United States District Court
for the
Eastern Division of Texas
Lufkin Division

Report in the Matter of

Sylvester McClain, *et al.*

v.

Lufkin Industries, Inc.

Case No.: 9:97CV063

Prepared by

P.R. Jeanneret, Ph.D.

August, 2003

DEPOSITION EXHIBIT 1 9-9-03
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EXH 21

INTRODUCTION

This report has been prepared at the request of Vinson & Elkins, defendant attorneys in the matter of Sylvester McClain *et al.*, v. Lufkin Industries, Inc. (Case No.: 9:97CV063). Specifically I was requested to address the allegations and opinions expressed by Dr. Richard Drogin and Dr. Richard F. Martell in their reports recently submitted in this litigation.

The documents and information I have relied upon include the following:

- Statistical Analysis of Racial Patterns in Lufkin Workforce, Richard Drogin, Ph.D., June 16, 2003
- Report on the Impact of Personnel Policies, Procedures and Practices on Racial Disparities at Lufkin Industries, Inc., Richard F. Martell, Ph.D., undated
- Report of Mary Dunn Baker, Ph.D., July 31, 2003
- Extensive research literature as cited in the reference list to this report
- 2001 State Occupational Employment and Wage Estimates, Texas, U.S. Department of Labor, Bureau of Labor Statistics
- 2001 State Percent Distribution of Employed Persons by Sex, Race, Hispanic Origin and Occupation (Texas). U.S. Department of Labor, Bureau of Labor Statistics
- Agreements between Lufkin Industries and the A.F.L. - C.I.O. dated 1993 - 1996; 1996 - 1999; and 1999 - 2002
- Copies of employment tests administered by Lufkin Industries

Additionally, I have relied upon my knowledge and extensive experience in the field of industrial and organizational psychology, and the application of statistics in that field of measurement.

P. Richard Jeanneret, Ph.D.

I am an industrial and organizational psychologist and the Managing Principal of Jeanneret & Associates, Inc., a Houston, Texas firm that specializes in the study of work, employee selection systems, validation research, performance management, psychological assessment, organizational analysis, executive development, and compensation programs. I earned a Bachelor's Degree in Psychology from the University of Virginia in 1962, a Master's Degree in Psychology from the University of Florida, Gainesville in 1963, and a Ph.D. in Industrial and Organizational Psychology from Purdue University in 1969. I began working as a consultant immediately after completing graduate school and founded Jeanneret & Associates in 1981. I have been qualified as an expert in industrial psychology and the statistical analyses used in the field by more than 30 state and federal courts, beginning in 1974.

I was awarded the Distinguished Professional Contributions Award from the Society of Industrial and Organizational Psychology ("SIOP") in 1990, and I am a Fellow of the American Psychological Association and SIOP. In 2002, I was one of the recipients of SIOP's M. Scott Meyers Award for Applied Research in the Workplace. I am currently the Chair of the SIOP Committee charged with revising the SIOP Principles, one of the two sets of professional standards in industrial psychology. I have authored nearly 100 articles, symposia and presentations on issues relating to employment. I am an adjunct faculty member of the Rice University and University of Houston Psychology Departments. A copy of my resume is presented in Appendix A, and it includes a history of litigation testimony for the past 5 years. My professional fee is billed at the rate of $475.00 per hour.

CONCLUSIONS

- The descriptive information and inferential statistical data offered by Dr. Drogin do not model the employment practices of Lufkin Industrial, Inc. (LII).
- Dr. Drogin's analyses confound maintenance and production jobs that have different skill level requirements and are paid differently in the Texas marketplace.
- The data embedded in the appendices of Dr. Drogin's report indicate that African Americans are paid equivalently to white peers once adequate controls are established regarding job description, division, job and company tenure, shift and other years of experience
- Dr. Martell offers no evidence that stereotyping behavior influences the employment decisions of LII. Consequently, it is simply his personal opinion without any factual support that the employment decisions at LII are biased toward African Americans or result in any adverse impact.
- Dr. Martell's conclusion that LII's personnel procedures, policies and practices are based on subjective, ambiguous and discretionary criteria is wrong. The vast majority of the promotions and pay decisions are driven by a highly objective process in accord with the collective bargaining agreement between LII and the A.F.L - C.I.O.
- Dr. Martell has cited a wide-range of research conducted in laboratories and non-industrial organizations with students and under conditions that are not representative of LII in any manner. He has not directly studied the alleged racial stereotyping at LII or measured it in any scientific way. Therefore, he has no basis to infer that any employment decisions at LII has ever been influenced by stereotypic thinking, assuming such thinking even took place.
- Given that African Americans are appropriately represented in the employment ranks of LII, Dr. Martell has never explained how racial stereotyping is operative in one instance but not another. That is, how do African Americans receive promotions over white employees and obtain pay that is equivalent and sometimes higher than that of white employees?
- Neither Dr. Drogin nor Dr. Martell has offered any information that speaks to any action of LII that would invoke racial stereotyping and operate to the disadvantage of African Americans.

The Report of Richard Drogin, Ph.D.

The report of Dr. Drogin is divided into two major sections: descriptive statistical information about LII and inferential statistics that are used by Dr. Drogin and Dr. Martell to draw conclusions regarding what they believe to be discriminatory practices that disadvantage African American employees.

The report of Dr. Mary D. Baker is a detailed rebuttal to the work of Dr. Drogin and I will not repeat her analyses and observations herein. However, I will offer several comments about the inappropriate nature of Dr. Drogin's analyses, which indicate that he does not have a sound understanding of the employment practices at LII. Furthermore, he has structured many of his analyses in ways that are confusing and otherwise confound variables that should be examined independently or in a different manner.

Dr. Drogin in Table 1 presents a distribution of the LII workforce and separates out the Power Transmission and Gear Repair departments. He fails to note that these two departments are under the same division. He further fails to note that the skill levels and the competency and experience requirements necessary to successfully perform the jobs in LII's departments vary dramatically (i.e., in 2000 from an Electronics Technician ($17.71 per hour) to a General Foundryman ($10.01 per hour) in the foundry). Most importantly, Dr. Drogin does not consider labor force availability. Such an analysis was completed by Dr. Baker and will not be repeated herein. In summary, there is no conclusionary data relevant to this matter presented in Table 1 of Dr. Drogin's report.

Tables 2 and 3 of Dr. Drogin's report present information on pay by year, by race. Again, these data are meaningless. There is no control for job level (classification), job or company tenure, relevant education or experience prior to hire, or job performance. Furthermore, Table 2 apparently contains part-time workers, but Table 3 does not. Finally, Dr. Drogin does not indicate whether or not he has accounted for shift differentials or overtime pay.

Dr. Drogin then offers Tables 4 and 5 for the year 2000 and categorizes pay by EEO Job Code (combining Codes 6 - 8 as well) in an attempt to control for "level". Again, however, Dr. Drogin apparently includes part-time workers, and does not effectively control for job classification (level), job or company tenure, relevant education or experience prior to hire, or performance. Furthermore, Dr. Drogin does not recognize that EEO Code 6 is comprised of both production and maintenance jobs that have very different knowledge, skill and ability requirements, and consequently are paid differently. In fact, the Texas 2001 workforce pay data indicate that on a

weighted average basis, production incumbents earn $12.36 per hour, while maintenance incumbents earn $13.74 per hour, a difference of $1.38 per hour[1]. At LII, in 2001 the top rate for a Master Maintenance Specialist in the foundry was $20.54 per hour, while the top rate for a Core Machine or Molding Machine Operator Class B was $11.67 per hour. Finally, and perhaps most importantly, Dr. Drogin has completely ignored the labor union agreements between the A.F.L. - C.I.O. and LII that have been in place well before 1994 (the start of the class period) and cover the time period of this lawsuit. These labor agreements specifically determine the negotiated rate of pay for every single job classification encompassed by the bargaining agreement. (This would be all of the jobs in EEO codes 6, 7, and 8.) Dr. Drogin also did not account for the fact that the bargaining agreement provides for additional pay to those who accept Leadman responsibilities or are able to operate multiple machine tools. There is absolutely no evidence to indicate that these job classifications or their associated pay rates were established in a discriminatory manner or designed to the disadvantage of African American employees.

In Table 6, Dr. Drogin "selected" jobs deemed "desirable", and concluded that the wage rate for African Americans was less than that of whites. What he failed to note among the "desirable" jobs is that the average wage per hour for African Americans is $14.23 while for whites it is only $13.22, a $1.01 difference. Furthermore, for the Machinist job, the wage rates are almost identical ($14.61 for whites and $14.58 for African Americans). These data clearly indicate that LII is not discriminating against African Americans with regard to pay for workers who are in the same job classification.

To demonstrate the bias in Dr. Drogin's selection of "desirable" jobs, it is also informative to consider the jobs he omitted in EEO 6 for 2000 (Dr. Drogin's report, Appendix 7). As presented below, in most instances the pay for African American and white employees is very similar, and,

[1] It is also informative to consider the demographic characteristics of the labor force to which these wage rates apply. In Texas, the workforce is comprised of 12% Maintenance and 4% Machine Operator and Assembly jobs. Among the white labor force, the percentages are 9.9% (Maintenance) and 2.3% (Operations), and among the African American labor force the percentages are 7.2% and 4.2% respectively. Within the Maintenance workgroup, 46% are white and 7% are African American; within the Operations workforce, 33% are white and 13% are African American. Given these labor force differences, it would be expected that there would be differences in the average rates of pay for these two demographic groups.

in several instances, the African American employees are paid more. Furthermore, contrary to Dr. Drogin's assertion based on his "selected" list, many of the well-paid EEOC jobs have African American employee representation greater than would be expected given the rates of employment for whites and African Americans.

Job Title	White	African American	Average Wage/Hour	
			White	African American
Crane Operator	2	8	$12.55	$12.55
Foundry Process Insp.	0	2	0	$13.02
Gear Repair Spec.	56	4	$13.94	$13.74
Machine Operator - A	34	9	$13.07	$12.97
Structural Worker - A	8	2	$12.97	$13.03
TB Mechanic - A	7	3	$12.84	$13.90
Trailer Bldr. Spec.	14	4	$12.52	$12.55
Welder Class A	17	4	$13.02	$13.03
Welder Specialist	36	15	$12.91	$12.93
Material Handler Spec.	3	2	$12.51	$12.51
Machine Op. Spec.	2	3	$12.55	$12.55
Coresetter	2	5	$12.93	$18.87
Inspector	2	2	$13.02	$13.02
Burner - Class A	3	2	$13.14	$13.14
Foundry Mech. A	21	2	$13.20	$14.23
Comm. Gear/Welder/GBW	9	3	$14.25	$14.12
Master Foundryman	1	4	$14.49	$14.36

The data above clearly indicate that for many well-paid jobs that are no doubt "desirable", African American employees are represented and receive a wage rate equivalent to or higher than the rate paid to white employees. These data clearly indicate that LII does not discriminate in assignment or pay rates on the basis of race.

In Tables 7 and 8 of his report, Dr. Drogin analyzes pay rate by seniority in an attempt to control for tenure. However, again he confounds the analysis with part-time employees and fails to consider job classifications, job tenure, relevant education/experience or performance. Further, as previously demonstrated, he completely ignores the well-known difference in pay rates for maintenance versus production jobs. Thus, these data analyses have no value in assessing potential discrimination.

Dr. Drogin describes his inferential statistical analyses in the second half of his report. These analyses have been "debunked" by Dr. Baker in great detail, and I will offer only a few observations.

- Dr. Drogin completely ignored the LII application process when he attempted to analyze what he referred to as the "initial assignment" of employees. He failed to consider what job opening was available and what job was applied for by each individual. This process is managed by the Texas Workforce Commission and not LII.
- The analysis of promotions by Dr. Drogin completely ignored the bid process as set forth in the bargaining agreement. Furthermore, he does not control for persons who do not wish to seek a promotion, or those in the Foundry, Fabrication Department and Trailer Plant who have passed up a promotion and consequently have lost their seniority to a junior employee per the union contract (see Memorandum to the GMP #1, and Memorandum to the Boilermakers Union Local No. 587).
- Dr. Drogin's regression analyses have not accounted for job classification, tenure in job, shift, or job performance.

Finally, it is informative to compare the results of Dr. Drogin's compensation analysis using multiple regression with that of Dr. Baker. Dr. Drogin's results are presented in Tables 15a and 15b. In these tables, he reports a value labeled R-squared. These values range from 0.4797 to 0.8281. They indicate the proportion of variation in pay accounted for by the regression model. Ideally, these values would all be 1.00. Instead, Dr. Drogin reports that he has accounted for between 47% and 82% of the variance in pay rates at LII.

The report of Dr. Baker (see Tab H) does control for division, job, shift and years in job. The result in Tab H comparable to Dr. Drogin's R-squared is labeled "proportion of salary variance explained by model". These values range from 69% to 100%, and the majority of them are close to or in the 90% range. Clearly, Dr. Baker's model is much more representative of the pay practices at LII than is the model of Dr. Drogin. That is, while the model of Dr. Drogin may account for about 60% of the variance in pay, Dr. Baker is accounting for 90% of the variance.

In conclusion, it is important to recognize that the value of any statistical analysis (be it descriptive or inferential) is determined by the degree to which the underlying model is representative of the real life variables and organizational processes. Said another way, if the statistical model does not account for the relevant variables that are used operationally in an employment process (i.e., hiring, promotion, compensation) then the data analyses are of no value and may well lead to incorrect conclusions. This is clearly the case with Dr. Drogin's

statistical analyses and resulting conclusions. His underlying models are either wrong, incomplete or misrepresent actual LII employment practices; in turn, his analyses and conclusions are either of no value or are simply wrong.

The Report of Richard F. Martell, Ph.D.

Dr. Martell has prepared a report in this matter and concluded that racial stereotyping is the basis for the alleged racial discrimination that he believes has taken place at Lufkin Industries. In preparing his report, Dr. Martell has relied upon his research and experience. According to his list of references, he has published several articles on gender stereotyping. Apparently, he believes that the gender stereotyping he has studied is applicable to understanding race relationships. However, he does not cite any research that would affirm this belief, and I cite literature in this report that concludes that racial stereotyping is not equivalent to gender stereotyping. However, more importantly is the question of what confidence can be placed in any opinion that relies on a stereotyping argument to conclude that race discrimination has intentionally, or unintentionally, taken place in the employment decision-making processes at LII. Dr. Martell has not conducted any study or presented any of his own data to support the contention that racial stereotyping is determinative of any employment action at LII.

A summary of what Dr. Martell offers in Section A of his report is as follows:

- The stereotypic traits of a group are attributed to individual group members.
- A good deal of stereotyping occurs automatically.
- Stereotypic beliefs are overlearned and at the ready to the degree that they escape conscious awareness.
- Stereotypes are pervasive and enduring - they are largely resistant to change even in the face of disconfirming evidence.

Given the above characteristics, if one assumes that any organization (or at least the key decision-makers of an organization) such as Lufkin are infected with a negative racial stereotypic perception regarding African Americans, then how is it possible that any African Americans are ever hired, are ever promoted, are ever given satisfactory or better performance evaluations, are ever provided with educational opportunities, or are ever paid other than minimum wages? In other words, if stereotype-based behavior permeates Lufkin, why is it not operating all of the time as Dr. Martell's description would imply?

Part of the reason is that the perspective Dr. Martell offers is not a foregone conclusion backed by an irrefutable scientific study of the workplace and does not present the full scope of knowledge regarding stereotypic behaviors. Furthermore, many of the articles or book chapters that Dr. Martell has relied upon are either simply theoretical in nature or report on data collected

in settings that are not in any way representative of the labor force, occupations, or work settings found at LII. Examples follow:

- The Berlew & Hall (1966) study was about the progressions of two groups of managers.
- The Greenhaus, Parasuraman & Wormley (1990) study was about managers in communications, banking and electronics.
- The Heneman, Greenberger & Anonyuo (1989) article did not study race.
- The Landu (1995) study was about the ratings of potential for managerial and professional employees who were already rated "above average".
- The Morrison & Von Glinow (1990) reference is a theoretical article about the "glass ceiling" and advancement to top management jobs.
- The Mueller, Parcel & Tanaka (1989) article describes a study of white and African American supervisors and the attitudes they must demonstrate in order to advance.
- The Powell & Butterfield (1997) article is a study of the interaction between candidate race and gender on promotion decisions to top management positions.
- The Rosenbaum (1979) article does not address race.
- The Sheridan, Slocum, Buda, & Thompson (1990) article describe a study of managerial careers and the influence of departmental power.
- The DeJung & Kaplin (1962) study was of peer ratings of combat potential among U.S. Army recruits. Interestingly, African American raters were more inclined to give higher ratings to members of their own race than were white soldiers. Overall, there were no race effects because of the preponderance of white raters.
- The Lefkowitz (1994) article described a study of new bank employees.
- The Pulakos, White, Oppler & Borman (1989) study of military ratings found that whites were rated higher on technical ability, but African Americans were rated higher on military bearing.
- The Weil & Wesley (1993) article pertains to health care executives.

A number of studies cited by Dr. Martell are commonly referred to as laboratory or controlled setting experiments and use students as subjects. These studies do not approximate the labor force or work setting at LII. The articles include the following:

- Bendrick, Jackson & Reinoso (1994)
- Darley & Gross (1983)
- Hamner, Kim, Baird & Bigoness (1974)
- McConabay (1983)

- Stangor, Sullivan & Ford (1991)
- Wittenbrink, Judd & Park (1997)
- Yarkin, Town & Wallston (1982)

There also are a number of citations offered by Dr. Martell indicating (1) that there is not complete agreement on how stereotypic attitudes and behaviors are developed or triggered, and (2) that there are many competing theories and unanswered research questions in this regard. Examples are as follows:

- Braddock & McPartland (1987)
- Pettigrew & Martin (1987)
- Fiske & Ruscher (1993)
- Smith (1993)
- Brewer & Brown (1998)
- Thomas & Alderfer (1989)
- Wilson & Brekke (1994)

Finally, there are a number of articles, some cited by Dr. Martell, and some not, which indicate there are a number of other variables that influence the incidence of stereotyping. Some of these variables such as one's motivation; degree of interdependency or dependency on persons of a different group; individuating information; consistency of stereotypic information; suppression of stereotypic attitudes; and social norms may or may not be operative at LII. Examples of this research includes:

- Crandall, Eshleman & O'Brien (2002)
- Denhaerinck, Leyens & Yzerbyt (1989)
- Fiske (2000)
- Fiske, Newberg, Beatttie & Milberg (1990)
- Hilton & Fein (1989)
- Jackson, Sullivan & Hodge (1993)
- Kunda & Sinclair (1999)
- Mcrae, Bodenhausen, Milne & Jetten (1994)
- Neuberg & Fiske (1987)
- Plant & Devine (1998)
- Sinclair & Kunda (1999)
- Wilson & Brekke (1994)

What we can conclude at this point is that stereotypic behavior no doubt occurs, but the circumstances under which it will appear are not clear cut or inevitable. Furthermore, Dr. Martell

has not studied racial stereotyping at LII and has no basis for implying or concluding that any of the research he has cited has manifest itself at LII.

In Section B of Dr. Martell's report he asserts the following:

- If stereotypic beliefs are not reigned in, organizational decision-makers will think in terms of race rather than the true qualities of an individual. African Americans will be judged more harshly and receive less favorable treatment with regard to all employment practices.
- The performance evaluations of African Americans are biased in general, and no doubt at Lufkin as well.
- African Americans experience discrimination in the workplace with regard to job training, developmental opportunities, participation in social networks and future growth.
- Segregation reinforces racial stereotypes.

Interestingly, Dr. Martell cites several studies in this section of his report that he believes substantiate his claim that African Americans experience discrimination in work performance assessments (appraisals). However, Dr. Martell either has not fully explained or has misinterpreted the findings and conclusions of the researchers that he cites. Below are some examples of references he cites as supporting the contention that performance appraisals are racially biased to a consequential degree:

Greenhaus, Parasuraman & Wormley, 1990

> "In the present field study with predominantly (93.3%) white raters, race accounted for 2.5 percent of the variance in the relationship component of performance and 5.5 percent of the variance in the task component. Averaged across components, race explained 4% of the variance on job performance evaluations" (p. 79).

Pulakos, White, Oppler & Borman, 1989

> "The primary purpose of this research was to investigate the interaction of rater-ratee race and rater-ratee sex on three dimensions of job performance ratings in a sample of entry-level skilled jobs. Of particular interest here was our ability to isolate, through repeated measures analyses, race and gender *bias* (versus "true" performance differences) in performance evaluations. The overwhelming finding was that irrespective of whether between-subjects or repeated measures

analyses were used, the proportions of rating variance accounted for by race and gender were extremely small" (p. 777).

Sackett & Dubois, 1991

"The effects of rater and ratee race on performance ratings were examined by comparing data from three sources: a large-scale civilian study, a large-scale military study (Pulakos, White, Oppler & Borman, 1989), and a meta-analytic study (Kraiger & Ford, 1985). Results from the civilian and military data converged, but they differ from the meta-analytic results and challenge the conclusion that raters generally give more favorable ratings to members of their own race" (p.873).

The authors also note that more than 1/2 of the ratings studied in the Kraiger & Ford study were peer ratings, not supervisor ratings. Reanalysis of the Kraiger & Ford data indicated that when examining supervisory ratings only, the effect sizes were considerably smaller (i.e., dropping from a -.80 for peer ratings to -.23 for supervisory ratings made pre 1970, and a +.03 for supervisory ratings made after 1970, see p. 876).

Sackett, DuBois & Noe, 1991

"Male - female differences in performance ratings were examined in 486 work groups across a wide variety of jobs and organizations. As suggested by the sex-stereotyping literature, women received lower ratings when the proportion of women in the group was small, even after male-female cognitive ability, psychosomatic ability, education and experience differences were controlled. Replication of the analyses with racial differences (White - Black) in 814 work groups demonstrated that group comparison had little effect on performance ratings. The effects of group composition on stereotyping behaviors do not appear to generalize to all minority contexts" (p. 263).

There are some additional concerns about the references cited by Dr. Martell as to their relevance to the issues at hand. The DeJung and Kaplan (1962) reference is not only 40 years old, it describes peer ratings only, not ratings by supervisors. The Hamner, Kim, Baird and Bigoness (1974) article is about 30 years old, but more importantly it studied students as raters who were evaluating other students (role playing as job applicants) on their performance on a pre-employment work sample simulation. The

authors reported that white raters rated white applicants higher, and black raters rated black applicants higher.

What the studies cited by Dr. Martell tell us is that there is really very little, if any, consequential differences in performance ratings between racial subgroups, and there is no evidence that any difference is attributable to discrimination or stereotyping. Further, what Dr. Martell did not do was include other studies that concluded that there was no racial bias in performance ratings, especially after accounting for such variables as job tenure, experience, and time frame (i.e., pre/post civil rights legislation). Studies omitted by Dr. Martell are as follows:

- Bass & Turner, 1973
- Bernardin & Beatty, 1984
- Bernadin, Hennessy & Peyrefitte, 1995
- Cascio & Valenzi, 1978
- McKay & McDaniel, 2003
- Mobley, 1982
- Oppler, Campbell, Pulakos & Borman, 1992
- Schmidt & Johnson, 1973
- Thompson & Thompson, 1985
- Tsui & O'Reilly, 1989
- Waldman & Avolio, 1991

It is also important to recognize that certain of these studies have examined the performance of members of a particular racial group when evaluated by supervisors of the same group or a different group. For example, the Mobley (1982) study found that there was an African American - white difference in favor of white employees, but that the lowest ratings for African American employees were given by African American supervisors. The previously cited study by Pulakos, White, Oppler, and Borman (1989) reported findings that were consistent with Mobley's research. In their study, Pulakos *et al.*, analyzed performance ratings for 8,642 individuals using an experimental design that considered both between-subject and within-subject effects. Subjects (job incumbents) were evaluated by both white and African American supervisors, thus holding subject performance constant. They found minimal race effects in the ratings. Their findings were confirmed by Sackett and DuBois (1991) who analyzed performance ratings for 36,000 workers in 174 jobs. The researchers also used a between-subjects and within-subjects experimental design. They concluded that their findings were very similar to those of Pulakos *et al.*, and confirmed that African American supervisors do

not rate African American employees higher than white employees. That is, both white and African American supervisors on average rate the performance of white subordinates higher than that of African American employees.

The above findings support the proposition set forth by Avery and Murphy (1989) in their *Annual Review of Psychology* article entitled "Performance Evaluation in Work Settings," that ratings typically associated with performance appraisals "do not automatically translate into rater error or bias" (p. 141). The authors further concluded that, "the notion that performance evaluation and particularly supervisory ratings of performance are biased against racial and gender groups is simply not supported by the empirical data. Such differentials, when exhibited, are typically small and are as likely to be a reflection of true differences as they are to be indications of bias in performance appraisals" (p. 163). Bernadin, Hennessy, and Peyrefitte (1995) reached the same conclusion when examining the testimony of plaintiffs' expert witnesses who claimed that race, age or gender bias in performance ratings was due to the use of appraisal systems that were not sufficiently specific or too subjective. Their review concluded that there is no scientific evidence that the "lack of specificity" or "subjectivity" of a performance appraisal system leads to biased ratings for any minority group.

Confirmation of the Bernardin, *et al.*, conclusion has been seen in the studies that have been recently made regarding the nature of the ratings that are often found in performance appraisal systems. There is considerable agreement that job performance is comprised of two primary domains: task-focused and contextual (Borman & Motowidlo, 1993; Campbell, McCloy, Oppler & Sager, 1993). The task ratings are based on more objective indices (e.g., safety record, error rate, productivity indices, etc.) and oftentimes reflect the worker's knowledge and learned skills. Alternatively, the contextual domain is more subjective and includes ratings on such dimensions as teamwork, dependability and conscientious. If the proposition that racial bias occurs in performance ratings because the ratings are about subjective qualities is true, then one would expect to observe greater differences in the ratings of African American versus white employees on these contextual factors. However, research findings are just the opposite (Hattrup, Rock & Scalia, 1997; Hauenstein, Sinclair, Robson, Quintela, & Donovan, 2002; McKay & McDaniel, 2003; and Pulakos, *et al.*, 1989). These authors all report that differences in performance ratings, when observed, are greater for the more objective factors than for the subjective ones.

The above list of citations and the discussion that followed represents research published by some of the most respected industrial/organizational psychologists of the 1990s. Accordingly, their findings should be given considerable weight when considering the likelihood that there is

some systematic stereotyping within any company to bias performance evaluation results. Clearly, their research indicates that such an organized, system-wide, biasing action would be an extremely unlikely occurrence. Furthermore, there is absolutely no evidence that any differences in performance ratings between racial subgroups that might be observed is due to stereotyping or unlawful discrimination. Consequently, there is no basis for Dr. Martell to conclude that any promotion or pay decisions based on the observation of performance to assess ability are biased at LII or lead to adverse impact.

Alleged Discrimination at LII According to Dr. Martell.

In Section IV of his report, Dr. Martell describes what he believes are human resource management practices that result in discrimination at LII. He begins in Section IV-A with the claim that the hiring practices are subjective, ambiguous and highly discretionary. He generally describes the LII practice that utilizes the Texas Workforce Commission (TWC) applicant screening and referral process, but then he concludes that the Company really does not follow its stated policy. Dr. Martell ignores the fact that this is not a hiring case. Moreover, since he considers the hiring process to be discriminatory due to stereotypic attitudes, he must believe that the TWC also imposes the same stereotyped decisions regarding LII applicants. Finally, he relies upon the analysis of Dr. Drogin regarding initial hiring, but that analysis does not correctly model the actual procedures used by LII. Dr. Drogin incorrectly concludes that more African Americans are hired into the Foundryman job than would be expected. However, Dr. Baker does complete an appropriate analysis and demonstrates that in no year from 1994 through May, 2003 has there been a disproportionate number of African Americans hired into Foundryman positions. In fact, across that time period there have been 12 fewer African Americans hired into the Foundryman job than would have been expected given their application rate.

In Section IV-B of his report, Dr. Martell alleges that promotions at LII are based on criteria and measurement practices that are subjective, ambiguous and highly discretionary. Specifically, he identifies the Collective Bargaining Agreements between LII and the A.F.L. - C.I.O. as being the source of the practices that lead to discrimination. While he recognizes that the Agreement provides for the most senior person to be promoted (and he clearly must agree that seniority is not subjective, ambiguous or discretionary), he believes that because LII management can override the promotion of the most senior employee if it is determined that the most senior person does not have the "ability to perform" the job, that is the source of the subjectivity and ambiguity. However, Dr. Martell presents absolutely no evidence that the most senior person is not promoted or that persons not promoted because of the "ability clause" are more likely to be African American than white. Furthermore, once a promotion has occurred the union is advised and has the right to review the process. If an employee believes that he/she has not been assessed fairly, the employee may file a grievance. There is no indication that any consequential number of grievances has been filed that would indicate that African Americans were being assessed unfairly or that the seniority system was not being followed. Even if the "ability clause" were invoked, there is no reason to conclude that it is subjective, ambiguous, or discretionary. For example, there are certain positions for which objectively scored tests are

administered to be certain that the individual has the required ability to perform the job. Such ability tests are administered for the highly skilled jobs (e.g., Maintenance, certain Machine Operators) and jobs that are in lines of progression or are "certified" level jobs (e.g., Certified Machinist, Master Mechanic, Welder Specialist). These tests are work samples and directly represent actual tasks performed by job incumbents. They are objectively scored. They are content valid tests as that designation is defined by the *Uniform Guidelines on Employee Selection Procedures* (1978) and the *Principles for the Validation and Use of Personnel Selection Procedures* (SIOP, 1987).

Dr. Martell observed that an unacceptable attendance record and a serious plant rule violation were also criteria to be met but were not included in the union agreement.[2] This, of course, does not discount the validity of such requirements. Furthermore, there is no evidence to indicate that African Americans have been sanctioned for attendance problems or rule violations any more frequently than whites, or that such criteria have been used to deny promotions to African Americans.

There are two other provisions to the bargaining agreement that Dr. Martell also believes are subjective and provide LII management with too much discretion in promotional decision-making. First, he observes that not all jobs are posted; second, he notes that LII reserves the right to promote from outside the bid list if a qualified internal candidate is not identified. While both of these observations are correct, Dr. Martell and Dr. Drogin present no evidence that these two provisions have been invoked to the disadvantage of African Americans.

The reality, as described in Dr. Baker's report, is that most selections occur from bid lists (i.e., they are posted). Furthermore, Dr. Baker demonstrated that for every year beginning in 1994 African American employees were selected at rates in accord with their representation on the bid lists. In fact, across the 10-year time span, there was only a shortfall of 3 African American selections out of a total of 1,519 selection decisions. Thus, 335 African Americans were selected and this is clear evidence that stereotypic decision-making was not taking place, and that there was not subjective, ambiguous or discretionary decision-making that disadvantaged African Americans.

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[2] Dr. Martell did not note that these criteria appear on the list of minimum qualifications that appear on the all employment qualification documents or bid sheets.

Among the non-posted selections, some are competitive and others are non-competitive. Non-competitive promotions are ones that are awarded automatically if an employee meets established objective criteria. For example, to become a Welder Specialist, one simply has to demonstrate a defined level of welding skill. Similar circumstances apply to such jobs as Trailer Builder Specialist, Master Maintenanceman, Certified Machinist, Certified Assembler, and Master Foundryman. Given that there are no staffing levels for these jobs, no bidding system, or any other restrictions, promotions occur simply when an employee desires to learn the skill in question and presents adequate evidence of his/her competence in that skill. Because of the size and composition of the LII workforce, the company does not offer internal apprenticeship or formal training programs for the crafts and higher level skills (e.g., electronics, mechanics, etc.). Consequently, what employees learn is through on-the-job training/experience, or attendance at vocational schools.

In Section IV-C of Dr. Martell's report, he addresses employment decisions for salaried employees. What he does not present (and neither does Dr. Drogin) is any evidence that there is adverse impact with respect to race among salaried employees. However, Dr. Baker's report clearly concludes that African American employees are adequately represented, and in many instances over-represented, in the salaried EEO categories (typically codes 1-5). According to the *Uniform Guidelines*, the validity of an employment practice is only called into question if there is adverse impact. Among salaried job classification at LII there is no adverse impact for any year under consideration.

Section IV-D of Dr. Martell's report argues that training and career development opportunities are allocated on decisions that are subjective, ambiguous and highly discretionary. However, again Dr. Martell presents no evidence (and neither does Dr. Drogin) that training and career development activities occur differentially for any employee group, or that there is any adverse impact with respect to African American employees. What Dr. Baker's report provides is clear information that African Americans are selected and promoted at the same rates as white employees and that there is no significant difference in pay between the two groups for performing work that is equivalent. Consequently, it would be reasonable to infer that both groups of employees are receiving the training necessary to qualify for the promotions and pay rates they have earned.

The last section of Dr. Martell's report (Section V) discusses the LII organizational culture. In segment of his report he cites bits and pieces of deposition testimony and uses this information to create what he believes to be an environment of inattention to equal employment

opportunity and racial stereotyping. He suggests as one indicator of that disinterest the fact that LII has not conducted an attitude survey regarding equal employment opportunity. The reality is that Dr. Martell has not conducted such a study either, and he has absolutely no knowledge as to how the rank-and-file employees of LII feel about their employer or the treatment they receive. One might look to the grievance system for an indicator, but Dr. Martell did not pursue this information channel.

The bottom line is that Dr. Martell certainly has no evidence that racial stereotyping has influenced any employment decisions at LII. Furthermore, LII has no such evidence either, and therefore has not perceived the need to conduct the training Dr. Martell would expect to find in companies that were somehow cognizant that they had a racial stereotyping problem and that it was creating adverse impact.

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McKay, P.F. & McDaniel, M.A. (2003). A re-examination of black-white differences in job performance: The moderating effects of criterion type, job complexity, and date of study. Paper presented at the 18th Annual Conference of the Society for Industrial and Organizational Psychology, Orlando, FL.

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APPENDIX A

PAUL RICHARD JEANNERET, Ph.D.

JEANNERET & ASSOCIATES INC.
Management Consultants

MANAGING PRINCIPAL

EDUCATION

Ph.D., 1969, Major in Industrial and Organizational Psychology, Minors in Measurement and Industrial Sociology, Purdue University, West Lafayette, Indiana

M.A., 1963, Major in Psychology, Minor in Sociology, University of Florida, Gainesville, Florida

B.A., 1962, Major in Psychology, University of Virginia, Charlottesville, Virginia

CONSULTING EXPERIENCE

Vice President (1972-1990), President (1990-present), PAQ Services, Inc.

Managing Principal, Jeanneret & Associates, Inc., Houston, Texas, 1982-present

Managing Principal, Lifson, Wilson, Ferguson & Winick (LWFW), Inc., Houston, Texas, 1977-1981

Principal, LWFW, Inc., Houston, Texas, 1974-1976

Consultant/Senior Consultant, LWFW, Inc., Houston, Texas, 1969-1973

CERTIFICATION AND LICENSURE

Certified and Licensed Psychologist in the State of Texas (No. 503)

Certificate of Professional Qualification in Psychology (CPQ) ASPPB

MILITARY EXPERIENCE

Aviation Psychologist, Lieutenant, U.S. Navy, 1964-1967. Primary duty station: Staff, Atlantic Fleet Commander of Patrol Aviation, Norfolk, Virginia. Development and implementation of a "personnel subsystem" for anti-submarine warfare patrol aviation. Conducted several research studies on human factors and problems associated with airborne antisubmarine warfare operations. In addition, was active in proficiency test construction and validation, criteria development, selection and placement, performance evaluation, training, operations research, and system performance optimization. Initial Duty Station: Aerospace Medical Center, Pensacola, Florida. Completed primary pilot training syllabus. Conducted studies on the selection and training of Navy pilots and navigators. Participated in studies of zero "g" and rotating environments.

AREAS OF PRACTICE

- Organizational Analysis
- Executive and Employee Assessment
- Validation Research (Selection, Training, and Promotion Systems)
- Development of Job Requirements/Selection Instruments
- Performance Appraisal and Review
- Job Analysis and Task Analysis (PAQ, PMPO, O-NET)
- Equal Employment Opportunity Issues
- Job Evaluation, Classification, and Compensation (Exempt/Non-Exempt)
- Management Development Programs
- Job Design and Job Enrichment
- Training Needs Analysis, Training Program Design and Administration
- Human Resource Management/Employee Relationships

ACADEMIC AND RESEARCH EXPERIENCE

Graduate Research Assistant, Purdue University, 1967-1969. Collaborated with Dr. Ernest J. McCormick in the development of a job analysis instrument known as the Position Analysis Questionnaire (PAQ). Also completed a study of job dimensions and job requirements with major focus on deriving "systems" for synthetic test validation. Special emphasis on the analyses of jobs in behavioral terms and determining the apptitudinal requirements for successful job performance. Also designed procedures and analytical techniques to utilize the PAQ in job evaluation and job classification.

Instructor, Old Dominion College, Norfolk, Virginia, 1965-1967. Duties: Instructor in physiological and introductory psychology. (Part-time while serving in U.S. Navy.)

Graduate Research Assistant, University of Florida, 1962-1963. Duties: Collaborated with Dr. Wilse B. Webb in the investigation of sleep and arousal from sleep. Responsibilities included EEG and polygraphic preparation of subjects, monitoring laboratory equipment, and data analysis.

Adjunct Professor, Department of Psychology, University of Houston

Adjunct Professor, Department of Psychology, Rice University

HONORARY AND PROFESSIONAL ORGANIZATIONS

Society for Industrial and Organizational Psychology (Executive Committee 1995-1998; Chair, *Committee for the Revision of the Principles for the Validation and Use of Personnel Selection Procedures*, 2000-present)

American Psychological Association, Division of Industrial/Organizational Psychology; Division of Consulting Psychology

Texas Industrial/Organizational Psychologists / Texas Psychological Association

Houston Area Industrial/Organizational Psychologists (past Executive Committee member)

The Society of Sigma Xi

American Compensation Association

The Institute for Job and Occupational Analysis (Advisory Panel member)

The Society for Organizational Behavior

Academy of Management

AWARDS/HONORS

Fellow, Society for Industrial/Organizational Psychology; American Psychological Association

Distinguished Professional Contributions Award, Society for Industrial and Organizational Psychology, 1990

M. Scott Myers Award for Applied Research in the Workplace, Society for Industrial and Organizational Psychology, 2002

EDITORSHIP

Consulting Editor, *Journal of Applied Psychology*, 1988-1994

Panel Editor, *Personnel Psychology – Innovations in Research-Based Practice*, 1994-1998

Editorial Board Member, *Ergometrika*, 1999-present

REVIEWER

National Research Council, National Academy of Sciences. *The Changing Nature of Work/Occupational Analyses*, 1999

Personnel Psychology, 1999-2001

Journal of Applied Psychology, 2002-present

PUBLICATIONS

Jeanneret, P.R. (1999). Report to the Committee on Assessment and Teacher Quality. The National Academies, National Academy of Science, Washington, D.C.

Jeanneret, P.R. (1998). Ethical, legal and professional issues for individual psychological assessment. In Jeanneret, P.R. & Silzer, R.S., Eds. *Individual Psychological Assessment: Predicting Behavior in Organizational Settings*. San Francisco, CA: Jossey-Bass

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Peterson, N.G., Mumford, M.D., Borman, W.C., Jeanneret, P.R., & Fleishman, E.A. (1995). Development of prototype Occupational Information Network (O*NET) content model, Vols. I and II. Salt Lake City, UT: Utah Department of Employment Security.

Peterson, N.G., Mumford, M.D., Borman, W.C., Jeanneret, P.R., & Fleishman, E.A. (1999). An Occupational Information System for the 21st Century: The Development of O*Net. Washington, DC: American Psychological Association.

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Strong, M.H., Jeanneret, P.R., McPhail, S.M., Blakley, B.R., & D'Egidio, E.L. (1999) Work context. In N.G Peterson, M.D. Mumford, W.E. Borman, P.R. Jeanneret, & E.A. Fleishman (Eds.), *O*NET: An organizational information network.* Washington, DC: American Psychological Association.

SYMPOSIA/PRESENTATIONS/WORKSHOPS

Jeanneret, P.R. & Stelly, D.J. (2003, April). Presenter, Master Tutorial: Setting Cutoff Scores Using Regression: Are you Doing It Backwards? Eighteenth Annual Conference of the Society for Industrial and Organizational Psychology, Orlando.

Jeanneret, P.R., Campbell, W.J., Dugan, B.A., McPhail, S.M., & Wheeler, J.K. (2003, April). Panel Discussion: How to Maintain Your Integrity and Your Job. Eighteenth Annual Conference of the Society for Industrial and Organizational Psychology, Orlando.

Jeanneret, P.R., Kralj, M.M., Maranto, D.B., Schmit, M.J. & Scott, J.C. (2003, April). Conversation Hour: Psychologists Consulting in Organizations: Can I-O and Clinical Work Together? Eighteenth Annual Conference of the Society for Industrial and Organizational Psychology, Orlando.

Peterson, N.G., Borman, W.C., Mumford, M.D., Jeanneret, P.R. & Fleishman, E.H. (2003, April). Scott Myers Award for Applied Research in the Workplace: O*NET Perspectives: The Midwife's Views. Eighteenth Annual Conference of the Society for Industrial and Organizational Psychology, Orlando.

Jeanneret, P.R. (2002, April). Chair, Special Event, Revision of SIOP's Principles: Process, Outcomes, Q&A's. Seventeenth Annual Conference of the Society for Industrial and Organizational Psychology, Toronto.

Jeanneret, P.R. (2002, April). Co-Chair, Panel Discussion: Legal and Professional Guidelines: What They Do Not Tell Us. Seventeenth Annual Conference of the Society for Industrial and Organizational Psychology, Toronto.

Jeanneret, P.R. (2001, April). Discussant, Symposium: Advances in the Application of Synthetic Validation. Sixteenth Annual Conference of The Society for Industrial and Organizational Psychology, San Diego.

Jeanneret, P.R. (2001, April). Panelist, Everything You Wanted to Know About Being an Expert Witness. Sixteenth Annual Conference of The Society for Industrial and Organizational Psychology, San Diego.

Jeanneret, P.R. (2001, April). Panelist, The Value of Licensure for I-O Psychologists: Skeptics and Converts Unite; Sixteenth Annual Conference of The Society for Industrial and Organizational Psychology, San Diego.

Jeanneret, P.R. (2000, April). Discussant, Symposium: Practical Applications and Advances of the O*Net database. Fifteenth Annual Conference of The Society for Industrial and Organizational Psychology, New Orleans.

Jeanneret, P.R. (1999, April). Contributor, SIOP's Guidelines for Education and Training: Developing Competent I/O Psychologists. Workshop presented to the Fourteenth Annual Conference of The Society for Industrial and Organizational Psychology, Atlanta.

Jeanneret, P.R. (1999, April). Discussant, Innovations in Management Assessment. Workshop presented to the Fourteenth Annual Conference of The Society for Industrial and Organizational Psychology, Atlanta.

Jeanneret, P.R. (1999, April). Discussant, Partnerships in Strategic Organizational Change and Cultural Transformation. Workshop presented to the Fourteenth Annual Conference of The Society for Industrial and Organizational Psychology, Atlanta.

Jeanneret, P.R. (1998, April). Workshop Leader, Leveraging Psychological Assessments to Accomplish Business Strategies. Workshop presented to the Thirteenth Annual Conference of The Society for Industrial and Organizational Psychology, Dallas.

Jeanneret, P.R. (1998, April). Discussant, Symposium: Planning for Work in the 21st Century: What Does it Mean for I-O Psychologists. Thirteenth Annual Conference of The Society for Industrial and Organizational Psychology, Dallas.

Jeanneret, P.R. (1998, April). Discussant, Practitioner Forum: Partnerships in Leading Strategic Organizational Change. Thirteenth Annual Conference of The Society for Industrial and Organizational Psychology, Dallas.

Jeanneret, P.R. (1997, June). Development of the O*NET: Approach and Summary of Results. Invited Address. Tenth International Occupational Analyst Workshop. San Antonio, TX.

Jeanneret, P.R. (1997, April). Discussant, Symposium: Faking Matters. 12th Annual Conference of the Society for Industrial and Organizational Psychology, St. Louis, MO.

Jeanneret, P.R. (1997, April). Chair, Practitioner Forum: Strategic Initiatives in the Development of Executive Talent. 12th Annual Conference of the Society for Industrial and Organizational Psychology, St. Louis, MO.

Borman, W.C., & Jeanneret, P.R. (1996, April). Analysis of occupational performance requirements: More progress toward knowing the structure of work. Symposium: The Occupational Information Network: Reinventing the *Dictionary of Occupational Titles.* 11th Annual Conference of the Society for Industrial and Organizational Psychology, San Diego, CA.

Jeanneret, P.R. (1996, April). Discussant, Practitioner Forum: Personality, Measurement, and Employment Decisions: Questions and Answers. 11th Annual Conference of the Society for Industrial and Organizational Psychology, San Diego, CA.

Jeanneret, P.R. (1995, May). Discussant, Symposium: Testing and Accommodations under ADA: Practices, Problems, and Prospects. Tenth Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Orlando, FL.

Jeanneret, P.R. (1995, May). Participant, Panel Discussion: Personality and Personnel Selection: Views from Personality and I-O Psychology. Tenth Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Orlando, FL.

Jeanneret, P.R. (1995, May). Discussant, Symposium: Innovations in PAQ-Based Research and Applications. Tenth Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Orlando, FL.

Jeanneret, P.R. (1994, July). Invited Address, Accommodation - State of the Research and Practice when Complying with the Americans with Disabilities Act. Sixth Annual Convention of the American Psychological Society, Washington, DC.

Jeanneret, P.R. (1994, April). Presenter, SIOP Fellowship Issues and Criterion. Symposium: I/O Practitioners: Is SIOP Fully Recognizing Their Needs and Contributions? Ninth Annual Conference of The Society for Industrial and Organizational Psychology, Inc., Nashville.

Jeanneret, P.R. (1994, April). Workshop Leader, Building A Successful Consulting Practice. Ninth Annual Conference of The Society for Industrial and Organizational Psychology, Inc., Nashville.

Jeanneret, P.R. (1993, October). The Expert Role of An I/O Psychologist. Wickliff & Hall Labor and Employment Law Seminar, Houston.

Jeanneret, P.R. (1993, February). Selecting Tomorrow's Workforce. Houston Human Resource Management Association Symposium, Houston.

Jeanneret, P.R. (1992, August). Participant, Discussion: Industrial/Organizational Psychology Practice Through Time. The Study of Work (Job Analysis). Centennial Convention of the American Psychological Association, Washington, DC.

Jeanneret, P.R. (1992, August). Participant, Education Miniconvention, The Relationship of Industrial/Organizational Science and Practice: Challenges and Strategies. Centennial Convention of the American Psychological Association, Washington, DC.

Jeanneret, P.R. (1992, June). The Value of Individual Psychological Assessment in Personnel Selection. Presentation to IPMAAC Annual Convention, Baltimore.

Jeanneret, P.R. (1992, May). What is an Essential Function and How Will you Know When You See One? Presentation to the University of Texas School of Law ADA Conference, Houston.

Jeanneret, P.R. (1992, May). Chair, Panel Discussion: I/O Internships: Are They Meeting Expectations? Seventh Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Montreal.

Jeanneret, P.R. (1992, May). Discussant, Symposium: Career Development: Programs Designed to Enhance Individual/Organizational Effectiveness. Seventh Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Montreal.

Jeanneret, P.R. (1992, May). Essential Functions and Preemployment Testing Under ADA. Invited Address, Houston Society of Healthcare Human Resource Administration, Houston.

Jeanneret, P.R. (1992, May). Practical Steps for Compliance with the Americans With Disabilities Act. Texas Association of Business, Dallas.

Jeanneret, P.R. (1992, March). Complying with the ADA; Job Analysis and Preemployment Testing Seminar sponsored by Memorial Hospital Southwest, Houston.

Jeanneret, P.R. (1991, November). Comments Regarding Education and Literacy in Today's Workforce. Industrial Relations Research Association Conference, Houston.

Jeanneret, P.R. (1991, April). Invited address, The PAQs of I/O Psychology. Sixth Annual Conference of the Society for Industrial and Organizational Psychology, Inc., St. Louis.

Jeanneret, P.R. (1991, March). The Americans With Disabilities Act; Essential Job Functions. Baker & Botts Employment Law Seminar, Houston.

Jeanneret, P.R. (1990, October). Applications of Job Component/Synthetic Validity to Construct Validity. Annual Conference, Personnel Testing Council of Southern California, Newport Beach.

Jeanneret, P.R. (1990, September). Job Analysis and the Americans With Disabilities Act. Symposium sponsored by Clark, West, Keller, Butler & Ellis, Dallas.

Jeanneret, P.R. (1990, August). Workshop Leader, Assessment of Personality for Selection and Development. Industrial and Organizational Psychology Workshop presented at the 98th Convention of the American Psychological Association, Boston.

Jeanneret, P.R. (1990, August). Presenter, The Position Analysis Questionnaire: Recent Applications Based on Quantified Job Profiles. Symposium: Quantitative Job Description and Classification: Nomothetic Approaches and Applications. 98th Convention of the American Psychological Association, Boston.

Jeanneret, P.R. (1990, August). Presenter, The Changing Nature of the Work Climate--Implications for Human Resource Management Consulting. Symposium: Consulting Management Psychology's Role in the 21st Century. 98th Convention of the American Psychological Association, Boston.

Jeanneret, P.R. (1990, April). Presenter, Master Tutorial: Individual Psychological Assessment for Personnel Decisions. Fifth Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Miami Beach.

Jeanneret, P.R. (1990, April). Panel Member, Expert Panel With Discussant: Fair Alternatives to Local Validation--Job Component (Synthetic) Validity. Fifth Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Miami Beach.

Jeanneret, P.R. (1990, April). Presenter, Professional and Ethical Conflicts in Industrial/Organizational Psychology. Fifth Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Miami Beach.

Jeanneret, P.R. (1989, October). Panel Discussion: Employment Law and Its Implications for Industrial/Organizational Psychology. Houston Area Industrial/Organizational Psychologists.

Jeanneret, P.R. (1988, August). Workshop Leader, Individual Assessment: Getting at Job- Related Skills and Abilities. Industrial and Organizational Psychology workshop presented at the 96th Convention of the American Psychological Association, Atlanta.

Jeanneret, P.R. (1988, April). Presenter, Individual Assessment for Personnel Selection - Marketing and Planning. Third Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Dallas.

Jeanneret, P.R. (1987, August). Workshop Leader, Psychological Assessment: Getting at Job-Related Skills and Abilities. Industrial and Organizational Psychology Workshop presented at the 95th Convention of the American Psychological Association, New York.

Jeanneret, P.R. (1987, April). Presenter, Future Directions in the Application of Job Analysis Data. Symposium: The Dimensionality of Work: Future Directions, Applications, and Instrumentation. Second Annual Conference of the Society for Industrial and Organizational Psychology, Inc., Atlanta.

Jeanneret, P.R. (1985, August). Chair and Discussant, Symposium: Job Component Validity: Job Requirements Estimates and Validity Generalization Comparisons. American Psychological Association, Los Angeles.

Jeanneret, P.R. (1984, August). Panel Discussion: Criteria and Measurement Issues Underlying Comparable Worth. American Psychological Association, Society for Industrial and Organizational Psychology, Toronto.

Jeanneret, P.R. (1972, September). Presenter, Investigations of a worker-oriented approach to position analysis. American Psychological Association, Division of Industrial and Organizational Psychology Symposium, Directions in Work Analysis.

LITIGATION EXPERIENCE

Stevens Transport (Baker & Botts); Love v. Stevens Transport CA-3-01-CV-1176-2 (2002); Deposition

State of Delaware (Latham & Watkins); USA v. State of Delaware CA-01-020-RRM (2002); Deposition

Pasadena Paper (Vinson & Elkins); Humphrey v. Pasadena Paper Co. H-01-0032 (2001); Affidavit

NaviSite (Baker & Botts); Capece v. Ibenhard et al. GN-001958 (2001); Deposition

Houston Police Department (City of Houston Attorney); Houston Police Officers Union et al. v. City of Houston H-002184 (2001); Deposition

Pasadena Paper (Vinson & Elkins); Holden et al. v. Pasadena Paper Company H-00-1363 (2001); Deposition

City of Memphis (Ford & Harrison); Johnson et al. v. City of Memphis 00-2608 (2001); Testimony

Willamette (Ellzey & Brooks); McCoy et al. v. Willamette Industries CV-401-75 (2001); Deposition

Conoco (Baker & Botts); Bendig et al. v. Conoco H-00-1150 (2001); Deposition

Zenith (Atlas & Hall); Judt et al. v. Zenith C-2408-96-G (2001); Deposition

Mynaf (Milberg, Weiss, et al.); Mynaf et al. v. Taco Bell Corp. CV761193 (2000); Deposition; Testimony

City of Garland, TX (Latham & Watkins); USA v. City of Garland 3-98-CV-030L-L (2000); Deposition

Ameripol Synpol (Wickliff & Hall); Hayward v. Ameripol Synpol B-149,045 (1999); Deposition

GC Services, Limited Partnership (Baker & Botts); Shelly, Latson, Walker, Woods, & Owens v. GC Services H-98-0488 (1999); Testimony

Baker Hughes (Wickliff & Hall); Menchaca v. Baker Hughes CA-H-96-1392 (1998); Deposition

Exxon Corporation (Exxon Corp. Counsel); Roper v. Exxon Corp., et al. 97-1971 (1998); Deposition

City of Austin (Clark, West, et al.); Brown v. City of Austin 95-12194 (1998); Affidavit