

- are informed and believe that even when women are promoted, on average they are advanced later, and then more slowly, than similarly situated male employees.
10. The workforce profile of Wal-Mart does not reflect the industry or the profile of its largest competitors. In fact, although it is the largest discount retailer in the country, it lags far behind its competitors in the promotion of women. Thus while Wal-Mart's store management is only about one-third female, among its 20 top competitors, women comprise over 56 percent of management, even though the proportion of hourly workers who are female at these companies is comparable to Wal-Mart. These differences are consistently found around the country. Moreover, these differences are longstanding. In fact, female representation among managers at Wal-Mart is at a substantially lower level today than the level of representation among Wal-Mart's competitors in 1975.
 11. This pattern of unequal assignments, pay, training, and advancement opportunities is not the result of random or nondiscriminatory factors. Rather, it is the result of an ongoing and continuous pattern and practice of intentional sex discrimination in assignments, pay, training and promotions, and reliance on policies and practices that have an adverse impact on female employees that cannot be justified by business necessity and for which alternative policies and practices with less discriminatory impact could be utilized that equally serve any asserted justification. These policies and practices include, without limitation:
 - a. Failure to consistently post job and promotional openings to ensure that all employees have notice of and an opportunity to seek advancement or more desirable assignments and training.
 - b. Reliance upon unweighted, arbitrary, and subjective criteria utilized by a nearly all-male managerial workforce in making assignments, training, pay, performance review, and promotional decisions. Even where Wal-Mart policy states objective requirements, these requirements are often applied in an inconsistent manner and ignored at the discretion of management.
 - c. Because of the "excessive subjectivity" described in 11b, there is a reliance on gender stereotypes in making employment decisions such as assignments, promotions, pay, and training.
 - d. Pre-selection and "grooming" of male employees for advancement, favorable assignments, and training.
 - e. Maintenance of largely sex-segregated job categories and departments.
 - f. Deterrence and discouragement of female employees from seeking advancement, training, and favorable assignments and pay.
 - g. Paying female employees lower compensation than similarly situated men.
 - h. Assigning women to lower paying positions, and positions with lesser advancement potential than those given to men, and advancing women more slowly than similarly situated male employees.
 - i. Providing less training and support to female employees and managers than that given to male employees and managers.
 - j. Harassing female employees interested in advancement and subjecting them to a hostile work environment.
 - k. Requiring, as a condition of promotion to management jobs, that employees be willing to relocate, often to significantly distant stores, and applying this policy to require frequent and substantial relocations of its managers without any reasonable business justification. Plaintiffs are further informed and believe that the relocation policy is applied disparately between male and female employees to the disadvantage of female employees.
 - l. Retaliating against female employees who have complained either internally or externally about Wal-Mart's treatment of its female employees. Wal-Mart maintains a companywide, toll-free telephone number, which it encourages employees to use if they have a problem or complaint in their store or with store management. Plaintiffs are informed and believe that Wal-Mart retaliates against women who use this number to report discrimination, sexual harassment, or other unfair working conditions.

Assignment

Based on the evidence presented, is Wal-Mart guilty of gender discrimination as alleged? Try to take a definitive position and then justify that position with specific arguments and evidence presented here. If you are unsure, what specific information do you need to be able to render a verdict in this case? Setting aside the alleged illegalities, what HR practices discussed in Chapter 5 could Wal-Mart improve to make its HR more effective, to increase the diversity of its supervisory and management staff, and (perhaps) to lower the likelihood of Title VII lawsuits in the future?

¹Featherstone, L. (2004). *Selling women short: The landmark battle for workers' rights at Wal-Mart*. New York: Basic Books.

²Pikul, C. (2004, November 22). *Women vs. Wal-Mart*. Retrieved from Salon.com.

CRITICAL THINKING APPLICATION 6-A

What Privacy Do We Have in the Workplace?¹

Currently debated privacy issues have included drug testing, medical information kept on employees and family members, credit history, and certain questions on personality tests.

Employers have maintained records on employees since the employer-employee relationship was first established. Research on personnel record keeping has revealed that as the employer-employee relationship changed, the level and amount of information collected on employees also changed. Employers had personal knowledge of employees in the 1800s, could vouch for the employees' integrity, and could observe the personal patterns of behaviors (going to church, etc.). The amount of information kept in files was not as important because of the face-to-face interaction.²

In order to hire the right person, limit negligent hiring claims, and provide employee benefits, companies need to keep extensive dossiers on employees. The management (sharing and disclosing) of those dossiers was the subject of a report by the U.S. Privacy Protection Commission investigation established by the Privacy Act of 1974. Survey data were collected in 2005 to determine corporate privacy policies.³

The commission recommended the following as fair information practices:

- Acquire only relevant information.
- Consider pretext interviews unacceptable methods of gathering information.
- Use no polygraph or lie detector tests in employment.
- Allow and encourage employees to see and copy records pertaining to them.
- Keep no secret records.
- Establish a procedure for challenging and correcting erroneous reports.
- Use information only for the purpose for which it was originally acquired.
- Transfer no information without the subjects' authorization or knowledge.
- Destroy data after their purpose has been served.⁴

The results of the survey revealed that the majority of companies still do not have formal policies that follow the commission's guidelines in regard to disclosure and access. Informing and evaluating the record-keeping system are being done by most companies. However, many companies surveyed are still shy of following the commission's recommendations. The survey results are listed next.

Policy to inform employees of routine disclosure?	56%
Personal access to records?	34%
Policy of evaluating record system?	65%
Inform employees on types of records maintained?	82%
Inform employees of how information is used?	58%
Inform individual of collecting information?	66% ⁵

Are you entitled to your privacy regarding your political proclivities? Can a company ask and use such information in its personnel decisions? What about government entities? Discrimination based on one's political affiliations or

positions is not allowed for career service positions in the federal government and under many state and local civil service rules. The U.S. Department of Justice policy on nondiscrimination is contained in the Code of Federal Regulations, Section 42.1(a) of 28 C.F.R. Part 42, Subpart A, which states: "It is the policy of the Department of Justice to seek to eliminate discrimination on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, political affiliation, age, or physical or mental handicap in employment within the Department and to assure equal employment opportunity for all employees and applicants for employment." It is thus a violation of civil service rules to ask political questions of job candidates and to use political information to make decisions for nonpolitical positions within the Department of Justice. Other federal agencies have very similar statements and policies.

Suppose that you have just come from a job interview in which you were asked the following questions in a personality screening test for a homeland security position. The security company has assured you that your answers will be strictly confidential and that emotional stability (which this test claims to test) is essential for the job. Based on the information provided by the U.S. Privacy Protection Commission listed earlier, subsequent surveys as well as information from Chapter 3 on job relatedness, evaluate and justify your reaction to the following questions. You realize that this position is a high-stress and safety-sensitive job.

1. I enjoy social gatherings just to be with people.
2. The only interesting part of the newspaper is the "funnies."
3. Our thinking would be a lot better off if we would just forget about words like "probably," "approximately," and "perhaps."
4. I usually go to the movies more than once a week.
5. I looked up to my father as an ideal man.
6. I liked *Alice in Wonderland* by Lewis Carroll.
7. When a person "pads" his income tax report so as to get out of some of his taxes, it is just as bad as stealing money from the government.
8. Women should not be allowed to drink in cocktail bars.
9. I think Lincoln was greater than Washington.
10. I feel sure there is only one true religion.
11. I am embarrassed by dirty stories.
12. Maybe some minorities get rough treatment, but it is no business of mine.
13. I fall in and out of love rather easily.
14. I wish I were not bothered by thoughts about sex.
15. My home life was always happy.
16. Only a fool would ever vote to increase his own taxes.
17. When a man is with a woman, he is usually thinking about things related to her sex.
18. I hardly ever feel pain in the back of my neck.
19. I have no difficulty starting or holding my urine.

20. My sex life is satisfactory.
21. I am very strongly attracted to members of my own sex.
22. I used to like “drop-the-handkerchief.”
23. I’ve often wished I were a girl (or if you are a girl) I’ve never been sorry that I am a girl.
24. I go to church almost every week.
25. I believe in the second coming of Christ.
26. I believe in life hereafter.
27. I’ve never indulged in any unusual sex practices.
28. I believe my sins are unpardonable.⁶
29. I donated money to the Obama for President campaign.
30. I donated money to the Mitt Romney for President campaign.

Assignment

Should the company be allowed to ask such questions? Think of all issues that you considered in taking your position, or if you aren’t sure what your position on this is, what additional information do you need? How would the company prove the “job relatedness” of such a test? (Review Chapter 3 material or go to www.eeoc.gov for discussion of this term.) When must the company prove the “job relatedness” of the test? In your home state, can a company use political information to make decisions about people? (Search for the answer to this question.) Also, conduct research on trends related to the use by employers of “facebook” and other Web-based information. Should employers be restricted in their use of such information to make decisions of job candidates and current employees?

¹Contributed by Mary E. Wilson.

²Linowes, D. F., & Spencer, R. C. (1996). Privacy in the workplace in perspective. *Human Resource Management Review*, 6(3), 165–182.

³Bernardin, H. J. (2005). *Privacy in the workplace*. Unpublished survey.

⁴Ibid., pp. 177–178.

⁵Ibid.

⁶Taken from Psychscreen, a screening tool used by Target stores based on the Minnesota Multiphasic Personality Inventory (MMPI) and the California Personality Inventory (CPI). Source: Alderman, E., & Kennedy, C. (1995). *The right to privacy*. New York, NY: Alfred A. Knopf.

CRITICAL THINKING APPLICATION 6-B

The Measurement of Personality Traits¹

Overview

Research supports the proposition that stable personality characteristics are related not only to success in particular occupations but also to job and life satisfaction. The purpose of this exercise is to provide a profile of your personality based on valid measures of personality.

As discussed in Chapter 6, the “Big Five” factor structure has gained widespread acceptance by personality researchers and has greatly influenced the research into individual differences. There is also strong evidence that personality measures have utility in providing vocational and career guidance. It is clear that certain Big Five factors and their combinations are correlated with career choice, success, performance, and satisfaction. More recent research also supports the validity of core self-evaluations.¹ Unless

specified otherwise by your instructor, this CTA has two online assignments: one for the Five-Factor Model or “Big Five” self-inventory and one for the “Core Self-Evaluations Scale.”

Part A. The Five-Factor Model of Personality

To access this exercise, go to the “Self-Assessments” section of the book’s website (www.mhhe.com/bernardin6e). Follow the directions for completing “A Profile of Your Personality Based on the Five Factor Model” 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.

Discussion Questions for Part A:

1. What does research say about the use of the Five-Factor Model (FFM) for predicting success as a manager?
2. What does research say about the use of the Five-Factor Model for predicting success in sales?
3. How does the validity of personality tests compare to the validity of general mental (or cognitive) ability tests? Explain this in correlational terms.
4. Doesn’t faking on tests like the one you took completely undermine the usefulness of such tests for actual personnel selection? Wouldn’t the “fakers” get the job and those who answered honestly not be hired (or promoted)? Justify your answer with research.
5. Are there any other methods besides self-report inventories that would provide for an assessment of personality traits that might improve the validity in the assessment of these traits?
6. What is incremental validity? Does this term apply to the assessment of personality traits?

Part B. The Core Self-Evaluations Scale²

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 “Core Self-Evaluations Scale” and then print the feedback page (to be handed in at the discretion of your instructor). After you complete the online portion of this CTA, answer the following questions.

Discussion Questions for Part B:

1. What does research say about the relationship between the FFM and the Core Self-Evaluations Scale?
2. If you were going to use a self-report inventory to select sales personnel, would you use a Big-Five measure, the Core Self-Evaluations Scale, neither, or both? Explain your answer and cite any relevant research.

¹Contributed by Kathleen Bernardin.

²Judge, T. A., Erez, A., Bono, J. E., & Thoresen, C. J. (2003). The core self-evaluations scale: Development of a measure. *Personnel Psychology*, 56, 303–331.