

WHAT'S UNIQUE ABOUT CODESP'S UPCOMING JOB ANALYSIS TOOLS?

CHECK LIST FORMAT

The **CODESP Job Analysis Questionnaire** provides school and college districts with an easy-to-use format to collect the information needed to update or create new job descriptions. The new CODESP format replaces many of the complicated and narrative areas typically found in other job analysis questionnaires with user-friendly checklists.

USERS CAN CUSTOMIZE THE JOB ANALYSIS QUESTIONNIARE

Not all of the categories and/or choices included in the **CODESP Job Analysis Questionnaire** are necessary for every job family or position. As a result the questionnaire can be shortened by removing categories or choices from the form that are not relevant to particular job families. For example, a contractor's license choice would not be required on a clerical job family questionnaire. The more job related and abbreviated the form, the more likely it will be completed by SMEs.

LINKS TASKS TO KNOWLEDGE SKILLS & ABILITIES

The CODESP Job Analysis Questionnaire is a valuable HR tool used to gather job information such as knowledge, skills and abilities (KSAs). Once this data is collected it guides users in linking this information directly to the tasks identified in the Questionnaire as being essential. Linking the minimum job requirements to the actual job tasks performed is necessary to establish job-relatedness and to meet legal mandates.

WORKING CONDITIONS, PHYSICAL ABILITIES & MENTAL ABILITIES INCLUDED

The CODESP Job Analysis Questionnaire also provides checklists so that users can easily gather information to define the working conditions, physical abilities and mental abilities necessary to perform the job. This data is vital to doctors when decisions regarding ADA accommodation, Workers Compensation return-to-work, and fitness-for-duty examinations need to be made. Glossaries are also available for Competencies, Working Conditions, Physical Abilities and Mental Abilities to assist users as they complete the steps.

MED-TOX HEALTH SERVICES

NEW WEB SITE*

MED-TOX Health Services has launched a new web page that describes services specifically designed for school districts. The new website is located at www.schools-hr.com. The website describes services that are of special interest to human resource and risk managers.

Among the special services described are transportability studies for strength tests for selecting custodians, maintenance workers, food service workers, instructional aids, bus drivers, bus mechanics, warehouse workers and groundsworkers.

Another unique service MED-TOX provides is physician consultants to conduct a review of a school district's current medical screening program for new hires. Often school districts expend thousands of dollars a year on these programs but seldom conduct a quality assurance review to ensure that the physician is performing the appropriate medical tests, properly documenting the functional abilities (or pre-existing conditions) of new hires, maintaining medical records in accordance with state law, or collecting all of the information necessary to advise the employer. Audits of the occupational medical function can ensure that scarce resources are directed toward those groups where there is the greatest opportunity for injury reduction and health promotion

The website describes the various types of analysis and services MED-TOX can perform for school districts including ADA compliance, job description review, physical ability testing, and program evaluation to ensure cost-effectiveness. See excerpt from website on Page 3.

*This announcement is for information only. CODESP does not endorse individual vendors.

BUILDER CONTINUED FROM PAGE 1

PRE-POPULATED SCHOOL DISTRICT RELATED CHOICES

The **CODESP Job Description Builder** was created specifically for school district and community college use and contains pre-populated choices by generic job title and job family. Users have three options. They can select from the pre-populated choices provided in the Job Summary, Representative Duties, Knowledge and Abilities categories, edit the choices provided, or add their own district-specific information.

USERS CAN CUSTOMIZE THE JOB DESCRIPTION

Once the **CODESP Job Analysis Questionnaire** has been completed the data can be entered into the **CODESP Job Description Builder** located on the CODESP website. The final Job Description produced by the Builder will be in an editable format allowing users to modify the information once the process is complete. The job title can be changed to match the district's title and the job description can be saved and printed from user's work stations.

SAVE the DATE! October 12 - 14, 2007

California School Personnel Commissioners Association Northern California Conference Siena Hotel Reno, Nevada

INTENTS TO JOIN or CONTINUE CODESP MEMBERSHIP

Please return your Intents to Join or Continue CODESP Membership as soon as possible. Invoices for the next program year are available on our website at www.codesp.com. Click on the Blue toolbar on Resources and scroll down to Membership Documents.

New districts should register on our website, email us at tests@codesp.com or give us a call at (714) 374-8644.

MEDICAL REVIEW QUESTIONS FROM MED-TOX WEBSITE:

Some medical reviews focus on a review of medical records and physician notes and tests conducted during the examination. Often these records can provide a great deal of insight into the quality of the examination process. Issues such as:

- Did the physician conduct a proper documentation of the candidate's health status prior to appointment?
- Were there red flags on the medical history that may have warranted further investigation such as a recent workers' compensation claim with another employer?
- Did the laboratory results have findings that should have prompted action by the employer's physician?
- Are appropriate medical standards being applied from DOT or other standard-setting organization?
- Were appropriate record reviews conducted?
- Did the medical history form contain the important component parts including a work history, social history, hazards history, family history, immunization record.
- Were individuals "passed" through the medical examination process with significant limitations that precluded successful performance when placed on the job?

CODESP TRAINING

WWW.CODESP.COM click on EVENTS

CODESP Job Analysis Tools

CODESP staff will present a Job Analysis workshop which will also introduce their new Job Analysis Questionnaire and CODESP Job Description Builder

Los Angeles County Office of Education

Downey

Thursday, June 21, 2007 9:00 a.m. - 12:00

Tehama Department of Education

Red Bluff

Thursday, June 28, 2007 10:00 a.m. - 12:00

This class will be repeated at several locations. Check Events Often.

To: Register

If you are a CATS User log-in and click on Events and then Register Now! A card will appear. "me" in the sample card below is the <u>person logged on</u> to CATS. Check by looking at who is logged in under the Resources tool bar. By putting a check in the box, the person who is logged-in (should be you) will be registered. The small box to the right contains names of <u>other</u> CATS Users at your district. Click on their names to register them also.

Non-CATS Users must <u>not</u> be logged on to register. Click on <u>Events</u> and <u>Register Now!</u> Complete the information on the form that appears at the <u>bottom</u> of the web page and click on <u>Register</u>.

Registration Card	
20 seat(s) available	
Yes, register me for this event.	
I want to register the following users from my organization:	M Test Stephanie '
Register Reset	

DISPARATE IMPACT IN EMPLOYMENT TESTING

EEOC vs. THE DIAL CORPORATION

On May 16, 2007 the EEOC held a meeting about Employment Testing and Screening. The lead EEOC attorney in the Dial case illustrates the dangers of using persons unfamiliar with test construction and the federal rules regarding employment discrimination. In this case, an occupational therapist and a plant nurse designed a test for Dial workers. No validation study was performed and the test was found to be discriminatory on the basis of gender. It is important that persons who design tests be expert in the EEOC, APA, and SIOP guidelines for developing a test. The lead attorney's full statement to the EEOC is printed below:

The U.S. Equal Employment Opportunity Commission: Meeting of May 16, 2007 - Employment Testing and Screening

Statement of Jean P. Kamp, Associate Regional Attorney

Madam Chair, Madam Vice-Chair, Commissioners, Ladies and Gentlemen:

I have been asked to provide testimony to you concerning the EEOC's lawsuit against The Dial Corporation, which resulted in a final judgment of approximately 3.6 million dollars for 53 women who were rejected for entry level production jobs because of a strength test.

The case began with Paula Liles, who is also here to testify today. She had worked through a temporary agency at Dial's meat packing plant, which manufactures Armour Star and other sausage brands in Fort Madison, Iowa.

She had seen the men and women who worked in what was called the smokehouse. It was unquestionably a physically demanding job. Workers would carry 35 pound rods of sausage links between a moving conveyer and a processing table and place the rods into notches from 33 to approximately 65 inches above the floor level, on a continuous basis for an eight hour shift. Defense testimony at trial was that the ability to repeatedly lift 35 pounds to 65 inches is strongly correlated with gender; while some 90% of men are able to do so; only 10% of women can do so.

Ms. Liles knew that she could do it. She applied, and successfully went through Dial's several step application process. She was offered the entry level production job, subject to a physical exam. However, during the time that Ms. Liles was applying, in early 2000, Dial added another component to the process: applicants were required to complete a physical ability test, called the work tolerance screen.

The test, which had been developed by the plant nurse and an occupational therapist at a local community hospital, looked like the job. Applicants were required to lift a bar with 35 pounds of weights off a table, carry it ten feet and place it on a wooden frame at a height of 35 inches, lift and carry it back to the table, immediately lift and carry it back to the frame and place it at a height of 67 inches, then lift and carry it back to the table again. Applicants were instructed to repeat this cycle "at their own pace" continuously for seven minutes. An occupational therapist recorded the number of cycles completed and comments on the applicant's body mechanics and signs of fatigue.

Paula Liles took the test in May, 2000. She completed the seven minutes, and the form was marked as "pass." The comments noted "Lifting up over her head was difficult because of her height." Her job offer was withdrawn for failing the test, as were those of thirteen of the other 22 women who took the test at that time.

Continued on page 6

EEOC Case Continued from page 5

Over the next four years, approximately 97% of the men who took the test passed it and were hired. Approximately 62% of the women who took the test failed it, and had their conditional job offer withdrawn. As a result, only 15% of total hires were women. This compared to 46% of hires being female in the three years before the test was implemented.

The case was tried in federal district court in Des Moines in August, 2004, by the Milwaukee Office with me and Brian Tyndall leading EEOC's trial team. In addition to ten of the rejected women who testified, much of the evidence was from competing experts. Dial argued that the test could be validated (although it had not been prior to EEOC's discrimination finding), both because it was like the job ("content validity") and because it resulted in fewer injuries ("criterion validity").

EEOC's evidence was that the test was, in fact, considerably more difficult than the job, and that the reduction in injuries actually occurred after 1998, two years before the test was implemented, most likely because of improved training and introduction of better job rotation procedures. For me, the case raised some profound issues about sex stereotyping. Perhaps the most overwhelming evidence supporting the EEOC's claim that the test was not justified by business necessity was the fact that women had performed the job without problems for years before the test was implemented. Whatever the test was screening, which was correlated with being female, was obviously not correlated with job performance, since women were able to do the job; they were just unable to pass the test. Dial assumed that women were more likely than men to be injured, until confronted at trial with their own numbers which showed no difference in injury rates between men and women either before or after the test.

I think the conclusion is obvious, and that it applies in more situations that this one. The fact that most women do not have the upper body strength to perform the smokehouse jobs at Dial is simply irrelevant. The individual women who applied for, and successfully completed the application process at Dial, were among the minority of women who do have such upper body strength. It should have been apparent to Dial (and was, prior to implementation of the test) that women whose job histories included heavy lifting, like men with similar job histories, were qualified for the job.

No one ever questioned why so many women were failing the test. They thought they knew the answer, because the applicants were female and women are not as strong as men. We were happy that this conclusion was rejected by the jury and by the court, who determined that the test was eliminating individual women who had the strength to perform the job successfully. The decision of the Eighth Circuit court of appeals affirming those judgments may be found at 469 F.3d 735.

Thank you very much for your consideration of this important issue. I hope that the Commission will continue to bring cases like this one where the stereotyping may be subtle and perhaps only partially conscious but has the effect of eliminating job opportunities for women like Paula Liles, because of their sex.