### Assessment Council News (ACN)

### **Presidential Message**

By Deborah Whetzel, President

Hi IPAC members!! Welcome to our second edition of the 2013 Assessment Council News! As you can see below, we've been busy on a number of fronts.

### Wicked awesome cool website:

OUR NEW LOOK! Have you seen our website lately? Take a look at <a href="https://www.lPACweb.org">www.lPACweb.org</a>. Many thanks to **Bill Waldron** who gave us a new look and put the website on our new platform!

#### IPAC 2013 Conference: Get to the Heart of Assessment

Registration for the 2013 conference is now open! Please register before June 24, 2013 to get the advanced rates. The conference is shaping up to be an excellent opportunity for students and assessment professionals to network with each other and to learn about best practices. We have a terrific slate of keynote speakers, pre-conference workshops, concurrent sessions, and social events designed to encourage a wide variety of learning experiences.

As you can tell from our website, we've been really busy modernizing our look and we've been working on bringing you a terrific conference in July.

### Pre-conference Workshops:

- ½ day am, Jeff Feuquay, John Weiner, and Keith Pyburn, Balancing Legal Trends and Organizational Goals/Values in the Use of Personnel Assessment
- ½ day pm, Jennifer Hurd and Max Cote, Communicating the Value of Assessment and Selection
- 1 day, Matisha Montgomery and Rebecca Fraser, Developing and Conducting Structured Interviews
- 1 day, Line St. Pierre and Anne Holloway-Lundy, Developing a Competency Model "101": An Applied Perspective.

#### Keynote Speakers:

- Monday, July 22, 9-10, Paul Sackett, "Some things to know about group mean differences, adverse impact, fairness, and predictive bias"
- Monday, July 22, 3:30-4:30, Fritz Drasgow, "Predicting Performance with a Computerized Adaptive Personality Assessment"
- Tuesday, July 23, 9-10, Nancy Tippins, "Using Technology in Personnel Assessment"
- Tuesday, July 23, 3:30-4:30, Doug Reynolds, "Data-Driven Talent Management: Using assessment and technology to run better organizations"
- Wednesday, July 24, 10:30-11:30, Michael Zickar, "Social Media and Personnel Selection: The Good, the Bad, and the Ugly"



### May 2013

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#### Award nominations:

- Thanks to Dennis Joiner for coordinating submissions for the Bemis Award and to those of you who submitted nominations!
- Thanks to Lee Friedman for soliciting papers for the Student Paper Competition!
- For the Innovations in Assessment Award nominations please send your nomination forms to warren@allaboutperformance.biz due May 12, 2013.

#### Volunteers needed:

- After several decades of service to IPMAAC and IPAC, Bill Waldron is stepping down as our ECN committee chair
  and we are looking for someone who is interested in taking on the task of maintaining our website and keeping it up
  to date. If you'd like more information, please contact Bill Waldron at <a href="mailto:elecommet@ipacweb.org">elecommet@ipacweb.org</a> or Michael Blair
  (President-Elect) at <a href="mailto:Michael.Blair@sprint.com">Michael.Blair@sprint.com</a>.
- Would you like to serve on the ACN editorial team? To learn more, please contact our IPAC-ACN editor, John Ford at johnf@us.net for more information.

### **IPAC-List**

Thanks for all your contributions to the IPAC-List. This is one of the services that IPAC provides that our members really use and appreciate. Not only are we able to ask important questions regarding assessment, but lots of knowledgeable people provide useful responses!! Recent endorsements of our listserv include:

- The IPAC listserv provides for me an opportunity to freely interact with you, the consultants, in areas that are very
  important to the fire service. I have found no other source group to which I could turn with my questions, in which I
  could quickly receive feedback and opinion. I hold a great respect for this group, and I hope to see it continue.—
  Richard Arwood
- Probably the single most useful professional forum I am part of.—Steve Partain
- I have found the IPAC-list to be a very valuable source especially for us dinosaurs who don't use LinkedIn :)—
   Michael G. Aamodt
- Although I am usually a silent reader, please keep the IPAC-List, I fully enjoyed it.--T.R. Lin



# Determining the Causes of Your Employee Survey Results Using Big Data: Correlation≠Causation (and Causation≠Correlation)

By Jeffrey M. Cucina, U.S. Customs and Border Protection

Over the past decade, there has been an explosion in the number of publicly-reported employee satisfaction surveys. Since 2003, the Partnership for Public Service's Best Places to Work program has been using employee survey results to rank Federal Government agencies (<a href="http://bestplacestowork.org">http://bestplacestowork.org</a>). IPAC's international members may be aware of similar efforts that have been taking place in the private sector. Since 2000, Aon Hewitt's Best Employers program has used employee survey results to rank companies in Australia and New Zealand (<a href="https://ceplb03.hewitt.com/bestemployers/anz/pages/index.htm">https://ceplb03.hewitt.com/bestemployers/anz/pages/index.htm</a>). In the United Kingdom, employers have been ranked using the Best Companies list since 2001 (<a href="https://www.bestcompanies.co.uk/">https://www.bestcompanies.co.uk/</a>).

Anyone perusing these rank-ordered lists will eventually ask two questions. First, why do some organizations have higher employee survey results than other organizations? Second, what actions can an organization take to move up the list? These are difficult questions to answer, and I do not think it can be answered using survey data alone. Unfortunately, with the recent trends of "transparency," "employee engagement," and "big data," the results and raw data for surveys are increasingly available to people who do not have the training to understand the purpose and limits of statistical analyses. Oftentimes one of our stakeholders may try to analyze the data themselves and uncover the "root causes" of an organization's survey results using correlational analyses.

Recently, I was personally involved in a project where a well-respected stakeholder analyzed a dataset of employee engagement survey responses in order to identify the underlying causes of an organization's results. This is commonly known as survey key driver analysis, which I have discussed elsewhere (Cucina et al., 2011, 2012, 2013). When I pointed out that correlation≠causation, I was told that modern statistical methods, such as causal modeling, are able to identify cause-and-effect relationship in employee survey data. I have also noticed in the press and various public service trade magazines, that organizations are relying more and more on "big data" when making decisions, often relying on correlation coefficients. In this article, I will describe some of my thoughts about why correlation \u2224causation, why causation≠correlation, and why mathematics test scores are correlated with the planet Neptune.

I remember learning in my first psychology course that correlation≠causation. When I started studying psychology (back in 1994) a rather controversial book had been published which the press and the general public widely interpreted as suggesting that "IQ" causes various outcomes in life. There were numerous rebuttals, many noting that just because IQ is correlated with variable *y* that does not mean that IQ causes *y*. I include a few of the more lively and insightful comments about correlation≠causation from this debate and some others that I have seen over the years in Table 1. Unfortunately, nearly 20 years later it seems that society still falls into the correlation=causation trap, especially when interpreting employee survey research.

When explaining correlation≠causation to stakeholders, I think it is important to make a distinction between correlational studies and correlation coefficients. In my view, a correlational study is a research study where the variables are observed and not manipulated by a researcher—these studies are also referred to as observational studies. In an experimental study, a researcher manipulates the variables, allowing us to say (with reasonable confidence) that the researcher is able to change variable y by changing variable x, implying that the changes in x cause changes in y. For example, a researcher might randomly assign employees to telecommute 0, 1, 2, 3, or 5 days a week and then measure their job satisfaction. This experiment provides evidence as to whether or not telecommuting causes improvements in job satisfaction.

With an observational study, none of the variables are manipulated and causation cannot be inferred. Suppose a data analyst pulled employee records and only observed that employees who telecommuted had higher job satisfaction ratings. I mention this because *Nextgov* (Ballenstedt, 2012) and the *Washington Post* (Rein, 2012) reported a positive correlation between teleworking and job satisfaction using publicly available data from the Federal Government's Federal Employee Viewpoint Survey. Although *Nextgov* stated that telework was "having a positive impact," we do not know if telecommuting causes increases in job satisfaction, or vice versa, because the results are based on an observational study, not an experimental study.

Quote	Source
"Inferring causality from nonrandomized designs is a risky enterprise."	Wilkinson et al. (1999, p. 600)
"It is sometimes thought that correlation does not prove causation but 'causal modeling' doesThe use of complicated causal-modeling software rarely yields any results that have any interpretation as causal effects."	Wilkinson et al. (1999, p. 600)
"To prove causality we must resort to a true experiment, which means that the experimenter (rather than the natural circumstances) must randomly vary $x$ and observe the correlated effect on $y$ ."	Jensen (1980) Page 193
"Unfortunately, much of the raw material found in nature that we wish to subject to scientific study cannot be experimentally manipulated – to do so may be practically unfeasible or it may be morally objectionable."	Jensen (1980) Page 193
"In a correlational studythe relationshipmay be a <i>coincidence</i> For example, there is a relationship between the number of toilets in a neighborhood and the number of crimes committed in that neighborhood: the more toilets, the more crime. Should we conclude that indoor plumbing causes crime? Of course not! Crime tends to occur more frequently in large cities, especially in crowded neighborhoods.	Hieman (2002, p. 161).
"If correlation research is so limited as to cause and effect, then why do we bother? The reason is that correlational research can yield better-than-chance predictions. If two events are correlated, then a knowledge of one of those events allows a researcher to predict the occurrence of the other, regardless of what might have caused what."	Sprinthall (2006; p. 281-282)
"[this is an] example often used by psychologist David Schroeder. Suppose there is a correlation of +.80 between the number of ice cream cones sold in New York during August and the number of babies that die during August in India. Does eating ice cream kill babies in another nation? No, that would not make sense. Instead, we look for that third variable that would explain our high correlation. In this case, the answer is clearly the summer heat."	Aamodt (2010, p. 29)
"Mullins [1986] pointed out that data show a strong negative correlation between the number of cows per square mile and the crime rate. With his tongue firmly planted in his cheek, Mullins suggested that New York City could rid itself of crime by importing millions of heads of cattle. Of course, the real interpretation for the negative correlation is that crime is greater in urban areas than in rural areas."	Aamodt (2010, p. 29)
"One can make an airtight case for causal relationship among variables only by showing that manipulation of some of them is followed inexorably by change in others when all other variables are controlled."	Tabachnick & Fidell 2001 (p.115)
"SEM has developed a bad reputation in some circles, in part because of the use ofthe term <i>causal modeling</i> to refer to structural equation modeling. There is nothing causal, in the sense of inferring causality, about the use of SEM. Attributing causality is a design issue, not a statistical issue."	Tabachnick & Fidell 2001 (p. 659)
"Psychologist and statistician Rand Wilcox of USC concurred: 'Correlation doesn't tell you anything about causation. But it's a mistake that even researchers make."	Cole (1995, p. 1)
"But mathematicians like Stanford's Olkin take a more skeptical view of what it means to control for anything. 'It's a bad term because it can mean many different things,' he said. 'It can help you predict, but it doesn't help you determine causality.' Knowing who goes to church in a community, he said, can help predict who gets burglarizedbecause 'people who go to church frequently leave their (home)	Cole (1995, p. 2)
"Even if the statisticians could somehow unweave this web, 'it's still just glorified correlation,' Paulos	Cole (1995, p. 2)
"mathematician William Fleishman of Villanova UniversityEvery correlation, he said, should come with an automatic disclaimer. 'There's a big logical fallacy here. What you need is a mechanism. But the numbers can be oh so seductive'"	Cole (1995, p. 3)

Table 1. Correlation≠Causation

(Continued from page 3)

In fact, it is logically incorrect to assume that teleworking causes increases in job satisfaction using an observational study. If we apply the principles of logic-based measurement (Colberg, 1985; Colberg, Nester, & Northrop, 1989, Colberg, Nester, & Trattner, 1985, Munoz-Colberg, 1977; Simpson &Nester, 2003, 2006) to this study, then we can write the following statement: "If telework causes increased job satisfaction, then teleworkers will have higher job satisfaction." This statement follows the format "if p then q." However, if we conclude "q therefore p" or "teleworkers have higher job satisfaction therefore, telework causes increased job satisfaction" we are "affirming the consequent" which is a logical fallacy. In other words, there could be other reasons why teleworkers have higher job satisfaction. For example, we do not know if a third variable (e.g., having a "nice" boss) causes both job satisfaction and permission to telecommute.

Note that for both types of studies, someone analyzing the data would use the same type of data analyses. They would compute the correlation between the telecommuting and job satisfaction. If we used an experimental design, then a significant correlation coefficient would imply causation. However, if we used an observational design, then the correlation coefficient does not imply causation. I think this distinction is important when it comes to causal modeling (which is also referred to as path analysis, confirmatory path analysis, and structural equation modeling). A data analyst can use causal modeling in an experimental study and infer causation since the design of their study was experimental. In contrast, taking an observational study and conducting causal modeling does not change the underlying nature of the data from observational to experimental. In other words, despite the name, one cannot use causal modeling as a wand to magically convert a correlational study into one that shows causation. At its very heart, causal modeling is just another form of correlation coefficients, except that it attempts to correct for measurement error and to control for other variables when determining if two variables are correlated.

Another counterargument that I have encountered is that if two variables are highly correlated and you can directly change one of them, then the other variable will change as well. Suppose that I found the average job satisfaction in my company correlated .7 with the company's stock price. It follows that if I can increase job satisfaction in my company then the stock price will also increase since they are highly correlated, correct? Not necessarily. To illustrate, I computed the correlation between the average  $9^{th}$  grade scores on the Mathematics section of the NAEP and the distance between Earth and Neptune from 1973 to 2008. The correlation is .93! Yes, .93 (p < .001); I explain my calculations in the Appendix. Basically, the far-

ther Neptune is from the Earth, the better 9<sup>th</sup> graders do on the NAEP Mathematics section. Does this mean that if we stop educating children on math, then Neptune will change course? If we build a Death Star and use it to destroy Neptune, will NAEP scores go through the roof? I think not.

Another rebuttal to correlation≠causation that I have heard is that if you control for all other variables, then you can conclude that variable x causes variable y. My concern is that it is impossible to measure every conceivable variable in any one study. Even if you could compile psychology's equivalent of Physics' God particle, a "God dataset," with every possible variable for all of the individuals in your study, you would still run into a statistical issue. When the ratio (n:k) of the number of cases (n) to the number of variables (k) is small, regression analyses become uninterpretable (Cohen & Cohen, 1983; Schmitt & Ployhart, 1999). In fact, conducting a regression analysis with *n* cases and *n*-1 variables gives a multiple correlation coefficient (R) of 1.0, even when the data are entirely randomly generated. For most research guestions, there are an endless number of variables that could be collected and computed for each individual.

The last rebuttal to correlation #causation that I will discuss is the evidence (or lack thereof) of causation in longitudinal observational studies. I do not think that observational studies that are longitudinal in nature can demonstrate causation. Even when x and y are separated by time we cannot rule out the possibility that a third variable, z, is causing both x and y. For example, the finding that job satisfaction at time 1 correlates with revenue at time 2 does not necessarily mean that job satisfaction causes revenue. It could be the case that market conditions at time 1 cause both job satisfaction and the initiation of new sources of revenue for the company, which in turn causes revenue at time 2. If I learn that my company's main competitor is likely to go out of business in the next year, then I might feel happier working for my company now, and my company may wind up having higher revenue next year.

Given that correlation≠causation, how should we interpret the criterion-related validity of employment tests? We know that (a) many types of employment tests correlate with training and job performance (see Schmidt & Hunter, 1998); (b) many employers use employment tests; and (c) correlation≠causation. I do not see these facts as being in conflict or there being a flaw in argument for the use of employment tests. Although correlation is not helpful for establishing causation, it can be very helpful for prediction. When hiring applicants using a valid test, we are only using the fact that the test correlates with performance to determine which applicants to hire. We do not need proof of causality to do this. A significant correlation

(Continued from page 5)

tells us that individuals who score higher on an employment test tend to be better performers on the job or in training and thus are worthy of being selected. Other fields (e.g., the insurance industry, organizations that need to determine which cases to audit) use correlation for prediction, rather than for inferring causation.

I have heard some people suggest that although correlation does not imply causation, a lack of correlation implies a lack of causation. I disagree, and I provide seven reasons why a lack of correlation does not imply a lack of causation. First, Jensen (1980, p. 193) notes that "a causal correlation between x and y could be statistically suppressed or obscured because of a negative correlation of x with a third variable z that is positively correlated with y...a suppressor variable..." Second, a lack of statistical power could reduce a causal correlation to zero in a particular study. Cohen (1992) describes statistical power in the context of experimental and observational studies. It could be possible that x causes y, but that a data analyst has not collected enough data to show this relationship. Third, range restriction could limit the ability of a statistical analysis to identify causation. If almost all of the individuals in our dataset have the same value of x or of y, we will not find a correlation between x and y, even though x may cause y. To give an extreme example, suppose that I found the correlation between being vaccinated or not vaccinated against measles (coded as 0 or 1) and whether or not a student in a particular school district has measles is zero. This does not mean that being vaccinated against measles fails to cause resistance to measles. The most likely explanation for my zero correlation is that almost all of the students were vaccinated and that almost none of them have measles. If I did a controlled experiment in a setting where measles were present, then I would likely find a much higher correlation than zero. The same situation can occur with surveys. Suppose that 99.9% of the employees in an organization attend a training event and we correlate training attendance with job satisfaction. Due to range restriction, we may obtain correlation of zero, even if the training does in reality cause increased job satisfaction.

Fourth, the reliability and construct validity of the variables in a dataset can also negatively impact correlation coefficients. It could be possible that *x* causes *y* but that I am using a very inaccurate measure of *x* or *y*, which reduces the correlation to zero. For example, suppose that I conducted an experiment and I randomly assigned employees to either a "nice" supervisor or a "mean" supervisor and measured their job satisfaction using a poorly written one-item question. It could be possible that the employees assigned to the "nice" supervisor do have much higher job satisfaction but that my measure of job satisfaction is so inadequate that I find no statistically sig-

nificant results.

Fifth, if the relationship between x and y is not linear (i.e., it does not represent a straight line), it is possible to obtain a correlation of zero when in fact x entirely causes y. To illustrate this, I conducted a very small Monte Carlo simulation. I randomly generated values for x for 10,000 cases (using the NORMAL function in SPSS). Then, I computed values for y using this equation:  $y = x^2$ . Finally, I obtained the correlations. The correlation between x and y was about zero (r = .061, p = .114, n = 10,000); however, when I correlated  $x^2$  and y it was 1.000 (p <.001; n = 10,000). Although this is an extreme example, it illustrates how we can overlook the relationship between x and y if we do not think carefully about how x and y might be related.

Sixth, an interaction or moderating effect is occurring: a variable (x) might have a cause and effect relationship with another variable (y) but yield a correlation of zero due to the moderating effects of a third variable (z). To illustrate. I conducted another analysis in my small Monte Carlo simulation. I divided the data into two groups, each with 5,000 cases. In the first group, I made z equal to -1 for all cases and in the second group, I made z to equal to +1. Next, I computed a new y variable as follows: y = z $\times$  x. This means that in the first group,  $y = -1 \times x$  and in the second group  $y = +1 \times x$ . When I analyze the data separately for groups 1 and 2, it is -1.000 (p < .001; n =5,000) and +1.000 (p < .001; n = 5,000), respectively. However, when all 10,000 cases are used, the correlation between x and y is -.009 (p = .378; n = 10,000). Thus, if I ignored the moderating effects of z, I would have concluded that there is no relationship at all between x and y and that it would be impossible for x to cause y or vice versa. I think the possible role of moderators is especially important when we correlate employee survey results with outcomes (e.g., revenue, profit, earnings per share, turnover) that might be impacted by external factors (e.g., market conditions, unemployment rates).

Seventh, the violation of any assumptions about clean data and the general linear model can negatively impact correlation coefficients. Problems such as outliers (e.g., a value that is out of range), missing data (esp. if the data are not missing at random), or incorrectly coded data could reduce the magnitude of a correlation coefficient.

In closing, I will note that the correlation≠causation issue is not new and that it may never completely go away. With all of the "big data" that is now available on employee surveys, it is very easy to repeat this mistake. We should, however, avoid allowing our stakeholders to assume correlation implies causation (and vice versa) when reporting the results of our data analyses.

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#### **Appendix**

I computed the correlation between 9th grade NAEP Mathematics scores and the distance between the Earth and Neptune using publicly available data from the U.S. Department of Education and the National Aeronautics and Space Administration (NASA). The NAEP is a large standardized test that is administered for research purposes to a representative sample of students across the United States. Rampey, Dion, and Donahue (2009, p. 3) provide the NAEP Mathematics scores for various years from 1973 to 2008. I chose Neptune because from 1979 to 1999, it was the 9<sup>th</sup> closest planet to the Earth (Phillips, 1999) and the other data came from 9<sup>th</sup> graders. The Jet Propulsion Laboratory of NASA has a web-based system that can provide the distance between the Earth and other planets, which can be found at http://ssd.jpl.nasa.gov/ horizons.cgi. For distance, I used the variable "1way LT," or "one-way down-leg light time from target center to observer" which is the amount of time it would take for a beam of light to travel from Neptune to Earth in minutes. The values I found are reported below. Using

SPSS, I found that the Pearson correlation between the NAEP scores and the distance to Neptune was .927 (p < .001, n = 11). Since I had less than 30 cases, I also obtained the nonparametric correlation, which is Spearman's rho ( $\rho$ ), and found a correlation of .986 (p < .001, n = 11).

So, what is going on here? It turns out that NAEP Mathematics scores have generally increased over time since the NAEP was first given in 1973, which is consistent with the Flynn (2012) effect. The correlation between NAEP scores and calendar year is .963. It also turns out that Neptune orbits the Sun every 165 years (see Pasachoff, 2006) and for part of that time it orbits in such a way that it gets farther from Earth and for the other part of the time it gets closer to Earth. It is has been getting farther ever since the NAEP was first administered, and the correlation of calendar year and the distance between Neptune and Earth is .987. Thus, one possible reason why NAEP scores are correlated with the distance to Neptune is that both of them have been increasing over time.

Year	NAEP Math	Distance to Neptune
1973	219	249.726202
1978	219	251.064077
1982	219	252.20183
1986	222	253.220538
1990	230	254.098798
1992	230	254.481151
1994	231	254.986845
1996	231	255.329715
1999	232	255.896045
2004	239	256.442567
2008	243	256.90091

**Note:** The views expressed in this article are those of the author and do not necessarily reflect the views of the U.S. Customs and Border Protection or the U.S. Federal Government. The author would like to thank J. Anthony Bayless, Robert W. Simpson, Kathy Stewart, and Chihwei Su for their valuable comments and suggestions on this article.

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## We Have a Winner of the 2013 James C. Johnson Student Paper Competition!

IPAC offers its annual James C. Johnson Student Paper Competition to recognize the contributions of students in the field of personnel assessment.

This year's winner is Rachel Klein for her paper entitled "Cognitive Predictors and Age-based Adverse Impact among Business Executives." Her paper will be presented at IPAC's 2013 Conference on July 21—24 in Columbus, Ohio.

Rachael is a Ph.D. candidate in Industrial/Organizational Psychology at the University of Minnesota and an advisee of Deniz S. Ones (degree expected 2014). She is a graduate of Carleton College (BA, magna cum laude, psychology). Her research focuses on measuring and promoting environmental sustainability within organizations, personnel selection and decision-making, leadership, and motivation. Rachael's research has been supported by a National Science Foundation (NSF) Graduate Research Fellowship and a University of Minnesota Graduate School Fellowship.

Rachael has presented over 25 competitively refereed papers and posters at professional conferences and has authored a chapter in the SIOP professional practice volume Managing Human Resources for Environmental Sustainability (2012). She has also been a reviewer for the Journal of Organizational Behavior, and has served on a SIOP planning committee and the board of her local I/O professional organization, Minnesota Professionals for Psychology Applied to Work (MPPAW). Upon graduation, she hopes to pursue an applied I/O career that incorporates evidence-based practice and an opportunity to conduct applied research.





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### **LEGAL WATCH**

### By Ryan O'Leary, PDRI a CEB Company

I would like to extend a heartfelt thank you to Richard Townowski. He has written insightful articles and has kept the PTC-MW and IPAC communities informed about important legislation, court cases, and other relevant legal developments. Rich did all of this working mostly on his own. As such, he has earned a well-deserved break and will be moving out of this role. What follows represents a transition column as we move from Rich's leadership. It highlights some developments since the last column and project what we anticipate seeing in the future.

### **EECO Still Contemplating Kaplan**

In 2010, the Equal Employment Opportunity Commission (EEOC) filed lawsuits against a handful of employers for allegedly violating Title VII by relying on criminal and credit records. This included the Kaplan Higher Education Corporation (EEOC v. Kaplan Higher Education Corp.). At issue was whether or not Kaplan's use of pre-employment credit checks had an unlawful disparate impact on protected class members. The EEOC asserted that rejecting applicants based on credit histories had a disparate impact on African-American applicants without being job relevant. The defense challenged the EEOC's report detailing adverse impact. Kaplan's motions argued that: (1) the EEOC failed to identify a particular employment practice that caused the purported adverse impact, (2) the EEOC analvses failed to consider other factors impacting disparate impact analyses, (3) the EEOC's expert opinion failed to meet federal standards for reliable testimony, and (4) the use of credit history information was job related and consistent with business necessity.

In January of this year, the district court granted summary judgment in favor of Kaplan. Kaplan did not collect race information for each applicant. To determine the race of the applicants at issue, the EEOC used applicants' driver's license photos. The judge ruled that the "race rating" system used in the expert reports and testimony was not scientifically sound and reliable so as to produce admissible results under the standards set forth by the U.S. Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals Inc.* The court held that the EEOC failed under the Daubert standards to provide proof that the use of visual identification to ascertain individuals' races was scientifically accepted, had been the subject of peer-review and publication, or had a known and scientifically acceptable rate of error.

In February, the EEOC filed for reconsideration, arguing that the expert testimony was improperly excluded and that hiring bias could be proved without relying on visual identification to ascertain individuals' races. The district court

again sided with Kaplan. However, the ruling was based on a procedural argument stating that the EEOC had exceeded a page limit in their motion for reconsideration (nondispositive vs. dispositive). It is expected that the EEOC will file a new motion by the middle of March.

This case remains significant for employers. The subject of criminal and credit reports remains high on the EEOC's agenda. They are targeting discriminatory practices through pattern and practice cases which include focusing on hiring and employment practices related to credit checks and criminal records. Several states (Hawaii, Oregon, Illinois) have banned or limited the use of credit reports in hiring. In addition, the Civil Right Commission is holding hearings on the EEOC's enforcement guidelines relating to criminal records checks. It's likely that much more comment will come on this and employers should likely consider reviewing their credit and criminal records screening processes to ensure they are consistent with the EEOC's interpretation of Title VII.

### **OFCCP Rescinds Pay Guidelines**

In February, the Office of Federal Contract Compliance (OFCCP) rescinded two enforcement documents utilized in pay discrimination compliance evaluations of federal contractors - Compensation Standards and Voluntary Guidelines. The Compensation Standard consisted of three key elements: (1) only similarly situation employees were compared (i.e., similar job duties with similar responsibility), (2) the agency was to use multiple regression analyses to control for legitimate nondiscriminatory factors that may account for pay disparities, and (3) before finding discrimination, statistical evidence had to be supported by anecdotal evidence. In essence, this applied one analytic approach to pay discrimination regardless of factors such as jobs or industries that are specific to pay practices and they were deemed to be unduly restrictive and limited OFCCP's ability to identify and remedy compensation discrimination because they so narrowly defined what could be considered in investigations.

These have been replaced by Policy Directive 307 which describes the procedures and protocols the agency will now use when conducting compensation investigations. OFCCP believes these are more closely aligned with Title VII standards and offer a significantly more flexible approach to how it will analyze compensation systems that was much needed as there is no single way to prove compensation discrimination. OFCCP compliance officers will have more discretion in deeming what and how to investi-

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gate. There will no longer be standard analytic criteria and a case-by-case approach will be used that includes factual investigation and the use of statistical and non-statistical analyses where appropriate. While anecdotal evidence of pay discrimination will be considered, it is no longer required.

May 2013

Federal contractors and subcontractors should likely be prepared for a renewed focus by OFCCP on all employment practices that impact compensation and this focus will be individualized. OFCCP will likely investigate possible systemic, small group, and individual compensation discrimination. Additionally, this will almost certainly place more of a burned on contractors as OFCCP may be requesting individualized data up front in the near future.

### Statistics on Filings and Charges

The EEOC recently released their fiscal year 2012 enforcement and litigation statistics. They received 99,412 private sector workplace discrimination charges. Retaliation, race, and sex discrimination were the most frequently filed charges. The total number of charges is down slightly from last year. They filed 122 lawsuits including 86 individual suits, 26 multiple-victim suits (with fewer than 20 victims) and 10 systemic suits. Two hundred and fifty four lawsuits were resolved for a total monetary recovery of \$44.2 million. Additionally, the agency obtained \$365.4 million in monetary recovery from private sector and state and local government employers through its administrative process. In the coming months, we will conduct a more detailed analysis of trends in filings and charges by the EEOC as well as federal district and appeals court filings

### Projecting to the Future

In this final section, we take a look ahead. We highlight anticipated activity by EEOC and OFCCP as many law firms are anticipating an onslaught of activity and more aggressive enforcement. What follows has been reported elsewhere and is not necessarily new. Additionally, there is often a difference between what agencies say and what they do. But the information is helpful for anticipating what we might expect to see.

The EEOC released its Strategic Enforcement Plan for FY'13 – FY'16 which outlines the agency's enforcement objectives. This plan, which includes measurable objectives for meeting goals, will guide the agency's direction and the activity that we are likely to see. It focuses on the following areas: (1) eliminating barriers in recruitment and hiring, (2) protecting immigrant, migrant and other vulnerable workers, (3) addressing emerging and developing issues, (4) enforcing equal pay laws, (5) preserving access to the legal system, and (6) preventing harassment through systemic enforcement and targeted outreach. As others have stated, pay equality and anti-discrimination for undocumented workers and lesbian, gay, bisexual, and transgendered individuals will be in the forefront given the current administration's focus. For example, pay equality has been a key issue for the Obama administration as is evidence by the Lilly Ledbetter Fair Pay Act, the creation of the National Equal Pay Enforcement Task Force, and the Paycheck Fairness Act.

The OFCCP released its 2013 unified agenda of regulatory and deregulatory actions. The agenda includes five major regulatory initiatives, including proposing or finalizing: (1) rules on Section 503 of the Rehabilitation Act in April that may require contractors to undertake a number of additional affirmative action obligations for persons with disabilities (including potentially reaching a 7% hiring "goal"), (2) rules on Section 4212 of the Protected Veteran regulation that would require contractors to engage in recordkeeping and other obligations designed to increase protections for covered veterans, (3) rules on the compensation data collection tool that OFCCP could use to analyze compensation practices, (4) rules on Sex Discrimination Guidelines that reflect the current state of the law in this area, and (5) rules revising regulations governing federal construction contractors to enhance affirmative action programs.

#### References

EEOC v. Kaplan Higher Education Corp. (2010) U.S. Dist. LEXIS 11722

Daubert v. Merrell Dow Pharmaceuticals Inc. (1993) 509 U.S. 579

OFCCP Policy Directive 307, OFCCP, U.S. Department of Labor (Feb. 28, 2013)

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### Career Accelerators: Competencies Essential to Leader Transitions in the Government

### By Kristin Sanderson, Rachael Klein, Sarah Semmel, and Rose Mueller-Hanson, PDRI

Government leaders today face daunting challenges, such as huge deficits, new and emerging security threats, and public mistrust. Navigating these challenges will require leaders with the vision and fortitude to make major transformations. However, the state of leadership in government is in crisis. The retirement rate is increasing government-wide, particularly among the executive ranks. These impending retirements, combined with fewer younger employees, are likely to result in an insufficient leadership pipeline to satisfy future leadership needs. At the same time that leadership development is becoming a more critical priority, budgets are shrinking and scrutiny is increasing. Not only budget cuts, but budget uncertainty, require government leaders to find creative ways to increase efficiency while maintaining effectiveness. Furthermore, outdated policies and practices make building a stronger pipeline of leaders difficult. In light of these unprecedented challenges, significant improvement is needed in how leaders are identified, developed, and supported. PDRI recently undertook a multi-year research effort to provide a comprehensive leadership competency framework that will enable the Federal Government to quickly and costeffectively build leadership solutions to develop a robust pipeline of ready leaders.

The U.S. Office of Personnel Management (OPM) has defined leadership competencies for use in Federal Government agencies to assess leadership talent. Through extensive research and survey of supervisors, managers, and executives in federal government agencies, OPM developed a competency framework consisting of five Executive Core Qualifications (ECOs) for federal senior level executives (OPM, 2010). Many federal agencies have adopted the OPM competencies to use in assessment, selection, performance management, and development of their leaders. Importantly, these competencies were developed with federal executives in mind, and thus are well-suited for such practices. In creating assessment or development initiatives for leaders within any organization, it is important that there is a well-developed and relevant framework for the constructs that will be assessed. The development of the ECQ competency framework provides a model and foundation around which federal agencies can structure the assessment and development of leaders. However, our research shows that more specificity may be needed when creating a development program for all leadership levels.

To develop our model, we first examined the published leader-ship literature and existing leadership competency models to determine leadership trends and competencies that have been found to be important in different leadership settings. Following the literature review, private and public sector competency models were cross-walked to determine competency themes. The list of competencies went through multiple rounds of review and revisions which resulted in a finalized Leadership Capabilities Model including 22 foundational competencies, 22 leadership competencies, and 13 personal attributes. The foundation-

al competencies are related to the performance of core job tasks regardless of level within the organization (i.e., communication, relating to others, technical expertise), while the leadership competencies are the skills and abilities that are specifically related to leadership roles (i.e., leading people, building coalitions, leading change). Personal attributes are the relatively stable characteristics that serve as building blocks for the competencies at the foundational and leadership levels. Thus, we have expanded our concept of competencies to "capabilities" because it is important to understand the full range of success factors when selecting, developing, and retaining key leadership talent.

Data from our prior job analysis and competency modeling projects were mined to examine the competencies that increase the most in importance from one level of leadership to the next. Eighteen datasets representing 17 Federal Government Departments/Agencies were identified and met the inclusion criteria for our meta-analysis. The data were classified into eight levels (from non-leaders GS 8 and below to Senior Executive Leaders) based on Federal Government pay grades and positions. Over 1,500 items from past projects were mapped to the finalized Leadership Capabilities Model by three Subject Matter Experts. Twenty-six PDRI I/O Psychologists then rated the mappings on the extent to which each item measured at least one aspect of the competency. Only those items that were found to measure the competency "to a great extent" (a mean of 4.0 on 5-point rating scale) were retained for future analyses. All other items were either dropped or mapped to a different competency to be rated in a later rating task. The retained items were then used to create competency scales for each project. Reliability analyses of the scales further determined which items to keep or drop from the meta-analysis.

By cumulating the work behavior importance ratings across projects and computing the standardized mean differences (d values) between competency ratings at each level of leadership compared to the preceding level, the competencies that increase the most in importance from one level to the next were identified. These competencies, termed accelerators, are most relevant to preparing leaders for the next level of leadership. The accelerators across levels are comprised of mostly leadership competencies, and only some foundational competencies and personal attributes. As leaders transition from nonsupervisory leadership roles to team and first-line leaders, the top five accelerators are leadership competencies related to assuming supervisory responsibilities. The accelerators at the next two leadership transitions are a more equal mix of leadership competencies, foundational competencies, and personal attributes. There is little overlap in the top five accelerators at each leadership transition. Only "Leading Courageously" appears twice, as an accelerator into first-line leadership and from mid/senior leaders to executive leaders. The lack of overlap indicates that

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there are unique developmental needs for each leadership transition.

People-focused competencies related to building coalitions ("Influencing/ Negotiating" and "Partnering") become important to team or first-line leaders, as this may be the first time they have formal supervisory duties. Behaviors and skills related to assuming responsibility for forming, communicating, and enforcing policies and procedures increase in importance for these employees, as well as thinking of systems in which they operate ("Systems Thinking"). When transitioning to mid-level positions, leaders typically assume responsibility for a major function in the organization. "Public Service Motivation", a competency relevant to the public sector, is one of the accelerators as leaders at this level must integrate the mission to serve the public into the programs and functions they manage. Having an awareness of the organization as a whole and inspiring others becomes more important at this level. At the highest executive levels of leadership, developing new insights and innovative programs is more important ("Creativity and Innovation"), along with other competencies, such as "Financial Management".

Given the variation in accelerators at each leadership transition. targeting competencies important to the specific transition in question is critical. If a leader has deficiencies in the accelerator competencies, he or she is at risk of failure if promoted without significant attention to developing the competencies that will be critical for success in new roles. Many of the accelerators align with what we would expect from theoretical and empirical work on the differences between the public and private sector. We found that competencies related to administering policies and procedures becomes increasingly important for team and first lines leaders, which is likely a reflection of the government work environment (Thach & Thompson, 2007). For middle or senior level leaders, "Public Service Motivation" accelerates in importance, which is a competency that is highly relevant to public service jobs. It becomes increasingly important to middle and senior leaders who are responsible for incorporating public service into their goals and daily operations.

The Leadership Capabilities Model presented in this study was developed to support the unique development needs of leaders in the government. This model builds upon the OPM ECQs, while expanding upon this framework to result in a more comprehensive foundation for leader development. Competencies crucial at each leadership transition were identified and can be used to better select and develop government leaders who face a myriad of challenges in the current environment. The career accelerators and the implications of our findings will be discussed in greater detail in our upcoming presentation at IPAC's annual conference.

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- U.S. Office of Personnel Management (2010). Recruitment and Selection: Executive Core Qualifications (ECQs). Retrieved from <a href="http://www.opm.gov/ses/recruitment/ecq.asp">http://www.opm.gov/ses/recruitment/ecq.asp</a>

**Kristin Sanderson**, PhD is a Human Capital Consultant at PDRI. Kristin has 3 years of experience consulting with government clients to develop and implement leadership development solutions. She received her PhD in I/O Psychology from Florida International University.

**Rachael Klein** is a PhD candidate in I/O Psychology at the University of Minnesota (degree expected 2014) and works as a Consulting Intern at PDRI.

**Sarah Semmel** has been working as a Consulting Intern with PDRI for 1.5 years. She is pursuing her PhD in Industrial Organizational Psychology at University of Minnesota and expects to complete her degree in the Spring of 2014.

Rose Mueller-Hanson, PhD is the director of PDRI's leadership and organizational consulting group. She received her PhD in I/O psychology from Colorado State University. Prior to joining PDRI, she worked as an HR manager and served in the U.S. Air Force.

**Note:** An expanded version of this article will be presented at the IPAC Conference on July 21—24 in Columbus, Ohio.

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### **Upcoming Conferences and Workshops**

### May

May 6-7	Linkage, Inc. Conference. "Leading Diversity & Inclusion." Atlanta, GA. Contact: www.linkageinc.com			
May 8	PTC/MW. LUNCHEON MEETING. Dr. Fred Panzer, TeamCatapult, inc., Bethesda, MD. "DHS-OCIO Strategic Human Capital Plan: Challenges and Lessons Learned." GMU, Arlington, VA. Contact: www.ptcmw.org			
May 8	Metro NY Association of Applied Psychology. Dinner Meeting. Dr. Allen Kraut, Baruch College. "Research Methods." New York, NY. Contact: http://metroapppsych.com			
May 9-10	Pennsylvania State University. Conference. "International Human Resource Management." Contact: http://lser.la.psu.edu/ihrmconference			
May 13-14	GovtExec.com. Conference. "Excellence in Government." Washington, DC. Contact: www.Govexec.com			
May 16-19	American Psychological Association. Conference. "Work, Stress, and Health 2013: Protecting and Promoting Total Worker Health." Los Angeles, CA. Contact: www.siop.org			
May 17	I/O Solutions, Inc. Conference. "Police & Fire Testing." Oak Brook Terrace, IL. Contact: www.iosolutions.org/uploadedFiles/IOS/IO_Solutions/Events/2013%20Summit%20Invitation.pdf			
May 19-22	American Society for Training & Development. Annual Conference. Dallas, TX. Contact: www.astd.org			
May 21-22	University of Connecticut. Conference. "Modern Modeling Methods." Storrs, CT. Contact: www.modeling.uconn.edu			
May 25-26	Association for Psychological Science. Annual Convention. Washington, DC. Contact:			
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### **Upcoming Conferences and Workshops**

### June (continued)

June 17-21	University of Connecticut. Workshop. "Hierarchical Linear Modeling." Storrs, CT. Contact: http://www.datic.uconn.edu			
June 26-28	Society for Research Synthesis Methodology. Annual Meeting. Providence, RI. Contact: www.cebm.brown.edu/srsm2013			
July				
July 10	PTC/MW. SPECIAL EVENT! BREAKFAST WORKSHOP (8:30-11:30 am). Dr. Eric Dunleavy, DCI Consulting Group, Washington, DC. "EEO Update." GMU, Arlington, VA. Contact: www.ptcmw.org			
July 21-24	International Personnel Assessment Council. Annual Conference. Columbus, OH. Contact: www.ipacweb.org			
July 30- Aug 2	Industry Liaison Group & OFCCP. National Conference. Indianapolis, IN. Contact: www.nationalilg.com			
July 31- Aug 4	American Psychological Association. Annual Convention. Honolulu, HI. Contact: www.apa.org			
<u>August</u>				
Aug 3-8	American Statistical Association. Annual Convention. Montreal, Canada. Contact: www.amstat.org			
Aug 9-13	Academy of Management. Annual Conference. Orlando, FL. Contact: www.aomonline.org			
Aug 16-18	Chicago School of Professional Psychology in Los Angeles. IOOB Conference. "Shift Ahead: Preparing Organizations to Meet Tomorrow's Challenges." Los Angeles, CA. Contact: http://ioob2013.com			
Aug 23	PTC/MW. SPECIAL EVENT! BREAKFAST WORKSHOP (8:30-11:30 am). Dr. Wayne Cascio, University of Colorado. "Using HR Metrics to Improve Strategic Organizational Decisions." GMU, Arlington, VA. Contact: www.ptcmw.org			

If you have regional organization news or an item to add to the calendar, please contact the Editor by e-mail at <u>iohnf@us.net</u> or by telephone at (202) 254-4499.

(Some of the information in this calendar was reprinted with permission from the PTC/MW Newsletter calendar which was compiled by Lance W. Seberhagen, Seberhagen & Associates, <a href="mailto:sebe@erols.com">sebe@erols.com</a>.)

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### **About the ACN**

The *ACN* is the official newsletter of the International Personnel Assessment Council, an association of individuals actively engaged in or contributing to the professional, academic, and practical field of personnel research and assessment. It serves as a source of information about significant activities of the Council, a medium of dialogue and information exchange among members, a method for dissemination of research findings and a forum for the publication of letters and articles of general interest. The Council has approximately 300 members.

The *ACN* is published on a quarterly basis: January, April, July, and October. Respective closing dates for submissions are December 1, March 1, June 1, and September 1.

**Submissions for Publication:** Prospective authors are invited to send in their articles, research reports, reviews, reactions, discussion papers, conference reports, etc., pertaining to the field of personnel research and assessment. Topics for submission include, but are not limited to:

- Technical
- Practical lessons learned, best practices
- Legal
- Technology/Tools
- Statistics/Measurement
- Book reviews

Articles and information for inclusion should be submitted directly to the Editor via e-mail, at <a href="mailto:johnf@us.net">johnf@us.net</a>. Articles will be accepted only by electronic submission (Word compatible). Submissions should be written according to the *Publication Manual of the American Psychological Association*, 5<sup>th</sup> edition. The editor has the prerogative to make minor changes (typographical/grammatical errors, format, etc.); substantial changes will be discussed with the author. Submissions more than 1500 words should include an abstract of maximum 100 words, preferably with three keywords.

If you have questions or need further information, please contact the editor.

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