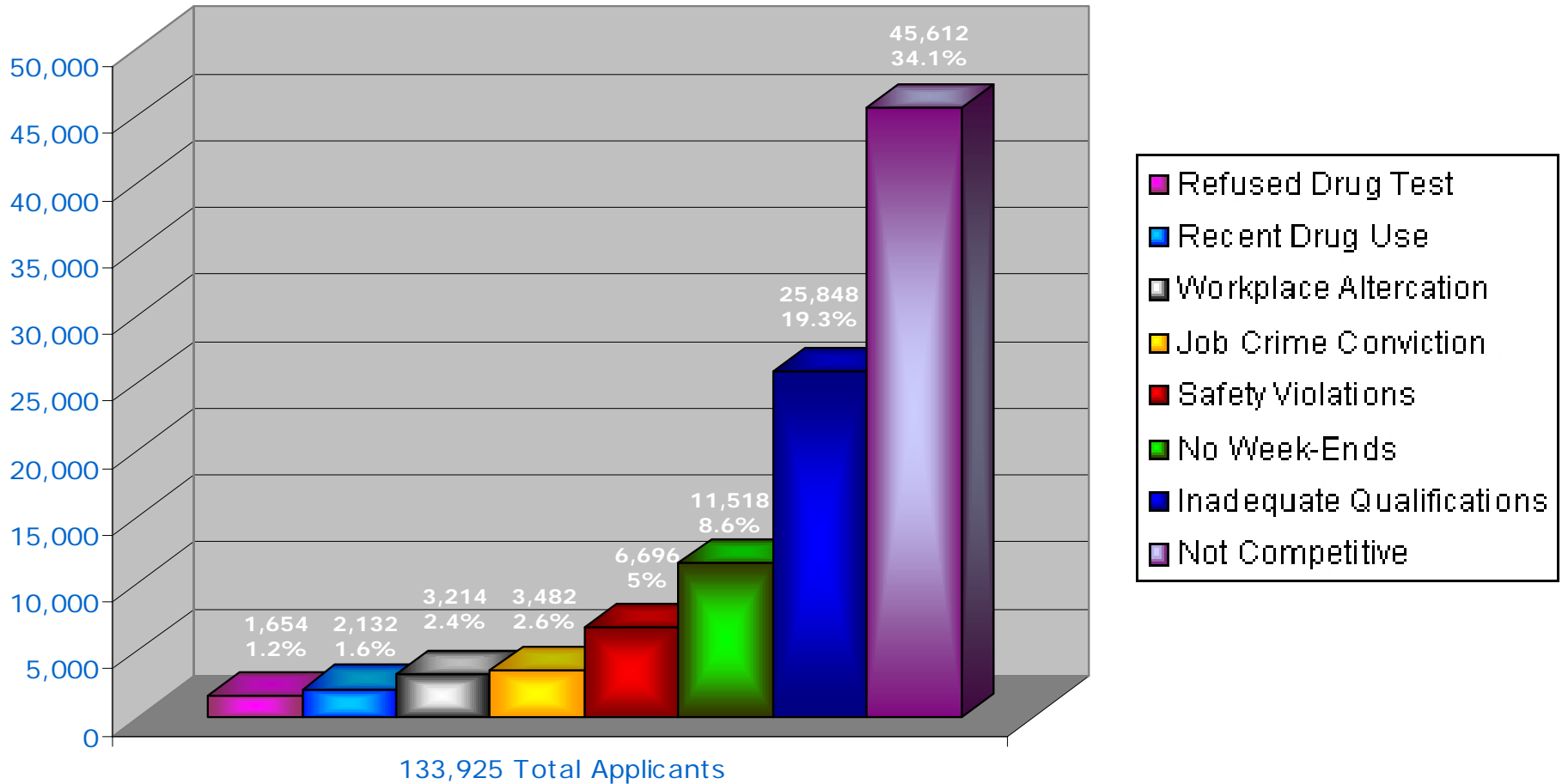




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D. Issues Associated with Minimum Qualifications

- ❖ What is the actual benefit?
- ❖ Will they have a disparate impact?
- ❖ Are they job-related?
- ❖ Are they perceived as a form of intentional discrimination?
- ❖ Do they alter the applicant pool?





E. The Obvious

- ❖ Job Analysis is imperative.
- ❖ Minimum qualifications depend on the job!!
- ❖ How would you rate the following in general?
 - High School Diploma
 - Bachelor's Degree
 - Law License
 - Coursework in Accounting, Financial Analysis and Investments



E. The Obvious cont...

- ❖ Commercial Driver's License
- ❖ 15 years of computer programming experience
- ❖ Experience in management
- ❖ Between 5'2" and 6'6"
- ❖ Must be a woman or a man

F. Case Law

- ❖ *Griggs v. Duke Power Co.*,
401 U.S. 424 (1971).
Minimum Qualification:
High School Diploma
Disparate impact based on race
- ❖ *Dothard v. Rawlinson*,
433 U.S. 321 (1977).
Minimum Qualification:
Height and Weight
Disparate impact based on sex



F. Case Law cont...

- ❖ *Boyd v. Ozark Airlines, Inc.*,
568 F2d 50 (8th Cir. 1977).
Minimum Qualification:
Height

Disparate impact based on sex

- ❖ *Richardson v. Lamar County Board of Education*, 729 F. Supp 806 (M.D. Ala. 1989).
Minimum Qualification:
Alabama Initial Teacher Certification Test

Disparate impact based on race



F. Case Law cont...

- ❖ *Grant v. Bethlehem Steel*,
635 F2d 1018 (2d Cir. 1980)
Disparate impact based on race
Minimum Qualification:
 Prior Supervisory
 Experience

Disparate impact based on sex
- ❖ *Walker v. Jefferson County*
Home, 726 F2d 1554 (11th Cir. 1984).
Minimum Qualification:
 Prior Supervisory
 Experience

Disparate impact based on race



F. Case Law cont...

- ❖ *Chrisner v. Complete Auto Transit, Inc.*, 645 F2d 1251 (6th Cir. 1981).

Minimum Qualifications:
Prior Experience

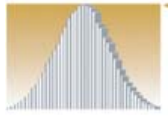
Disparate impact based on sex

- ❖ *Bailey v. Southeastern Area JAC*, 561 F. Supp. 895 (ND W. Va. 1983).

Minimum Qualifications:
Prior Experience

Disparate impact based on sex





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F. Case Law cont...

❖ *Kilgo v. Bowman Transp., Inc.*,
789 F2d 859 (11th Cir. 1986).

Minimum Qualifications:

Prior Experience

Disparate impact based on sex

❖ *Davis v. Richmond, Fredricksburg & Potomac Railroad Co.*,
803 F2d 1322 (4th Cir. 1986).

Minimum Qualifications:

Prior Experience

Disparate impact based on sex



F. Case Law cont...

❖ *Spurlock v. United Airlines, Inc.*,
475 F2d 216 (10th Cir. 1972)

Minimum Qualifications:

Prior Experience

Disparate impact based on race



G. Recommendations and Conclusions

- ❖ Actual Benefit
- ❖ Well Documented Job Analysis
- ❖ Job-related
- ❖ Minimize Disparate Impact
- ❖ Communicate Basis for Minimum Qualifications



Questions?



Thank You for Attending

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