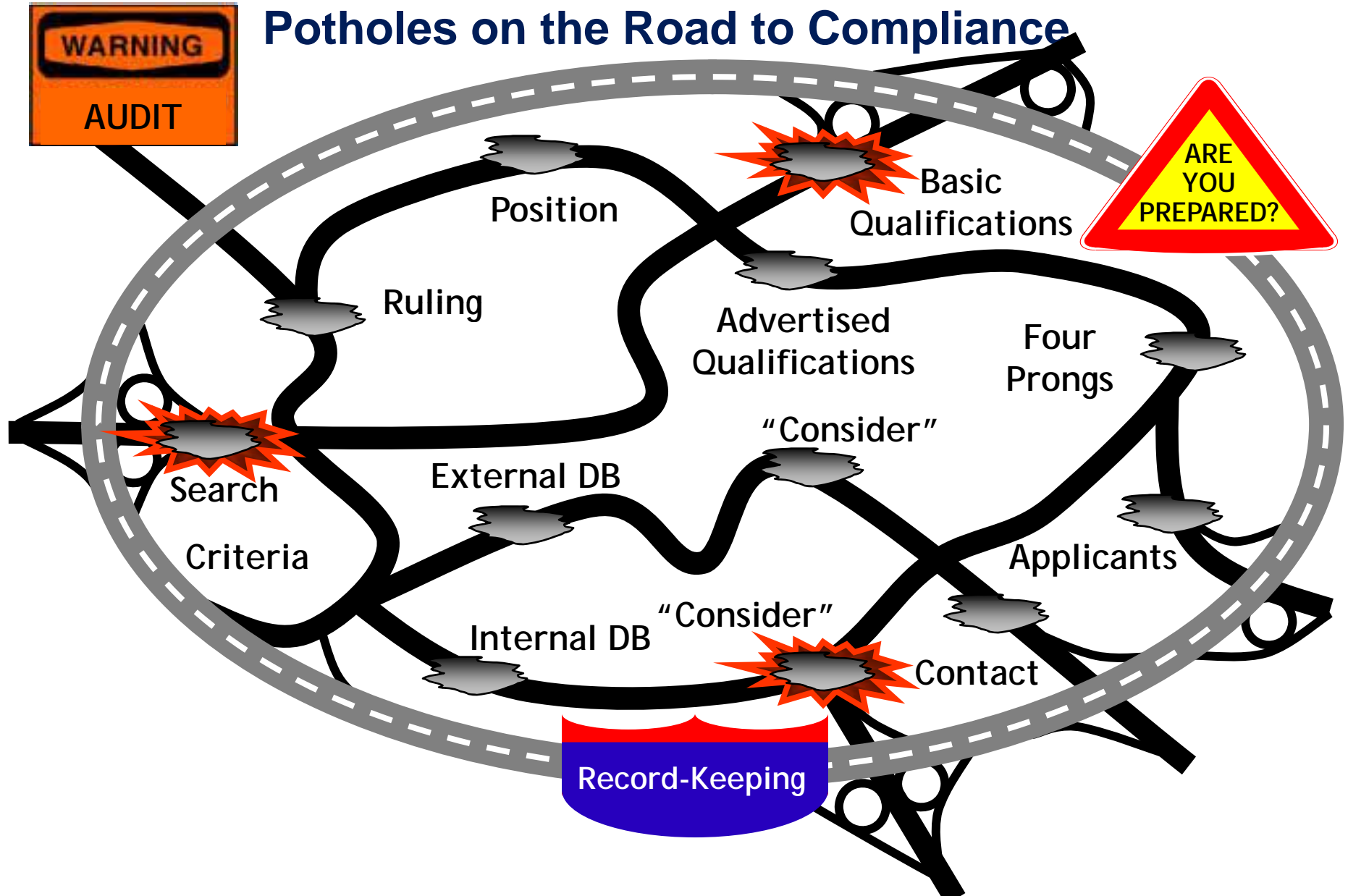


# **Potholes on the Road to Internet Applicant Compliance**

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# Definition of an Internet Applicant – Potholes on the Road to Compliance



## Overview

- Review: Definition of an internet applicant regulations
- How do you properly establish and advertise “basic qualifications” for a position? How do you evaluate indications of interest for basic qualifications?
- During an audit, could I produce all required records?
- How can I evaluate my vulnerability to claims of recruiting and hiring discrimination?

## OFCCP's Final Rule

1. The individual submits an expression of interest in employment through the Internet or related electronic data technologies.
2. The contractor considers the individual for employment in a particular position.
3. The individual's expression of interest indicates the individual possesses the basic qualifications for the position.
4. The individual at no point in the contractor's selection process prior to receiving an offer of employment from the contractor, removes himself or herself from further consideration or otherwise indicates that he or she is no longer interested in the position.

## Record-keeping

- Two year retention
- Applicant flow
- Data for adverse impact analysis
  - Impact of selection practices on applicants
  - Impact of selection tests on all test-takers
- Basic qualifications for all positions

## Record-keeping

- Record of all indications of interest 'considered' by the employer for a particular position
- Data Management Techniques
- Job seekers contacted about interest in a position

## Record-keeping

- **Internal Resume / Candidate Databases**
  - Each resume / candidate added to database
  - Date that resume / candidate was added
  - Search criteria
  - Search date
  - Position for which each search of database was conducted
  
- **External Resume / Candidate Databases**
  - All resumes / candidates that meet basic qualifications
  - Search criteria
  - Search date

## Basic Qualifications: Criteria

- Non-comparative
  - 5 years of experience NOT most experience
  
- Objective
  - Engineering degree NOT graduated from a good school
  - 5 years as a manager NOT management skills
  
- Related to Performance in the Job



## Basic Qualifications

- Examples
  - Minimum education
  - Minimum experience
  - Certifications
  - Be careful with equivalencies
  
- **Not** Basic Qualifications
  - **Most** experienced
  - **'Strong'** educational background
  - **Personality** traits such as sociable, dedicated, conscientious
  - **Motivation** traits such as hard-working, willing to go the extra mile, not afraid of challenges

## QUESTIONS

- Is a basic qualification a minimum qualification?
- Does a basic qualification describe a person who can do a 'barely acceptable job?'
- Can a basic qualification be listed as Preferred or Desired?

## Basic Qualifications: How to Establish

- Methods to Establish Basic Qualifications for a Position
  - Direct link to job posting or description
  - Subject matter experts
  - Analysis of incumbents
  - HRIS system
  - Focus Groups
  - Surveys
  - Incorporate into existing requisition approval process

## BQ Checklist

- Designate a specific area of the job description / requisition description / job posting to list the basic qualifications for a position.
- Check that all basic qualifications are non-comparative, objective and job-related.
- ‘Knowledge of ... ‘ and ‘Skill in ... ‘ are not basic qualifications. Types and amounts of education, certification, training, and experience are basic qualifications.
- Don’t use the word ‘preferred’ or ‘desired’ when listing basic qualifications. These words may raise questions about whether they are necessary for the job. Use preferred or desired for qualifications other than basic qualifications, such as those that you will evaluate once you have a pool of applicants.
- Make sure that incumbents meet the basic qualifications.

## Advertising Basic Qualifications: Example

**Position Title:** Senior Systems Engineer

The Senior Systems Engineer is primarily responsible for assisting in the management, administration, maintenance, and support of the production data center environment. Other responsibilities include, but are not limited to, installation and configuration of hardware, operating systems, and in-house developed applications in support of the production data center.

The Senior Systems Engineer reports to the Manager of Systems Engineering. Internally, this position has frequent communication with the Data Center Operations/Systems Engineering, Development, QA, Implementation, and Client Services Teams. Externally, this position has occasional contact with customers, suppliers, and vendors.

## Advertising Basic Qualifications: Example

### Basic Qualifications

- A minimum of 5 years of experience as a systems engineer in a networked Linux/Unix environment with some experience with Windows 2000/2003 environment
- 5 years experience with Microsoft Internet Information Services and SQL
- BS or BA in computer science, mathematics, engineering, information systems, or business

## Advertising Basic Qualifications: Example

### Preferred Qualifications

- Experience in high-volume 24x7 Internet Web Services / ASP software services environment strongly preferred
- Strong analytical and troubleshooting skills
- Advanced knowledge of TCP/IP, SAN, system security, and network routing / switching experience are highly desired
- Knowledge of Java development methodology and deployment strategies including J2EE, XML, Weblogic, Struts, Servlets, JSP

## Advertising Basic Qualifications: Example

### Work Preferences

- 30% travel required
- Position is located in Raleigh, NC. No relocation assistance
- Requires overtime in evenings and on weekend up to 20 hours in a week on a quarterly basis



# Methods to Evaluate BQs: Manual Review

## LISA D. GRANT HARPE

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 Work: Two Hannover Square Raleigh, NC 27601 (919)645-2975  
 E-mail: lisa.harpe@peopleclick.com

### EDUCATION

North Carolina State University, Raleigh, NC.  
 Doctor of Philosophy in Psychology, December, 1996.  
 Master of Science in Psychology, November, 1993.

Wake Forest University, Winston-Salem, NC.  
 Bachelors in Psychology, December 1990.

### WORK EXPERIENCE

Professional Consultant, Industrial Psychologist. Peopleclick, formerly PRI Associates. Raleigh, NC, May 2000 - .

Provide statistical and technical services to organizations regarding hiring, performance appraisal, promotion, and other Human Resource systems. Work with attorneys and employers involved in employment discrimination cases and Office of Federal Contract Compliance Program (OFCCP) audits. Identify legal issues and methodology to conduct statistical analyses using SAS, Codewright, and Excel to evaluate claims of race or gender discrimination in regard to hiring, promotion, and compensation. Report findings to clients via meetings, discussions and written reports. Evaluate expert reports and studies. Prepare clients for depositions. Provide internal consultation to Peopleclick clients implementing a web-based applicant tracking system. Assist management team and software developers with requirements for recruiting and hiring software products. Make presentations to employers, attorneys, and industry liaison groups on technical and legal topics.

Industrial Psychologist. North Carolina Highway Patrol, Raleigh, NC, September 1996 - May 2000.

Develop position as first Industrial Psychologist for the North Carolina Highway Patrol. Develop, implement, monitor, and evaluate all programs associated with Promotion, Performance Appraisal, and Hiring systems for organization of 1,200 officers. Set up and work with officer advisory groups to develop and evaluate hiring and promotion systems. Develop performance appraisal forms and training for Supervisors. Develop promotional tests, including assessment center exercises. Apply results of validation study to the development of a new Trooper Hiring system. Establish databases and scoring systems using SAS and Excel. Disseminate information and findings to Highway Patrol Management, Field and Staff Officers, State and Federal Authorities, and other law enforcement agencies in U.S. through technical reports, presentations, and workshops. Develop and analyze surveys, and produce reports on findings. Plan and implement a comprehensive study of the Highway Patrol Civilian Compensation system, including the use of Common Metric System software to analyze the jobs of 300 non-uniformed personnel. Supervise graduate students and interns.

Co-Principal Investigator and Project Coordinator for Trooper Selection System project. North Carolina State University, Raleigh, NC, January 1996 - 1998.

Identify model of Trooper performance for validation study. Conduct large-scale validation study to develop

# Methods to Evaluate BQs: Searching

The screenshot displays the 'Candidate Search' section of the Peopleclick application. The navigation bar includes 'My Peopleclick', 'Requisitions', 'Candidates', 'Job Postings', and 'Candidate Search'. The search interface is divided into two main sections: 'With ANY of the words' and 'Boolean Search (advanced)'. The first section contains a text input field with the word 'education'. The second section contains a text input field with the text 'chemical OR biomedical'. At the bottom of the page, there is a 'Reset Criteria' button, a 'Return' dropdown menu set to '25', the text 'results per page.', and a 'Run Search' button.

My Peopleclick | Requisitions | Candidates | Job Postings | Candidate Search

SEARCH | DETAILED SEARCH

**With ANY of the words**

education

**Boolean Search (advanced)**

chemical OR biomedical

Reset Criteria      Return 25 results per page.      Run Search

# Evaluating BQs: Questionnaires



**2. What is the highest level of education you have completed?**

- A. High School Diploma/G.E.D.
- B. Bachelor's Degree
- C. Master's Degree
- D. Graduate/Post-graduate Degree (e.g., Master's, Doctorate)

**3. List your area(s) of education specialization/major, if applicable.**

- A.

**4. How many years of professional work experience do you have?**

- A. None
- B. 1-2 years
- C. 3-5 years
- D. 6-9 years
- E. 10 or more years

**5. Please list any licenses or certifications you currently have.**

Basic Qualifications

## **Audit Readiness: Search Logs**

- Date of Search
- Position for which the Search is Conducted
- Search Criteria
- Result of Search (not necessarily the search results)

# Search Log – Summary Report

**Requisition:** 31989 - Account Manager

**Date Last Run:** 02/22/06 11:04 PM


Time Stamp	User Name	Search Criteria	Candidate ID	Candidate Name	Src. Req ID	Src. Folder	Dst. Req ID	Dst. Folder
02/10/2006 1:44:49 PM	Tom Smith	(Sort Field=Rank [ascending=False])AND(Candidates to Search=ALL)AND(Profile Type=DEFAULT)AND (Profiles=all )AND(Candidate Application Locale=ALL)AND(With ANY of the words=marketing) AND(Search Text In Resumes=True)					31989	
02/10/2006 1:45:25 PM	Tom Smith	(Sort Field=Rank [ascending=False])AND(Candidates to Search=ALL)AND(Profile Type=DEFAULT)AND (Profiles=all )AND(Candidate Application Locale=ALL)AND(With ANY of the words=marketing) AND(Search Text In Resumes=True)AND(Business Unit=US)					31989	
02/10/2006 1:46:30 PM	Tom Smith	(Sort Field=Created On [ascending=False])AND (Candidates to Search=ALL)AND(Profile Type=DEFAULT)AND(Profiles=all )AND(Candidate Application Locale=ALL)AND(With ANY of the words=marketing, MBA)AND(Search Text In Resumes=True)AND(Business Unit=US)					31989	
02/10/2006 1:55:54 PM	Tom Smith		563207	James Stewart	31989	Sourced - External	31989	Sourced - External
02/10/2006 2:00:25 PM	Tom Smith		571684	Stanley Webb	31989	Sourced - External	31989	Sourced - External
02/10/2006 2:01:29 PM	Tom Smith		570197	Danielle Black	31989	Sourced - External	31989	Sourced - External
02/10/2006 2:05:58 PM	Tom Smith		520954	Elton Brand	31989	Sourced - External	31989	Sourced - External
02/10/2006 2:10:17 PM	Tom Smith	(Sort Field=Rank [ascending=False])AND(Candidates to Search=ALL)AND(Profile Type=DEFAULT)AND (Profiles=all )AND(Candidate Application Locale=ALL)AND(With ANY of the words=marketing, MBA)AND(Search Text In Resumes=True)AND (Business Unit=US)					31989	
02/10/2006 2:25:56 PM	Tom Smith		512666	Steve Stevens	30022	Offer Declined	31989	Candidate Review

## Search Log – Summary Report











(Sort Field=Rank [ascending=False])AND(Candidates to Search=ALL)AND(Profile Type=DEFAULT)AND(Profiles=all )AND(Candidate Application Locale=ALL)AND(With ANY of the words=marketing)AND(Search Text In Resumes=True)AND(Business Unit=US)
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
(Sort Field=Created On [ascending=False])AND(Candidates to Search=ALL)AND(Profile Type=DEFAULT)AND(Profiles=all )AND(Candidate Application Locale=ALL)AND(With ANY of the words=marketing, MBA)AND(Search Text In Resumes=True)AND(Business Unit=US)
--

# Search Results

Search Summary 

1 to 15 of 15 results [1]

									
	Last Modified On	Created On	Last Name/Family Name	First/Given Name	Candidate Pool	Shift Prefer			
<input checked="" type="checkbox"/>	2006-01-06 14:44:12	2006-01-06 14:25:42	Test	Manual	External				
<input checked="" type="checkbox"/>	2006-01-05 15:43:29	2006-01-05 15:43:29	Test	External	External				
<input checked="" type="checkbox"/>	2006-01-05 09:29:04	2006-01-05 09:29:04	Wood	Jamie	External				
<input checked="" type="checkbox"/>	2006-01-05 08:14:16	2006-01-05 08:14:16	Wood	Jamie	External				
<input checked="" type="checkbox"/>	2006-01-04 13:10:16	2005-12-29 14:08:20	Doe	John	External				
<input checked="" type="checkbox"/>	2006-01-06 14:22:18	2005-11-11 13:56:59	Candidate1	MM-Test	External				
<input checked="" type="checkbox"/>	2005-11-07 14:08:07	2005-11-07 14:07:54	Tester	Lynda	External				
<input checked="" type="checkbox"/>	2005-12-28 13:46:57	2005-11-07 13:52:38	Tester	Jose	Internal				
<input checked="" type="checkbox"/>	2005-11-04	2005-11-04							

 Internet

## Searches that do not need to be logged

- Training
- Talent pipeline
- Research – e.g., to identify the best search terms for BQs



## Assessing Vulnerability

- Have you evaluated your recruiting methods for adverse impact?
  - Does your applicant pool mirror the available qualified workforce?
  - Are you using recruiting sources that somehow limit the gender and racial composition of your applicant pool?

## Example: Applicant to Census

Obs	RACE	IPMAAC_TITLE	TOJOBGRP	R_JOBLOCATION	WEIGHTED_MINORITY
1	B	Business Analyst	4A	Miami, FL	21.6%
2	W	Business Analyst	4A	Miami, FL	21.6%
3	N	Business Analyst	4A	Miami, FL	21.6%
4	W	Business Analyst	4A	Miami, FL	21.6%
566	A	Software Engineer	3A	Houston, TX	28.7%
567	U	Software Engineer	3A	Houston, TX	28.7%
568	W	Software Engineer	3A	Houston, TX	28.7%
569	A	Software Engineer	3A	Houston, TX	28.7%
798	A	Financial Analyst	2B	Atlanta, GA	22.4%
799	A	Financial Analyst	2B	Atlanta, GA	22.4%
800	A	Financial Analyst	2B	Atlanta, GA	22.4%
801	A	Financial Analyst	2B	Atlanta, GA	22.4%
122	W	Sales Representative	4B	Miami, FL	29.8%
123	W	Sales Representative	4B	Miami, FL	29.8%
124	W	Sales Representative	4B	Miami, FL	29.8%
125	W	Sales Representative	4B	Miami, FL	29.8%

## Example: Applicant to Census

†1

<u>JobLocation</u>	Job Title	<u>Jobgrp</u>	Total Apps	Min Apps	Total Apps in Calcs	Min App in Calcs	Expected Min	Diff	Var	# of Std Devs	CC Diff	CC Std Devs
Atlanta, GA	Financial Analyst	2B	18	1	18	1	1.56	-0.56	1.43	-0.47	-0.06	-0.05
Atlanta, GA	Software Engineer	3A	372	66	372	66	82.79	-16.79	64.37	-2.09	-16.29	-2.03
Chicago, IL	Business Analyst	4A	70	35	70	35	39.90	-4.90	17.16	-1.18	-4.40	-1.06
Chicago, IL	Financial Analyst	2B	628	219	628	219	197.39	21.61	135.35	1.86	21.11	1.81
Chicago, IL	<u>Sr Business Analyst</u>	4A	76	17	76	17	32.09	-15.09	18.54	-3.50	-14.59	-3.39
Houston, TX	Financial Analyst	2B	37	5	.	.	.	.	.	.	.	.
Houston, TX	Sales Representative	4B	156	25	156	25	40.56	-15.56	30.01	-2.84	-15.06	-2.75
Houston, TX	Software Engineer	3A	156	27	156	27	34.72	-7.72	26.99	-1.49	-7.22	-1.39
Houston, TX	<u>Sr Business Analyst</u>	4A	101	15	101	15	24.90	-9.90	18.76	-2.28	-9.40	-2.17

## Example: Applicant to Census

JobLocation	Total Apps	Min Apps	Total Apps in Calcs	Min Apps in Calcs	Expected Min	Diff	Var	# of Std Devs	CC Diff	CC Std Devs
Atlanta, GA	390	67	390	67	84.35	-17.35	65.79	-2.14	-16.85	-2.08
Chicago, IL	774	271	774	271	269.39	1.61	171.05	0.12	1.11	0.09
Houston, TX	450	72	413	67	100.17	-33.17	75.76	-3.81	-32.67	-3.75
Miami, FL	610	142	610	142	166.61	-24.61	115.91	-2.29	-24.11	-2.24

## Example: Applicant to Census

Job Title	Total Apps	Min Apps	Total Apps in Calcs	Min Apps in Calcs	Expected Min	Diff	Var	# of Std Devs	CC Diff	CC Std Devs
<b>Business Analyst</b>	187	77	187	77	94.00	-17.00	46.24	-2.50	-16.50	-2.43
<b>Financial Analyst</b>	683	225	646	220	198.96	21.04	136.78	1.80	20.54	1.76
<b>Marketing Professional</b>	140	32	140	32	31.82	0.18	24.59	0.04	0.00	0.00
<b>Sales Representative</b>	180	27	180	27	46.47	-19.47	34.47	-3.32	-18.97	-3.23
<b>Software Engineer</b>	528	93	528	93	117.51	-24.51	91.36	-2.56	-24.01	-2.51
<b>Sr Business Analyst</b>	506	98	506	98	131.76	-33.76	95.08	-3.46	-33.26	-3.41

## Example: Applicant to Census

Total Selected	min Selected	Total Sel in Calcs	min Sel in Calcs	Expected min	Diff	Variance	# of Std Devs	CC Diff	CC Std Devs
2224	552	2187	547	620.53	-73.53	428.52	-3.55	-73.03	-3.53

## Example: Applicant to Census by Recruiting Source

### Advertisements

Total Selected	min Selected	Total Sel in Calcs	min Sel in Calcs	Expected min	Diff	Variance	# of Std Devs	CC Diff	CC Std Devs
31	10	30	10	9.68	0.32	6.36	0.13	0.00	0.00

### College Recruiting

Total Selected	min Selected	Total Sel in Calcs	min Sel in Calcs	Expected min	Diff	Variance	# of Std Devs	CC Diff	CC Std Devs
409	114	402	112	115.76	-3.76	80.45	-0.42	-3.26	-0.36

## Example: Applicant to Census by Recruiting Source

### Referral

Total Selected	min Selected	Total Sel in Calcs	min Sel in Calcs	Expected min	Diff	Variance	# of Std Devs	CC Diff	CC Std Devs
186	57	184	57	53.83	3.17	37.04	0.52	2.67	0.44

### Internet

Total Selected	min Selected	Total Sel in Calcs	min Sel in Calcs	Expected min	Diff	Variance	# of Std Devs	CC Diff	CC Std Devs
1318	297	1301	295	365.84	-70.84	252.03	-4.46	-70.34	-4.43



## Best Practices – Assessing Vulnerability

- Have you analyzed your selection practices for any adverse impact on Internet Applicants?
  - Overall
  - At each step in the hiring process

## Best Practices: Applicant Tracking

- Dispositions (*i.e.*, reasons for not being hired)
  - EVERYONE gets one
  - Exclusions from applicant pool
    - Who is ineligible for consideration
    - Who withdrew
    - Who does not meet BQs
  - Who went into each step, who passed each step, who failed each step, who withdrew at each step

## Example: Hires to Census

### STEPS

- 1 Qualification Review
- 2 Written Test
- 3 Interview
- 4.1 Offer - Passes the Background
- 4.2 Accept Offer

### DISPOSITION CODES

NE	Does not meet eligibility criteria
NBQ	Does not meet BQs
FT	Failed Written Test
NST	Did not show up for Test
FI	Failed Interview
NSI	Did not show up for Interview
FBC	Failed background check
RO	Rejected Offer
WD	Withdrew from process
AO	Accepted Offer / Hired

## Adverse Impact Analysis: Applicant to Hire

Total Pool	min in Pool	Non-min in Pool	Total in Calcs	min in Calcs	% min	Total Selected	min Selected	Non-min Selected
1174	110	1064	1174	110	9.37	341	15	326

Expected min	Diff	Variance	Raw Std Devs	CC Diff	CC Std Devs
31.95	-16.95	20.56	-3.74	-16.45	-3.63

## Adverse Impact: Applicant to Offer

Total Pool	min in Pool	Non-min in Pool	% min	Total Selected	min Selected	Non-min Selected
1206	113	1093	9.37	373	18	355

Expected min	Diff	Variance	Raw Std Devs	CC Diff	CC Std Devs
34.95	-16.95	21.90	-3.62	-16.45	-3.52

## Best Practices: Applicant Tracking

- Dispositions (*i.e.*, reasons for not being hired)
  - EVERYONE gets one
  - Exclusions from applicant pool
    - Who is ineligible for consideration
    - Who withdrew
    - Who does not meet BQs
  - Who went into each step, who passed each step, who failed each step, who withdrew at each step

## Steps Analysis: Hypergeometric Model

STEP_NAME	Total Pool	min in Pool	Non-min in Pool	% min	Total Selected	min Selected	Non-min Selected
1 Application Review	1310	122	1188	9.31	1187	101	1086
3 Interview	804	57	747	7.09	490	24	466
4.2 Accept Offer	458	21	437	4.59	341	15	326

STEP_NAME	Expected min	Diff	Variance	Raw Std Devs	CC Diff	CC Std Devs
1 Application Review	110.55	-9.55	9.42	-3.11	-9.05	-2.95
3 Interview	34.74	-10.74	12.62	-3.02	-10.24	-2.88
4.2 Accept Offer	15.64	-0.64	3.82	-0.33	-0.14	-0.07

## Steps Analysis: Binomial Model

STEP_NAME	Total Pool	min in Pool	Non-min in Calcs	% min	Total Selected	min Selected	Non-min Selected
2 Written test	1128	99	1029	8.78	849	64	785
4.1 Offer - Pass Background	490	24	466	4.90	373	18	355

STEP_NAME	Expected min	DIFF	Variance	# Std. Dev	CC Diff	CC Std. Dev
2 Written test	74.51	-10.51	16.81	-2.56	-10.01	-2.44
4.1 Offer - Pass Background	18.27	-0.27	4.15	-0.13	0.00	0.00



***Please contact us with questions or comments***

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## Questions?

