

Therefore, an employer may not place more restrictions on religious expression than on other forms of expression that have a comparable effect on workplace efficiency.

Employers must take steps to prevent religious harassment of their employees. An employer can reduce the chance that employees will engage unlawful religious harassment by implementing an anti-harassment policy and having an effective procedure for reporting, investigating, and correcting harassing conduct.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on religion or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

Assignment

Consider each of the next four scenarios and answer the questions after each one.

1. Muhammad, who is Arab American, works for XYZ Motors, a large used car business. Muhammad meets with his manager and complains that Bill, one of his co-workers, regularly calls him names like "camel jockey," "the local terrorist," and "the ayatollah," and has intentionally embarrassed him in front of customers by claiming that he is incompetent. How should the superior respond?
2. Three of the 10 Muslim employees in XYZ's 30-person template design division approach their supervisor and ask that they be allowed to use a conference room in an adjacent building for prayer. Until making the request, those employees prayed at their workstations. What should XYZ do?
3. Susan is an experienced clerical worker who wears a hijab (head scarf) in conformance with her Muslim beliefs. XYZ Temps places Susan in a long-term assignment with one of its clients. The client contacts XYZ and requests that it notify Susan that she must remove her hijab while working at the front desk, or that XYZ assign another person to Susan's position. According to the client, Susan's religious attire violates its dress code and presents the "wrong image." Should XYZ comply with its client's request?
4. Anwar, who was born in Egypt, applies for a position as a security guard with XYZ Corp., which contracts to provide security services at a government office building. Can XYZ require Muhammad to undergo a background investigation before he is hired?

analysis method is described next. Supervisors were asked to complete the following form.

Required Abilities and Characteristics Rating Form

Personnel Assessment Systems is studying security officer jobs in several companies to develop a valid battery of tests for hiring decisions. As part of our research, we are asking you for some information about the kinds of abilities and other characteristics required for effective performance in the entry-level security job with which you are most familiar. In the space below please write in the job title of the security job under study. Then fill in the information requested below on your experience performing and supervising this particular job.

Take a minute to think about the duties performed by security officers in this position and the kinds of abilities and characteristics they should have. On the following pages, we have listed a number of abilities and characteristics that may be necessary for performing as a security officer. Please read each one and decide how important you feel this ability or characteristic is to perform the *essential functions* of the security officer job. Use the following scale to make your ratings:

0—Neither useful nor necessary to perform one or more of the essential functions of the job at a minimally acceptable level

1—Useful but not necessary to perform one or more of the essential functions of the job at a minimally acceptable level

2—Necessary to perform one or more of the essential functions of the job at a minimally acceptable level

All of the following abilities and characteristics were assessed as "essential functions" (2s) by 75 percent or more of supervisors who were asked to complete the job analysis form.

Ability or Characteristic

Color vision: ability to distinguish red, yellow, blue, and green colors

Normal peripheral visual field (1508–1808)

Visual acuity: ability to distinguish small details from a complex background; ability to read indicator numbers from a normal viewing distance

Depth perception

Auditory acuity: ability to hear changes in pitch or loudness of equipment noises; ability to distinguish spoken language from a noisy background

Tactile acuity: ability to feel heat or vibrations in equipment

Sense of smell

Ability to read and comprehend blueprints, schematics, diagrams, or structures

Ability to respond appropriately under stress

Emotional stability

CRITICAL THINKING APPLICATION 4-A

Can PAS Defend Its Test in Court?

Personnel Assessment Systems was asked to develop a job-related and valid screening test to hire armed and unarmed security guards for a large corporation. The job

Analytical ability: ability to reason way through problems; detect trends, plan actions in a logical, orderly manner

System comprehension: ability to comprehend entire systems and how they function; ability to foresee system implications of malfunctions or of own actions; ability to *anticipate* required future conditions in numerous interacting systems

Ability to retain and recall information

Attention to detail: ability to perceive and interpret small details

Conscientiousness in checking and caring for equipment

Ability to add, subtract, multiply, and divide whole numbers, decimals, fractions

Ability to comprehend, use, and/or compute logs, powers, trigonometry, scientific notation

Ability to follow complex sequence of activities

Ability to control one's temper

Ability to remain calm in difficult situations

Ability to stay alert for possible unlawful activities

Ability to follow directions carefully

Ability to reason with multiple concepts and operations

Ability to identify clerical errors quickly

Ability to detect rule violations

Based on these job analysis results, PAS developed a test, a portion of which is presented next, that would be administered to job applicants. PAS then developed a "suitability" scoring procedure for the test, including the following:

Suitability for *responding to stressful aspects* of the job such as reacting quickly in dangerous situations, always controlling one's temper, remaining emotionally in control under difficult circumstances and dealing with difficult individuals.

The applicant's responses indicate (below average, average, above average) likelihood that the applicant will react appropriately and effectively in stressful situations.

Suitability for *interacting with clients, customers, and others* such as being friendly with customers/clients; always being courteous, treating all people the same regardless of their race, gender, age, national origin or disability, and being able to effectively communicate with different types of clients and customers.

Portion of Security Officer Test

Format: Job applicants must indicate whether each statement is TRUE OR FALSE about them:

1. Most of the time, I feel life has let me down.
2. I used to steal a lot when I was young.
3. I'm almost always angry to some extent.

4. I would like to be a police officer.
5. People from different races are more different than the same.
6. I like to jump from job to job.
7. I have trouble understanding written material.
8. I often feel things are out of my control.
9. Almost everyone I know is luckier than I.
10. I drink liquor or beer almost every day.
11. At times, I just want to punch someone.
12. Kids who are bad deserve to be spanked.
13. I dislike most of the people I know.
14. Things are out of my control most of the time.
15. I often lose my self-control.
16. I have a little problem with alcohol.
17. Everybody should be allowed to carry a handgun.
18. I cannot tolerate others' mistakes.
19. I'm almost always happy.
20. Stealing from an employer is acceptable if the employer cheats you.
21. I skipped over 20 days of school in my last year of high school.
22. I tend to get quite irritable when I'm tired.
23. I have great difficulty sleeping.
24. I enjoy watching a good fight.
25. Police officers deserve respect.
26. If I got this job, I'd probably keep it for about six months.
27. I've gotten into more than 15 physical fights in my life.
28. Success in life is mainly due to luck.
29. I've been drunk more than five times in my life.
30. I can tolerate a great deal before I get upset.
31. If I am hired for this job, I'll almost certainly keep it for over a year.
32. I almost always reach personal goals I set for myself.
33. If I am in charge, things have to be done my way or I'll quit.
34. I tend to get angry when I am criticized in a group.
35. When a person gets annoyed with me, I quickly get annoyed back.
36. I fear big government.
37. I don't believe in gay marriage.
38. I get depressed often.
39. Sometimes I am not in the mood to see anyone.
40. I get angry often.
41. I have fewer friends than most people.
42. Most people think I am too emotional.
43. I often get angry too quickly with people.
44. Daring and foolish things are fun to do.
45. I feel I am an outgoing, social person and fun to be with.
46. Marijuana should be legalized.

Assignment

Based on your understanding of the law and the job analysis results, can the company use this test to screen applicants? Are there specific test items that are (or may be)

legally problematic? What (if any) other information do you need about the job analysis, the test, or anything else to be able to take a definitive position on whether the company should use the test? Do you regard any of these questions as an invasion of privacy? If so, which items?

CRITICAL THINKING APPLICATION 4-B

What to Do with Job Diagnostic Survey Results

To access this exercise, go to the "Self-Assessments" section of the book's website (www.mhhe.com/bernardin6e). Follow the directions for completing the "Job Diagnostic Survey" and then print the feedback page (to be handed in at the discretion of your instructor). After you complete the online portion of the CTA, answer the following questions:

1. Conduct research on the Job Diagnostic Survey and the Job Characteristics Model and after receiving information on how to interpret your score, make some predictions about the implications of your score for important work outcomes for you.
2. Play the role of an HRM consultant. Explain how you would use JDS results from a work unit to facilitate changes in the design of work. What steps would you take to ensure you are receiving accurate information?
3. If you were assigned to consider redesigning jobs within your organization, would you use the JDS to gather data or use some other approach to job analysis? Explain your answer.

CRITICAL THINKING APPLICATION 5-A

*Freeman et al. v. the New Oxford Fire Department**

Chapter 5 describes the importance of self-analysis as part of an HR audit to assess equal employment compliance, potential legal vulnerabilities, and goals related to diversity. Government regulations influence HR planning and must be considered in any such environmental scan. Equal employment opportunity legislation such as Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the 1990 Americans with Disabilities Act, and Executive Order 11246 require that organizations pay close attention to the manner in which they treat protected class individuals. Executive Order 11246 requires federal contractors and subcontractors to take affirmative action to ensure that all individuals have an equal opportunity for employment, without regard to race, color, religion, sex, national origin, disability, or status as a Vietnam era or special disabled veteran. Through the Office of Contract Compliance (OFCCP), Executive Order 11246 and other statutes require a contractor, as a condition of having a federal contract, to engage in a self-analysis to discover any barriers to equal employment opportunity.

As discussed in Chapter 3, even where litigation is not an immediate concern, good management practice includes

identifying internal and external staffing methods that achieve a diverse and optimally qualified workforce with little (or no) adverse impact. The popular business case for diversity takes the view that a more diverse workforce will increase organizational effectiveness. Thus, audits of personnel programs and practices using statistical comparisons such as the 80 percent rule should be an integral part of HR planning and self-analysis.

The City of New Oxford, Connecticut, contracted with a nationally known consulting firm to develop a fair, objective, and valid test to identify the best candidates for promotion to fire lieutenant and captain. The New Oxford city charter is governed by a merit system, and a section of the charter requires that vacancies be filled by the best qualified personnel who have successfully completed job-related examinations. In this context, exams were developed by a qualified consulting firm and then administered to eligible personnel. The process for selecting lieutenants and captains includes a written exam worth 60 percent of the candidate's final overall score and an oral interview exam worth 40 percent of the final overall score. Based on their test results, candidates were then placed on a list based on rank-ordered performance on the two exams. From there, the City charter uses what is referred to as the "rule of three," which requires the hiring authority to fill vacancies from the top three candidates based on rank order; that is, those who have the highest overall scores. Before the list of candidates is made official based on these rules, the Civil Service Board (CSB) must certify the rank-ordered list of candidates, and this certification is then valid for 2 years. Once this certification occurs, all vacancies during the 2-year period must be filled from the qualifying available "top three" candidates on this list.

The consulting firm, Industrial Organizational Psychologists & Associates (IOP), completed a thorough job analysis that commenced with identifying the job tasks, knowledge, skills, and abilities (KSAs) deemed essential for successful job performance for the fire lieutenant and captain positions. The job analyses involved observing the incumbents performing job duties, including analysts riding along with them in their vehicles. Incumbents and supervisors from both ranks were also interviewed. Job analyses questionnaires listing the job tasks and other job-related information were reviewed by and administered to the majority of lieutenant, captains, and battalion chiefs in the New Oxford fire department. In an effort to enhance the perceived fairness of the test development process, IOP "over-sampled" minority firefighters (a greater proportion participated in the job analysis relative to the proportion of minority job incumbents).

Two 100-item multiple-choice written examinations were then developed based on the job analyses results. According to a spokesperson for IOP, each exam item was "content valid" and "job related" and each item was written at or below a 10th grade reading level in keeping with the CSB rules. The validation process also entailed ensuring that each exam question included the specific source