EXPERT REPORT

Maverick Hughes
v.
Mississippi Transportation Commission
C.# 3 :06cv81 HTW-JCS (S.D. Miss)

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Appendix A: Dr. Landy's Curriculum Vitae

I. EXECUTIVE SUMMARY

Opinion 1: Mr. Hughes has no basis for a claim of discrimination with respect to the starting compensation of Mr. Petty.

Opinion 2: Mr. Hughes has no basis for a claim of unfair discrimination in disciplinary actions.

Opinion 3. Mr. Hughes' allegation that he was inappropriately denied a promotion to Engineering Technician III: Bridge Inspector or pay as an Engineering Technician III: Bridge Inspector has no foundation.

Opinion 4: The State of Mississippi made it clear through various outlets that harassment (specifically, the creation of a hostile work environment based on race) and retaliation were unacceptable. I see no evidence of institutional behavior that would permit or encourage harassment or retaliation.

II. INTRODUCTION

1. Scope of Work

I have been retained by the Office of the Attorney General of the State of Mississippi in the case of Maverick W. Hughes v. Mississippi Transportation Commission. Specifically, I have been asked to examine the complaints of Mr. Hughes with respect to his allegations concerning discriminatory personnel decisions by the Mississippi Department of Transportation (MDOT) in instances regarding pay, work assignments, promotions, discipline, retaliation, hostile work environment, and termination. Since discovery is ongoing in the case, this report should be considered preliminary. When discovery has been completed and appropriate depositions taken, I will supplement this report. In addition, if and when the plaintiffs submit an expert report, I will respond to that report as well.

My preliminary considerations have included personnel decisions related to compensation, job assignment, promotion, discipline, and termination as well as Mr. Hughes' allegations of retaliation and a hostile work environment. In addition to producing the present report, I have also been asked to provide expertise in evaluation of any reports submitted by experts for the plaintiff as well as offer testimony at trial, the date for which has yet to be determined.

2. The Fields of Industrial and Organizational Psychology

Industrial and organizational (I-O) psychology is a specialty field within the broader discipline of psychology (Landy & Conte, 2004; 2007). It is distinct from other subfields such as clinical and counseling psychology, educational psychology, or experimental psychology because it deals specifically with workplace management, organizational effectiveness, and worker performance. As a result, there are unique tools that are used for analysis, unique scientific literature, and unique theories of worker behavior and personnel decision making that are not shared with other branches of psychology or with related disciplines such as sociology, anthropology, industrial engineering, or industrial management. I-O psychology deals with the application of findings from other areas of psychology (e.g., social psychology, personality, differential psychology, cognitive psychology, experimental psychology) and human resource (HR) management to the work environment.

The field of I-O psychology has been in existence for more than 100 years. Courses in the discipline are offered at both the undergraduate and graduate level at the majority of colleges and universities. Advanced degrees (M.A., M.S., Ph.D., and Psy.D.) have been offered in the field for over 90 years. There have been hundreds of basic texts published in this area, thousands of specialty texts dealing with individual topics, and hundreds of thousands of empirical research studies published in peer-reviewed journals both domestically and internationally that address topics within the domain of I-O psychology. The primary scientific and professional organization is the Society for

Industrial and Organizational Psychology (SIOP), which has been division 14 of the American Psychological Association since the formation of specialty divisions in 1944.

I-O psychology is divided into three main sections: HR (or personnel) psychology, organizational psychology, and human engineering. For purposes of this report, topics in HR psychology will be addressed. HR psychology considers issues related to the human abilities and attributes necessary to complete the essential tasks of a job as well as the definition, assessment, and management of work effort and job performance.. Common topics in HR psychology include job analysis, candidate assessment, compensation, selection, training, work assignment, performance evaluation, discipline, promotion., and termination.

I-O psychologists are often involved as expert witnesses in cases concerning allegations of employment discrimination. The methods of I-O psychology include analysis of survey data, interviews, content analysis of organizational documents, reviews of scientific literature, and statistical analysis of data. These methods are commonly used for scientific research in the field as illustrated in the major research journals in the field.

3) My Background, Credentials and Experience

I have a Ph.D. in I-O psychology, with an emphasis on HR psychology and statistics and have been conducting and publishing research and consulting in organizational settings for 40 years. I have been actively engaged in consulting for public and private sector clients since 1970. My CV is presented a the end of this report as **Appendix A.**

i) Publications and Research

I founded and edited the scientific journal entitled "Human Performance," published by Erlbaum. This journal is currently in its seventeenth year of publication and publishes articles related to HR psychology and HR psychometrics. I was the Associate Editor of the "Journal of Applied Psychology" (the leading scientific journal in I-O psychology, published by the American Psychological Association), for six years and currently serve on the editorial board. This journal also publishes research and practice articles in HR psychology and psychometrics. I am a peer reviewer for many journals related to industrial, organizational, and general psychology, including the "Journal of Applied Psychology," "Journal of Occupational Psychology," "The American Psychologist," "The Psychological Bulletin," "Human Performance" and others listed on my CV in **Appendix A**. Literature related to the issues under consideration in this litigation appears in all of these scientific journals.

I currently have, or in the past have had, appointments to several federal grant and contract review panels. At various points in my career, I have provided reports on HR Psychology at the request of the National Academy of Sciences, the United States Department of Transportation, United States Department of State, United States Equal Employment Opportunity Commission (EEOC), United States Department of Labor, United States Department of Justice, the Office of Federal Contract Compliance Programs (OFCCP), United States Customs Service, United States Secret Service, the Drug Enforcement Agency (DEA), and the Central Intelligence Agency (CIA). I was commissioned by the United States Department of Labor to undertake a study of the

performance evaluations of federal employees in 12,000 different job titles over a 20-year period.

I have been retained to conduct large scale evaluations of discipline systems for many publicand private sector clients including the U.S. Customs Service, the Pennsylvania State Police, and the Southeast Pennsylvania Transportation Authority (SEPTA).

I have written textbooks with chapters on HR psychology as well as invited book chapters (e.g., Landy, 1987; Landy, 1989; Landy & Conte, 2004; Landy & Conte, 2007; Landy, Shankster, & Kohler, 1994; Landy, Shankster-Cawley, & Moran, 1995). I have published extensively in peer-reviewed scientific journals on topics related to HR psychology (See my CV in **Appendix A)**. I have recently completed a scholarly text entitled "Employment Discrimination Litigation" (Landy, 2005), that deals extensively with issues related to employment discrimination in the workplace.. The Society of Industrial and Organizational Psychology (SIOP), the major professional and scientific organization for I-O psychologists, commissioned this text to represent an authoritative survey of issues, representative case law, and professional and scientific practice related to HR issues associated with employment discrimination.

In addition to my specialized background in I-O psychology and psychometrics, I have conducted funded research, written books, book chapters, and articles, taught undergraduate and graduate courses, and provided expert testimony related to topics specifically dealing with compensation, recruitment, selection, training, promotion, discipline, and termination.

ii) Delivered Papers and Awards

I have delivered over 650 scientific presentations in conference and non-conference settings. I was on the faculty of The Pennsylvania State University for over 25 years, retiring at the rank of Full Professor, and Director of the Center for Applied Behavioral Sciences. I remain on the faculty of the Colorado State University as well as Griffiths University in Brisbane, Australia. I have received two awards for research from SIOP. In 1980, I (and my colleagues) received the Cattell Award for Excellence in research design. In 1998, I (and my colleagues) received the M. Scott Myers Award for Applied Research in the Workplace, an award given in recognition of a project or product representing an outstanding example of the practice of I-O psychology in the workplace. In 2004, I was awarded the Professional Contributions Award by SIOP for developing, refining, and implementing practices, procedures, and methods that have had a major impact on both people in organizational settings and the profession of I-O psychology.

iii) Professional Memberships

I am a Fellow of Divisions 5 (Measurement), 14 (Industrial and Organizational Psychology), 21 (Engineering), 26 (History), and 47 (Sports and Exercise Psychology), of the American Psychological Association (APA). Fellowship in APA Divisions is granted as a result of demonstrated excellence in research in the domain of the particular Division. I am also a member of the American College of Sports Medicine. Additionally, I am a past president of SIOP. In that capacity, I provided input to legislators and regulators on the Civil Rights Act of 1991, the Americans with Disabilities Act (ADA), and the Age Discrimination in Employment Act (ADEA). In particular, my input was

related to issues associated with HR psychology. In 1993, research which I directed was used as a foundation for changing the exemptions clauses of the ADEA with respect to public sector employees. I am frequently invited by SIOP to conduct workshops on employment discrimination.

iv) Organizational Consulting

I have worked as a consultant to private and public sector organizations since 1965. In collaboration with my colleague Rick Jacobs, I founded the consulting firm of Landy, Jacobs and Associates, Inc. (LJA), an organizational consulting firm and remained President of that firm until 1998, when LJA merged with SHL Group plc (Saville & Holdsworth, Ltd). LJA and SHL have been retained by both public and private sector employers at various times in the last two decades to develop, administer, and score tests of knowledge, skill, and ability.

I am currently the CEO of Landy Litigation Support Group (LLSG) and, in that capacity, work with public and private sector employers domestically and internationally on issues related to HR psychology.

In my various employment roles, I have testified in lawsuits in federal and state courts and have been admitted as an expert in federal court on issues related to testing, statistics, and psychometrics. As an expert witness, I have worked with lawyers representing both plaintiffs and defendants. I have been retained frequently by federal agencies (EEOC, Department of Justice, Office of Federal Contract Compliance Programs) representing single plaintiffs and classes of plaintiffs. I have also been retained by the U.S. Department of Justice to defend federal agencies against charges of

employment discrimination (e.g., DEA, U. S. Customs Service, U.S. Secret Service, IRS, and the U.S. Department of Agriculture).

I have extensive experience in consulting and expert testimony related to state Civil Service systems. At various times, I have been retained by the States of Alabama, Tennessee, Pennsylvania, New York, Illinois, Colorado, and California to review and evaluate various civil service components. In addition, I have extensive experience in evaluating discipline systems for both Federal employers (e.g., the U.S. Customs Service) State Employers (e.g., Alabama, New York, Pennsylvania) and municipal employers (e.g., SEPTA).

III) METHODOLOGY

In completing my work in this case, I will use the standard methodology of the industrial psychologist and HR Professional. This methodology includes:

- review of relevant scientific and management literature
- statistical analyses of relevant data sets
- interviews with relevant knowledgeable persons
- review of documentation related to allegations in the case
- observations if appropriate.

As I indicated earlier, in the absence of completed discovery (and in particular, in the absence of a deposition of the plaintiff, Maverick Hughes), at this stage my methodology is limited to an examination of relevant scientific and management

literature, the current case file, and relevant MDOT documents. I expect to conduct interviews, possibly conduct observations, and complete both statistical and content analyses of promotional and disciplinary decisions as permitted by discovery. In particular, I await the designation by the plaintiff or plaintiff's counsel of white and black "comparators" against whom I may evaluate the allegations of Mr. Hughes regarding possible racial discrimination related to compensation, work assignment, promotion, discipline, and termination.

IV) MATERIALS REVIEWED

For purposes of this Expert Report, I have reviewed the following materials:

All pleadings and legal documents in the lawsuit including;

- Complaint
- Settlement offer
- Amended complaint
- Pre-discovery disclosure information of both Plaintiffs and Defendants
- Interrogatories
- Various Motions and Responses

Mr. Hughes' personnel file, including

- General information
- Pay documents
- Discipline files
- Correspondence

Agency EEO poster and Employee Handbooks

Complete EEOC file, including;

- Predetermination interview summary
- EEOC correspondence

- EECO investigation and determination

V) OPINIONS

1) Introduction

Since the only information regarding discriminatory acts by MDOT have been presented through the complaints of Mr. Hughes and supporting and opposing arguments by attorneys for the plaintiff and defendant agency, I will present my opinions in necessarily broad form. As discovery continues, including the deposition of the plaintiff and other relevant witnesses, and any possible expert reports submitted by plaintiff experts, my opinions will be more specific and focused. Nevertheless, in the spirit of providing a preliminary statement of my general opinions and understanding of the charges and defenses, I will submit a report covering those preliminary opinions and the foundation for them. .

2) The Complaints

From a review of the documents in my possession, the charges of Mr. Hughes seem to be as follows:

1. His rate of compensation is lower than that of a similarly situated white colleague, Greg Petty. In particular, he argues that he should be compensated at a rate equal to or higher than a white employee hired after Mr. Hughes was hired.

2. Various disciplinary actions by MDOT were more harsh for Mr. Hughes than for similarly situated white colleagues and his termination was unfair.
3. He was unfairly denied a promotion/reclassification because of his race. Although it is not clear from the present documents, Mr. Hughes may also be arguing that he should be paid at the rate of an Engineering Technician III because some of his Engineering Technician I duties involve bridge inspections.
4. MDOT retaliated against him because he filed an EEOC complaint.
5. He was confronted with a work environment hostile to black employees.

3) Overview

As is commonly the case with individual plaintiffs, the foundation for Mr. Hughes' challenges seems to rest on comparisons with individual white colleagues. Mr. Hughes is not in a position to have contextual information critical to such a comparison. As an example, he would have no access to the disciplinary files of colleagues. Nor would he have access to the entire foundation for making compensation or promotional decisions. Determinations regarding reclassifications, job assignments, promotions are within the domain of Human Resource (HR) specialists on the staff of an organization such as MDOT. There is no reason to believe that a non-HR employee would be positioned to offer opinions regarding personnel decisions, particularly if the allegations involve wide-spread claims of discriminatory systems or decisions. In order to support such claims, Mr. Hughes would need to evaluate decisions made in favor of and against

the interests of a representative sample of both white and black colleagues. There is no indication that Mr. Hughes or his attorneys have attempted such an analysis. This may be forthcoming from a designated plaintiff expert, Mr. Hughes, or his attorneys, but until and unless such an analysis is presented, one can only evaluate the HR systems governing the decisions that Mr. Hughes challenges. Thus, at this stage, my opinions will largely address the broad practices and procedures of MDOT and exemplar individual comparisons between Mr. Hughes and any white and black colleagues who might arguably be identified as "comparables". Finally, with respect to claims of individual retaliation and a hostile work environment, although it is not my primary role to address or rebut those allegations, I can comment on the systems in place at MDOT that would prevent the creation and/or maintenance of a hostile work environment or would permit and/or encourage retaliatory actions. My primary role is to describe HR systems which address work related behaviors rather than to evaluate the credibility of fact witnesses or the complainant.

4) Opinions

Opinion 1: Mr. Hughes has no basis for a claim of discrimination with respect to the starting compensation of Mr. Petty

It is Mr. Hughes' belief that Greg Petty's starting salary represents evidence of racial discrimination since both Mr. Petty and Mr. Hughes occupy the position of Engineering Technician I. Mr. Hughes incorrectly sets Mr. Petty's beginning salary at

$26,900. In fact, Mr. Petty's starting salary was $23,661. This is approximately $667 more, annually, than Mr. Hughes' salary.

Both Mr. Hughes and Mr. Petty were considered for "new hire flex" adjustments to starting salary when they were hired by the State of Mississippi. "New hire flex" adjustments are part of a larger compensation program known as "variable compensation" (VCP in the vernacular of the State of Mississippi). "New hire flex" is a program initiated to allow the State to compete favorably for candidates with more than the minimum stated requirements or qualifications for an open position. Such programs are common in both the private and public sector. Since Mr. Hughes did not exceed the minimum requirements for his entry position, he was not able to take advantage of the salary adjustment provided by the "new hire flex" program. In contrast, Mr. Petty had 13 years of directly related experience and was offered a "new hire flex" adjustment of 10% above the starting salary of $21,510. Had it not been for the "new hire flex" adjustment, Mr. Petty would have been hired at a starting salary of $21,510 - a compensation rate that would have been lower than Mr. Hughes' current compensation.

The Variable Compensation Plan (VCP) of the State of Mississippi and the "new hire flex" program are well described in various State documents, including the Mississippi State Employee Handbook (pp. 17-18) and the MS State Personnel Board Policy and Procedures Manual (Section 5.04.3). The tables used to calculate the adjustment for experience are part of the EEOC file in this case (Bates # Hughes 0535) and indicate that 5 ½ years of experience beyond the minimum requirement warrants a 10% increase in starting salary. In fact, Mr. Petty had 13 years of experience while the minimum requirement was 2 years. Mr. Petty clearly warranted the "new hire flex"

adjustment. There is no reason to believe that if Mr. Hughes had similar years of directly related experience when he became a state employee, he would not have similarly benefited from the "new hire flex" program. The tables and calculations of the "new hire flex" adjustment are a matter of public record, and my review of those tables and calculations confirms that Mr. Petty received exactly 10% more in starting salary as provided for by the program.

The scientific and management literature strongly support the "new hire flex" concept. It is a "best practice" to pay a premium for directly related experience. Experience is expected to result in increased productivity, higher levels of performance, and greater versatility (Rynes, Orlitzky, & Bretz, 1997; Rosen, 1974; Miller, 2006; Ladika, 2005; Nail, Bland, & Knox, 2000; Danagher, 2005). Many public employers have programs very similar to the "new hire flex" program of the State of Mississippi.

The available evidence suggests the following:

1) "new hire flex" programs are desirable.
2) When he was hired, Mr. Hughes was not eligible for a new hire flex adjustment.
3) When he was hired, Mr. Petty was eligible for a new hire flex adjustment not to exceed 10% of the published starting salary.
4) Mr. Petty's starting salary was exactly 10% above the published starting salary.

The record also demonstrates (Bates # Hughes 0530) that: a) white Engineering Technican I's were given starting salaries both lower (Wallace Chastain) and higher than Mr. Hughes (Keith Ferguson, William Keenum); b) Black Engineering Technician I

incumbents (Steven Mays, Jimmie Forrest) had higher compensation rates than Mr. Hughes, and higher than Mr. Petty.

It is my opinion that the "new hire flex" program was applied appropriately and fairly to both Mr. Hughes and Mr. Petty. I see no evidence to suggest that race played a role in establishing either Mr. Hughes' or Mr. Petty's starting salary.

Opinion 2: Mr. Hughes has no basis for a claim of unfair discrimination in disciplinary actions.

The record appears clear that Mr. Hughes violated various State regulations. These regulations are well described in various documents including the Mississippi State Employee's Handbook (203 – pp. 63-71). As the record reflects, Mr. Hughes was found to be in violation of various Group II and Group III offenses. The substance of these violations included several instances of soliciting money from a State contractor, leaving a counseling session without permission of his supervisor, failing to perform his duties as an inspector of loads of asphalt, and giving the appearance of having personally profited from a State transaction. There are additional performance related issues that surfaced during the Spring and Summer of 2004 – including additional instances of possibly soliciting a bribe as well as being absent from work without permission – for which he was not charged, but could have been. Any one of his integrity violations (asking for loans from a contractor whose work he oversaw), performance violations (failing to inspect loads of asphalt and falsifying related reports, unexcused absences), or insubordination (leaving a counseling session without permission) could in and of itself warrant dismissal. The combination of these violations clearly warranted dismissal by

the standards set in the State discipline policy. Mr. Hughes was provided opportunities to appeal and otherwise explain why he should not be terminated. In a pre-disciplinary hearing before the Commission Hearing Officer, Mr. Hughes simply asserted that the charges were baseless. In a subsequent hearing before the Mississippi Employee Appeals Board, Mr. Hughes admitted to asking for a loan from a contractor he oversaw for the State. The record includes evidence of the failure to check asphalt loads and the falsification of documents. It appears that there is little basis for Mr. Hughes claim that he should not have been dismissed. He further claims that other employees were not similarly terminated for violations of the discipline code. That also seems to be incorrect. Both black (John Coleman, Jimmy Fulton, Ethel Haggard, Jefferey Singleton, and Jesse Washington) and white (William Keys, Kevin Kirk, and Harvey McBride) were also terminated in 2004 for violations of the State Discipline Code. Other white (e.g. Rodney Bruce, William Keenum) and black (e.g. Steven Mays) department employees received letters of reprimand for various violations of the Discipline Code, as did Mr. Hughes for his instance of insubordination.

The scientific and management literature is clear on issues of integrity violations. They are serious, and for public employers, perhaps the most serious category of violation, indicated by the fact that many of these violations can also be prosecuted as felony charges in criminal proceedings. . In the case of Mr. Hughes, there were several instances of serious integrity violations including – asking for a loan from a State contractor he oversaw, bragging that he had personally profited from the removal of trees from a site, and permitting the forgery of inspection documents. Each of these was a public event in the sense that a non-State employee was involved or observed the

behavior. This cannot help but bring the integrity of the State and the Department of Transportation into question. The State would be hard put to justify to these members of the public why drastic action, such as dismissal, was not taken. The relevant literature (Moberg, 1997; Hollinger & Clark, 1982; Mangione & Quinn, 1974; Paul & Townsend, 1993; Singer, 1985; Robinson & Bennett, 1997) all suggest strong and immediate punishment for violations of integrity. More recently, it has been suggested that counterproductive behavior usually includes numerous deviant acts that would define a syndrome of undesirable employee behavior (Landy & Conte, 2007). From this perspective, it would appear that Mr. Hughes was engaged in a collection of counterproductive behaviors, not a single violation, making termination all the more appropriate.

Many State agencies consider integrity violations to be one of the most serious categories of discipline violation. As examples, the administrative codes of Arizona, Montana, Colorado, and Alabama are similar to that of Mississippi with respect to integrity violations so it is hard to argue that Mississippi is unduly harsh on offenders or identifies violations of a discipline code that would represent unremarkable behavior in other jurisdictions.

It is my opinion that the behavior of Mr. Hughes warranted termination under the existing code of offenses and penalties of the State of Mississippi. Further, it is my opinion that the State of Mississippi provided multiple avenues of appeal for Mr. Hughes protecting his right to procedural fairness. Finally it is my opinion that there is no evidence to suggest that Mr. Hughes was treated any more harshly as a result of his race. Both white and black employees appear to be similarly treated under the Discipline code.

Opinion 3. Mr. Hughes' allegation that he was inappropriately denied a promotion to Bridge Inspector has no foundation.

No one disagrees that Mr. Hughes may have had some occasional and limited responsibilities with respect to inspection of bridges under construction. Nevertheless, the Job Description for Engineering Technician I (Bates # Hughes 0573) shows a wide variety of reasonably structured tasks. Interestingly, Bridge Inspection, per se, is never mentioned. In contrast, the Bridge Inspector position (Engineering Technician III) is devoted almost entirely to bridge inspection and is devoted to existing bridges not bridges under construction. The tasks and essential functions are substantially different for the two positions (Engineering Technician I and Engineering Technician III: Bridge Inspector) and there is no reason to believe that an Engineering Technician I who had limited responsibilities in the inspection of bridges under construction would be qualified to fulfill the duties of a Bridge Inspector (Engineering Technician III). Mr. Hughes simply asserts that he was qualified to assume the position of Engineering Technician III: Bridge Inspector and was more qualified than Mr. Lott. It is not clear from his charges, but Mr. Hughes may also be alleging that he was doing the work of Engineering Technician III: Bridge Inspector but was being paid at the lower rate of Engineering Technician I. The record shows that Mr. Hughes was doing many things other than inspecting bridges, and when he was inspecting bridges, it was only bridges currently under construction. Mr. Hughes simply misunderstands the way in which jobs are defined and classified. The appropriate avenue for appeal is to simply ask that his job be examined for purposes of re-classification.

Opinion 4: The State of Mississippi made it clear through various outlets that harassment (the creation of a hostile work environment based on race) and retaliation were unacceptable. I see no evidence of institutional behavior that would permit or encourage harassment or retaliation.

Both public and private employers have the responsibility for both educating and disciplining employees with respect to violations related to harassment and retaliation. Documents provided to me by the State show evidence of both informing/educating employees with respect to the importance of providing a peaceful and equitable work environment for employees, as well as a clear statement regarding the unacceptability of actions that would either contribute to a hostile work environment or constitute retaliation. As examples, Rodney Bruce was given a written reprimand for having a hangman's noose on the rearview mirror of his state vehicle and William Keenum received a written reprimand and a 5 day suspension for threatening another State employee. Both of these violations would fall into the category of "creating a hostile work environment." Without out further elaboration from Mr. Hughes, it is difficult to respond in any particularized way to his allegations. Instead, I can simply point to the policy of the State and exemplar disciplinary actions.

With respect to the charge of retaliation, Mr. Hughes simply connects disciplinary actions with his EEOC complaint. His particular allegation regarding retaliation will be further explored with fact witnesses. Nevertheless, it does appear that with or without an EEOC complaint, the work behavior of Mr. Hughes warranted termination.

VI) CONCLUSIONS

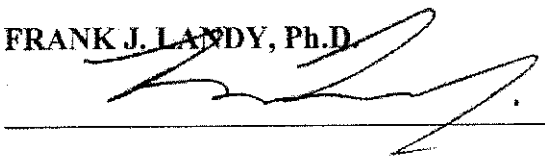
Mr. Hughes was terminated as a result of a series of events that represent a syndrome of counterproductive behavior. At the core of these counterproductive behaviors is the violation of an expectation of integrity on the part of employees. This expectation is spelled out very clearly in the Employee Handbook. Violations of this expectation are clearly identified as Group II and Group III offenses in the discipline code of the State of Mississippi. Any violation falling into these two categories may result in termination. In any disciplinary system, multiple violations of serious offense categories (such as represented by Group II and Group III offenses in the Mississippi disciplinary system) would likely result in termination in any disciplinary system. In that respect, the State of Mississippi disciplinary system is unremarkable.

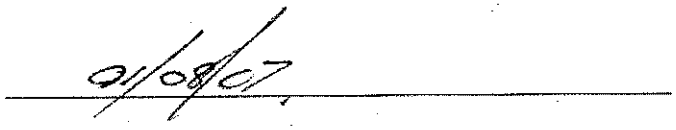
Mr Hughes contends that he has been singled out for harsh treatment because of his race. He presents no mitigating information regarding his offenses, instead arguing that others have committed the same offenses and have escaped harsh treatment. Further, he argues that white state employees are more likely to be treated less harshly with respect to discipline than black employees, but presents only anecdotal evidence. In a like manner, Mr. Hughes contends that he has been paid less than he deserves and has been denied higher paying positions for which he has expressed interest because of his race. Like many employees who are unhappy with employer decisions, Mr. Hughes looks outside of himself for explanations and chooses race. In the case of Mr. Hughes, however, the most plausible explanations for the employer decisions which concern him can be found in his own credentials and behavior. He simply did not qualify for a "new

flex hire" adjustment when he was hired by the State of Mississippi. Others (e.g. Mr. Petty) did. He did not have the knowledge, skills, or ability possessed by other candidates for particular promotions (e.g. the Engineering Technician III Bridge Inspector position which was awarded to Mr. Lott). Further, he conflated some Engineering Technician I tasks that arguably relate to new bridge construction with the essential functions of the Engineering Technician III: Bridge Inspector position. He was terminated because he engaged in counterproductive and deviant work behaviors that should and did result in termination. I have seen no evidence in the case records to suggest that race was the animus for any of these decisions. White and black employees can be identified who received and did not receive "new hire flex"; white and black employees can be identified who did and did not receive desired promotions; white and black employees can be identified who were and were not terminated for violations of the disciplinary code. Under such circumstances, the hypothesis that race drove these personnel decisions becomes less plausible.

It is my opinion that there is ample evidence to suggest that the State of Mississippi has in place HR systems that reduce the possibility of discriminatory personnel decisions. Further, it is my opinion that Mr. Hughes was treated impartially by those HR systems.

FRANK J. LANDY, Ph.D.





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APPENDIX A: CV of Frank J. Landy, Ph.D.

Curriculum Vitae

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Education

Villanova University	Psychology	1960-1964	B.A.
Bowling Green State University	Psychology	1964-1966	M.A.
Bowling Green State University	Psychology	1966-1969	Ph.D.

Employment History

1966-1969	Associate Investigator, U.S. Department of Labor Grant
1967-1968	National Science Foundation Fellow
1968-1969	Principal Investigator, U.S. Department of Labor Grant
1969-1973	Assistant Professor of Psychology, Penn State
1973-1979	Associate Professor of Psychology, Penn State
1979-1994	Professor of Psychology, Penn State
1994-Present	Professor Emeritus, Penn State
1980-1981	Acting Head, Department of Psychology
1984	Visiting Professor, Department of Psychology, Stanford University
1985-1988	Director: Applied Psychology Institute
1988-1994	Director: Center for Applied Behavioral Sciences
1995-Present	Adjunct Professor of Psychology, Department of Psychology, Colorado State University
1997-1999	Visiting Researcher, Department of Psychology, University of California, Berkeley
1984-1998	President: Landy, Jacobs and Associates, Inc.
1998-2005	CEO: SHL Litigation Support Group
2005 –Present	CEO: Landy Litigation Support Group (LLSG)
2005-2008	Adjunct Professor, Griffith Business School, Griffith University, Queensland, Australia

Membership in Professional Organizations

American Association for the Advancement of Science
American College of Sports Medicine
American Psychological Association (Divisions 5, 14, 21, 26, 47)
Human Factors and Ergonomics Society

Mathematical Association of America
Midwestern Psychological Association
National Fire Protection Association
Personnel Testing Council of Northern and Southern California
Psychometric Society
Sigma Xi (Admissions Committee - 1983-1984)
Society for the Study of Organizational Behavior
Society of Industrial and Organizational Psychology

Honors, Awards, Appointments

1971	Diplomat Scholar - U.S. Department of State
1971	Visiting Scientist - APA and NSF
1973	Distinguished Alumnus - Bowling Green State University
1975-1980	H. Thomas Hallowell Faculty Fellow (Funded 5 year Research Chair)
1975	Fulbright Hays Research Fellow (Sweden)
1975	NATO Senior Lecturer (Human Factors Panel) (Lectured in Norway, England, Scotland, Denmark, and the Netherlands)
1979	Senior Fulbright Research Fellow (Sweden)
1979	Fellow - Division 14 of the APA
1980	Cattell Award for excellence in research design, Division 14 of APA
1981	Appointed Associate Editor of the Journal of Applied Psychology
1982	Invited Workshop Leader at the APA Convention (Performance Evaluation)
1983	Appointed Seminar organizer for 1984 International Congress of Applied Psychology (Acapulco) by International Association for Applied Psychology
1983	Appointed to Committee on Performance of Military Personnel, National Academy of Term to run until 1985.
1983	Guest of Academies of Science of Romania, Yugoslavia, Czechoslovakia and Hungary. Presented invited addresses in Cluj (Romania), Ljubljana (Yugoslavia), Budapest and Szeged (Hungary) and Prague (Czechoslovakia)
1983	IREX Travel Award for lectures in Eastern Europe
1983	Guest of Nobel Foundation at Nobel Ceremonies, Stockholm, 1983
1984	Reviewer for Transportation Research Board: National Research Council, National Academy of Sciences
1984	Reappointed Associate Editor of Journal of Applied Psychology
1985	Program Committee for Division 14 Mid-Year Convention
1985	Reappointed to Committee on Performance of Military Personnel, National Academy of Sciences. Four year term.
1985	Selected for National Academy of Sciences Exchange Program with Eastern Europe - Appointed for exchange with Romanian Academy of Sciences
1985-1986	Fellowship Committee of Division 14 of the APA
1985-1986	Elected to Penn State Faculty Senate
1986	Recipient of the Social Science Award of the College of Liberal Arts - The Pennsylvania State University
1986	Elected to Membership in the American College of Sports Medicine
1986	Elected to Membership in Division 47 of the American Psychological Association
1986-1988	Fellowship Committee of Division 14 of the APA
1988-1991	Elected to Council of Representatives of the American Psychological Association representing Division 14
1988	Invited workshop leader for APA convention (EEO Issues)

1988	Senior Fulbright Fellowship to lecture in Ljubljana, Yugoslavia
1988	Elected Fellow of Division 47 of APA (Exercise and Sport Psychology)
1989	Invited workshop leader for SIOP Convention, Boston, MA; EEO Issues
1989	Elected President of Division 14 (SIOP) of the American Psychological Association
1990	Co-Chair: Joint APA/NIOSH Conference on Work and Well Being, Washington, DC, November 15-17
1990-1993	Appointed to Board of Directors of the Institute for Policy Research and Evaluation
1991	Chair: APS Summit of Social and Behavioral Science Societies; Houston, January
1991	Appointed to Advisory Committee for the 2nd Annual APA/NIOSH Conference on Stress in the Workplace
1991	Selected as Master Lecturer for 1992 APA Annual Convention, Washington, DC, August
1992	Master Lecturer: APA, Washington, DC, August
1992	G. Stanley Hall Lecturer: American Psychological Association
1992	Selected as G. Stanley Hall Lecturer for 1992 APA Annual Convention, Washington, DC, August
1992-1995	Appointed to Advisory Board of the Council for the International Exchange of Scholars (Fulbright) Program
1992	Member SIOP Committee to draft Amicus Brief in Soroka v. Dayton Hudson Corporation
1992	Elected Fellow of Division 21 of APA (Applied, Experimental and Engineering Psychologists)
1992	Elected Fellow of Division 5 of APA (Division of Measurement)
1992	Appointed to Panel of the Transportation Research Board - National Research Council: Fitness for Duty Testing in Transportation Workplace
1993	Chosen to author Annual Review in Psychology chapter on personnel selection for 1994 volume
1993	Invited to present Keynote Address at the International Congress of Applied Psychology in Madrid, Spain, July, 1994
1993	Presented research lectures by invitation in Moscow under auspices of Moscow State University and Institute for Youth Development
1993	Invited to present the Annual Gaudet Lecture at Stevens Institute of Technology
1997	Invited to present keynote address at Industrial and Organizational Psychology Conference -- Australian Psychological Association, Melbourne, Victoria, Australia, June 28-29
1997	Invited as participant in Round Table Conference of Australian Academy of Sciences, Melbourne, Victoria, Australia, June 30-July 1
1997	Invited to present keynote address at Industrial and Organizational Psychology Conference -- New Zealand Psychological Association, Auckland, New Zealand, July 2-3
1997	Invited to present address "The Roots of Applied Psychology" at American Psychological Association Meeting, Chicago, August 16
1998	Invited as Chair of Symposium on Eastern European Psychology, International Association of Applied Psychology Meetings, San Francisco, August 9-14
2000	Two-year term on the Determination of Disability Committee by the National Academy of Sciences. The work of the committee was requested by the Social Security Administration and committee members include physicians specializing

in occupational medicine, physiologists, and epidemiologists. Dr. Landy is the sole industrial and organization psychologist on the committee.

2000 Appointed to Advisory Panel for 4th edition of the SIOP Principles for Validation and Use of Personnel Selection Procedures

2001 Appointed Honorary President of the Romanian Industrial and Organizational Psychological Association

2002 Invited lectures at the Australian Graduate School of Management and the Australian Psychological Society on the "Changing Nature of Work," Sydney, Australia – November 13-15

2002 Guest Professor at Giessen University, Giessen, Germany. November 18-22

2003 Invited seminar at Stockholm University, Department of Psychology, "Work in the 21st Century," May 2003

2003 Invited address - Ljubljana University (Slovenia), "The Application of Facet Theory to Industrial and Organizational Psychology," July 2003

2004 Invited lecture: Herschel W. and Eileen W. Leibowitz Lecture. Penn State University. "Work in the 21st Century," January 2004

2004 SIOP Award for Distinguished Professional Contributions

2004 Invited address - International Test Commission 2004 Conference on Equitable Assessment Practices, "The Past, Present and Future of Psychometric Legal Challenges," October 2004

2004 Member: Board of Directors - Facet Theory Association

Editorial Duties

Occasional Reviewer:

Organizational Behavior and Human Decision Processing
Psychological Bulletin
American Psychologist
Journal of Personality and Social Psychology
British Journal of Psychology
Journal of Applied Social Psychology
Journal of Management Studies (England)
International Journal of Applied Psychology
Accident Analysis and Prevention
Medicine and Science in Sports and Exercise

Associate Editor:
Journal of Applied Psychology (APA) (1981-1987)
Human Performance (Erlbaum and Associates) (1992-Present)

Editor: Human Performance (Erlbaum and Associates) (1985-1992)

International Consulting Editor: Journal of Occupational Psychology (British Psychological Society)

Editorial Board: Journal of Occupational Behavior

Editorial Board: Human Resource Research

Series Editor: Prentice-Hall Series in Applied Psychology

Editor: Cases in test validity. Journal of Business Psychology
What I have Learned Along the Way. The Industrial-Organizational Psychologist. (January 2003 – present)

Series Editor: Brooks-Cole Series in Industrial and Organizational Psychology

Co-Editor: International Handbook of Industrial and Organizational Psychology (Hogrefe) with Nigel Nicholson (Sheffield)

Editorial Board: Journal of Occupational Health Psychology

Appointed to: Ediotrial Board of Psihologia Resurselor Umane – 2003

Books

The Psychology of Work Behavior (with Don Trumbo). Dorsey Press, 1976.
The Psychology of Work Behavior - Revised Edition (with Don Trumbo). Dorsey Press, 1980.
The Psychology of Work Behavior. Dorsey Press, 1985.
The Measurement of Work Performance (with J. L. Farr). New York: Academic Press, 1983.
Performance Measurement and Theory (with S. Zedeck and J. Cleveland). Hillsdale, NJ: Erlbaum, 1983.
Psychology: The Science of People. Prentice Hall, 1984.
Psychology of Work Behavior. Student Workbook. Dorsey Press, 1985.
Psychology of Work Behavior. Instructor's Manual. Dorsey Press, 1985.
Readings of Industrial and Organizational Psychology. Dorsey Press, 1986.
Psychology: The Science of People (2nd Edition). Prentice Hall, 1987.
The Psychology of Work Behavior (4th Edition). Brooks-Cole, 1989.
Work in the 21st Century: An Introduction to Industrial and Organizational Psychology (with J. Conte). New York, NY. McGraw Hill, 2004.
Employment Discrimination Litigation: Behavioral, Quantitative, and Legal Perspectives. San Francisco: Jossey-Bass, 2005
Work in the 21st Century: An Introduction to Industrial and Organizational Psychology (with J. Conte). Blackwell Publishing Co. (In Press).

Monographs

Performance appraisal: Theory, method, and logic. Police Foundation Monograph Series, 1974.

Landy, F. J., & Farr, J. L. Police performance appraisal. JSAS Catalog of Selected Documents in Psychology, 1976, 6(3), 83.

Landy, F. J., Bland, R. E., Buskirk, E. R., Daly, R. E., DeBusk, R. F., Donovan, E. J., Farr, J. L., Feller, I., Fleishman, E. A., Gebhardt, D. L., Hodgson, J. L., Kenney, W. L., Nesselroade, J. R., Pryor, D. B., Raven, P. B., Schaie, K. W., Sothmann, M. S., Taylor, M. C., Vance, R. J., & Zarit, S. H. (1992). Alternatives to chronological age in determining standards of suitability for public safety jobs. Technical Report, The Center for Applied Behavioral Sciences, Penn State University.

Landy, F. J. (Ed.). Special issue: Test validity yearbook: Volume 2. Journal of Business and Psychology, 7(4), 369-482.

Chapters

Motivational considerations in environmental design. In Kohn, Imre (Ed.), Crime prevention and control through environmental design. 1976. Westinghouse Learning Corporation.

Development and use of supervisory and peer scales for police performance appraisal (with Jim Farr). In C. D. Spielberger (Ed.), Police selection and evaluation. (pp. 61-75). New York: Praeger, 1979.

Models of man: Assumptions of theorists. In N. Nicholson and T. Wall (Eds.), The theory and practice of organizational psychology: A collection of original essays. London, UK: Academic Press, 1982.

Theory and logic in human resources research (with Joseph Vasey). In Rowland and Farris (Eds.), Research in personnel and human resources management (Vol. 2). (pp. 1-34). Greenwich, CT: JAIPress, 1984.

Methodological problems and strategies in predicting absence (with Joseph Vasey and Fred Smith). In Goodman, Atkin, and Associates (Eds.), Absenteeism: new approaches to understanding, measuring, and managing employee absence. (pp. 110-157). San Francisco: Jossey-Bass, 1984.

Motivation theory reconsidered (with Wendy Becker). In L. Cummings and B. Staw (Eds.), Research in organizational behavior (Vol. 9). (pp. 1-38). Greenwich, CT: JAI Press, 1987.

Human computer interactions in the workplace: Psychosocial aspects of VDT use. In M. Frese, E. Ulrich and W. Dzida (Eds.), Psychological issues of human-computer interaction in the workplace. (pp. 3-22). Amsterdam: North Holland Publishing Co., 1987.

The psychology of prolonged exercise (with Rod Dishman). Exercise and Sports Sciences Review. American College of Sports Medicine, 1987.

Criteria for selection (with Haleh Rastegary). In I. Robertson and M. Smith (Eds.), Advances in personnel selection and assessment (pp. 47-65). Chichester, UK: Wiley, 1989.

Selection of abilities in job analysis. In S. Gael (Ed.), The job analysis handbook for business, industry, and government. (pp. 271-189). New York: Wiley, 1988.

Some characteristics of "action research." In A. Enander, B. Gustavsson, J. Ch. Karlsson, & B. Starrin (Eds.), Work and welfare: Papers from the Second Karlstad Symposium on Work (pp. 257-271). Karlstad, Sweden: Research Unit for Work and Working Life, 1991.

Job design and well being. In G. Keita and S. Sauter (Eds.), Work and well being: An agenda for the 1990s. (pp. 119-158). Washington, D.C.: American Psychological Association, 1992.

The concept of validity. In N. Schmitt and W. Borman (Eds.), Frontiers of Industrial and Organizational Psychology: Volume 4 - Personnel Selection in Organizations. (pp. 275-309). San Francisco: Jossey Bass, 1992.

The roots of I/O psychology: Master Lecture Series. Washington, DC: APA Publications, 1992.

Job analysis and job evaluation: The respondent's perspective. In H. Schuler, J. Farr, and M. Smith (Eds.), Personnel Selection and Assessment (pp. 75-90). Hillsdale, NJ: Lawrence Erlbaum, 1993.

The interactions among time urgency, uncertainty, and time pressure (with Haleh Rastegary). In O. Svenson & J. Maule (Eds.), Time pressure and stress in human judgment and decision making. (pp. 217-239). New York: Plenum, 1993.

Early influences on the development of industrial/organizational psychology. In T. Fagan and G. VandenBos (Eds.), Exploring applied psychology: Origins and critical analyses. Master lectures in psychology. (pp. 83-118). Washington, D.C.: American Psychological Association, 1993.

Advancing Personnel Selection and Placement Methods (with Laura Shankster-Cawley and Stacey Kohler). In A. Howard (Ed.), The Changing Nature of Work (pp. 252-289). San Francisco: Jossey-Bass, 1995.

Foreword to Robert Guion's Assessment, Measurement and Prediction for Personnel Decisions. Mahwah, NY: Erlbaum and Associates, 1998.

Charles S. Myers. In Encyclopedia of Psychology. Washington, D.C.: American Psychological Association, in press.

Edwin E. Ghiselli. In Encyclopedia of Psychology. Washington, D.C.: American Psychological Association, in press.

Job analysis. In B. Green and S. Wigdor (Eds.), Joint service project. National Academy Press, in production.

Papinchock, J. M. & Landy, F. J. (In Press). The influence of *Daubert* on expert witness testimony -- the human factors context. In Y. Ian Noy and Waldemar Karkowski (Eds.) Handbook of Human Factors in Litigation. Boca Raton, FL: Taylor & Francis Books.

Landy, F. J. Preface. In F. J. Landy (Ed.) Employment Discrimination Litigation: Behavioral, Quantitative, and Legal Perspectives. San Francisco: Jossy-Bass (pp. xv-xix), 2005.

Landy, F. J. Phases of Employment Litigation. In F. J. Landy (Ed.) Employment Discrimination Litigation: Behavioral, Quantitative, and Legal Perspectives. San Francisco: Jossey-Bass (pp. 3-19), 2005.

Landy, F. J. A Judge's View: Interviews with Federal Judges about Expert Witness Testimony. In F. J. Landy (Ed.) Employment Discrimination Litigation: Behavioral, Quantitative, and Legal Perspectives. San Francisco: Jossey-Bass (pp.503-572), 2005.

Outtz, J. L. and Landy, F. J. Concluding Thoughts. In F. J. Landy (Ed.) Employment Discrimination Litigation: Behavioral, Quantitative, and Legal Perspectives. San Francisco: Jossey-Bass (pp.575-590), 2005.

Landy, F. J. The Long, Frustrating, and Fruitless Search for Social Intelligence. In K. R. Murphy (Ed.) The Emotional Intelligence Bandwagon: The Struggle Between Science and Marketing for the Soul of EI. Mahwah, NJ: Lawrence Erlbaum and Associates, 2005.

Landy, F. J. Ten Answers in Search of a Question. In W. Bilsky and D. Elizur (Eds.) Facet Theory: Design, Analysis, and Applications. Prague, CZ: Zeithamlova Milena, Ing - Agentura Action M. (pp.123-135), 2005.

Landy, F. J. Post-modernism in applied psychology. In Petho, B. (Ed.) Essays in Honor of Bertalan Petho. Budapest: Budapest University Press, (2005)

Landy, F. J. (In Press). Changing work and the future of validation. In S. M. McPhail *Alternative Validation Strategies.* SIOP Practice Series. San Francisco: Jossey-Bass.

Landy, F. J. (In Press) Commentary. In E. Borgida & S. T. Fiske. *Psychological Science in the Court: Beyond Common Knowledge.* London: Blackwell Publishers.

Landy, F. J. (In Press) The Art and Science of Consulting. In W. C. Borman & J. W. Hedge (Eds.) *The I-O Consultant's Handbook.* American Psychological Association

Articles

Landy, F. J., & Elbert, A. J. (1967). Scaling assumptions underlying weighting in job classification systems. Journal of Applied Psychology, 51, 442-443.

Sutton-Smith, B., Rosenberg, B. G., & Landy, F. J. (1968). Father absence effects in families of differing sibling compositions. Child Development, 39, 1213-1221.

Landy, F. J., Rosenberg, B. G., & Sutton-Smith, B. (1969). The effect of limited father absence on the cognitive development of children. Child Development, 40, 941-944.

Smith, O. W., & Landy, F. J. (1969). A note on the visual recognition of words. Perceptual and Motor Skills, 29, 83-86.

Smith, O. W., & Landy, F. J. (1969). Grid vs. graphic scaling of importance and presence of some college experiences. Perceptual and Motor Skills, 29, 146.

Landy, F. J., & Guion, R. M. (1970). The development of scales for the measurement of work motivation. Organizational Behavior and Human Performance, 5, 93-103.

Landy, F. J., & Stern, R. M. (1971). Factor analysis of a somatic perception questionnaire. Journal of Psychosomatic Research, 15, 179-181.

Landy, F. J., & Gaupp, L. (1971). Factor analysis of the FSS-III. Behavior Research and Therapy, 9, 89-93.

Landy, F. J. (1971). Motivational type as a moderator of the satisfaction/performance relationship. Journal of Applied Psychology, 55, 406-413.

Landy, F. J. (1972). A procedure for occupational clustering. Organizational Behavior and Human Performance, 8, 109-117.

Guion, R. M., & Landy, F. J. (1972). The meaning of work and the motivation to work. Organizational Behavior and Human Performance, 7, 308-339.

Landy, F. J., & Bates, F. (1973). The non-effect of three variables in mail survey response rate. Journal of Applied Psychology, 58, 147-148.

Rhoads, R., & Landy, F. J. (1973). The measurement of attitudes of industrial work groups toward psychology and testing. Journal of Applied Psychology, 58, 197-202.

Landy, F. J., & Bates, F. (1973). Another look at contrast effects in the employment interview. Journal of Applied Psychology, 58, 141-144.

Landy, F. J. (1974). The development of scales for the measurement of updating. American Society for Engineering Education Monograph, 47-54.

Landy, F. J., & Goodin, C. (1975). Performance appraisal. Police Personnel Administration, 165-184.

Landy, F. J. (1976). The validity of the interview in police officer selection. Journal of Applied Psychology, 61, 193-198.

Landy, F. J., Farr, J. L., Saal, F. E., & Freytag, W. R. (1976). Behaviorally anchored scales for rating the performance of police officers. Journal of Applied Psychology, 61, 548-557.

Saal, F., & Landy, F. J. (1977). The mixed standard rating scale: An evaluation. Organizational Behavior and Human Performance, 18, 19-35.

Landy, F. J., & Landy, A. R. (1978). Dimensions of teacher behavior. Journal of Applied Psychology, 63, 522-526.

Landy, F. J. (1978). On the value of true negatives. American Psychologist, 33, 756-760.

Landy, F. J. (1978). An opponent process theory of job satisfaction. Journal of Applied Psychology, 63, 533-547.

Landy, F. J., Barnes, J. L., & Murphy, K. (1978). Correlates of perceived fairness and accuracy of performance appraisals. Journal of Applied Psychology, 63, 751-754.

Landy, F. J., & Barnes, J. L. (1979). Scaling assumptions in behavioral anchoring. Applied Psychological Measurement, 3, 193-200.

Landy, F. J., & Farr, J. L. (1980). Performance rating. Psychological Bulletin, 87, 72-107.

Landy, F. J., Barnes-Farrell, J., & Cleveland, J. (1980). Perceived fairness and accuracy of performance evaluation: A follow-up. Journal of Applied Psychology, 65, 355-356.

Landy, F. J., Vance, R. J., Barnes-Farrell, J., & Steele, J. W. (1980). Statistical control of halo error in performance ratings. Journal of Applied Psychology, 65, 501-506.

Cleveland, J., & Landy, F. J. (1981). The influence of rater age and ratee age on two performance judgments. Personnel Psychology, 34, 19-29.

Landy, F. J., Farr, J. L., & Jacobs, R. R. (1982). Utility concepts in performance appraisal. Organizational Behavior and Human Performance, 30, 15-40.

Landy, F. J., Vance, R. J., & Barnes-Farrell, J. (1982). Statistical control of halo error: A reply. Journal of Applied Psychology, 67, 177-180.

Landy, F. J. (1982). What have you done for me lately? A review of Pay and Organizational Development by E. E. Lawler. Contemporary Psychology, 27, 282-284.

Landy, F. J., Farr, J. L., & Jacobs, R. R. (1982). The bottom line in performance evaluation. Public Productivity Review, VI, 78-92.

Cleveland, J. N., & Landy, F. J. (1983). The effects of person and job stereotypes on two personnel decisions. Journal of Applied Psychology, 68, 609-619.

Landy, F. J. (1984). Industrial psychology. (Entry in the Social Science Encyclopedia - Routledge and Kegan Paul.)

Committee on Performance of Military Personnel, National Research Council. (1984). Job performance measurement in the military: Report of a workshop. Washington, DC: National Academy Press.

Pitariu, H., Landy, F. J., & Becker, W. (1986). The utility of the Holtzman test as a screening device for long-haul truck drivers. Romania Psychological Review, 32, 96-103.

Landy, F. J. (1986). Stamp collecting versus science: Validation as hypothesis testing. American Psychologist, 41(11), 1183-1192.

Landy, F. J. (1986). Psychology in Romania. The Industrial-Organizational Psychologist, 24, 21-25.

Landy, F. J. (1988). The early years of I/O: "Dr." Mayo. The Industrial-Organizational Psychologist, 25, 53-55.

Landy, F. J. (1988). The early years of I/O: Hugo Munsterberg and the polygraph. The Industrial-Organizational Psychologist, 25, 54-56.

Landy, F. J. (1989). The early years of I/O: J. D. Houser and J.D.I. The Industrial-Organizational Psychologist, 26, 63-65.

Sothmann, M., Saupe, K., Jasenof, D., Blaney, J., Fuhrman, S., Woulfe, T., Raven, P., Pawelczyk, J., Dotson, C., Landy, F., Smith, J., & Davis, P. (1990). Advancing age and the cardiorespiratory stress of fire suppression: Determining a minimum standard for aerobic fitness. Human Performance, 3, 217-236.

Pitariu, H. D., & Landy, F. J. (1990). Performance rating of data processing personnel. Man and Work: Journal in Labor Studies, 2, 103-114.

Landy, F. J., & Vasey, J. (1991). Job analysis: The composition of SME samples. Personnel Psychology, 44, 27-50.

Landy, F. J., Rastegary, H., Thayer, J. F., & Colvin, C. (1991). Time urgency: The construct and its measurement. Journal of Applied Psychology, 96, 644-657.

Sothmann, M. S., Saupe, K., Raven, P., Pawelczyk, J., Davis, P., Dotson, C., Landy, F., & Siliunas, M. (1991). Oxygen consumption during fire suppression: Error of heart rate estimation. Ergonomics, 34(12), 1469-1474.

Landy, F. J. (1991). The I/O family tree. The Industrial-Organizational Psychologist, 29, 31-34.

Sothmann, M. S., Landy, F. J., & Saupe, K. (1992). Age as a bona fide occupational qualification for firefighting: A review on the importance of measuring aerobic power. Journal of Occupational Medicine, 34(1), 26-33.

Landy, F. J. (1992). Hugo Munsterberg: Visionary or victim. Journal of Applied Psychology, 77, 787-802.

Landy, F. J. (September, 1992). Eliminating bias in performance ratings. Commissioned by Department of Labor.

Jacobs, R., Mathieu, J., Landy, F., Baratta, T., Robinson, G., Hofmann, D., & Ringenbach, K. (1993). Organizational Processes and Nuclear Power Plant Safety. Report to Proceedings of the International Topical Meeting on Probabilistic Safety Assessment, 211-215.

Landy, F. J. (1993). Basic applied psychology: Which is the cart and which is the horse? Applied Psychology: An International Review, 42(1), 49-51.

Pitariu, H., & Landy, F. J. (1993). Some personality correlates of time urgency. The Review of Romanian Psychology, 37, 15-26.

Landy, F. J., Quick, J. C., & Kasl, S. (1994). Work, stress, and well-being. International Journal of Stress Management, 1(1), 33-73.

Landy, F. J., Shankster, L. J., & Kohler, S. S. (1994). Personnel selection and placement. Annual Review of Psychology, 45, 261-296.

Hofmann, D. A., Jacobs, R. R., & Landy, F. J. (1995). High reliability process industries: Individual, micro, and macro organizational influences on safety performance. Journal of Safety Research, 26(3), 131-149.

Conte, J. M., Landy, F. J., & Mathieu, J. E. (1995). Time urgency: Conceptual and construct development. Journal of Applied Psychology, 80(1), 178-185.

Landy, F. J., (1996). Commentary. Human Performance, 9(3), 297-302.

Landy, F. J., (1997). Early Influences on the Development of I/O Psychology. Journal Of Applied Psychology, 82(4), 467-477.

Conte, J. M., Mathieu, J. E., & Landy, F. J. (1998). The nomological and predictive validity of time urgency. Journal of Organizational Behavior, 19, 1-13.

Kenney, W. L., FACSM, & Landy, F. J. (1998). Fitness Testing for Firefighters. ACSM□s Health & Fitness Journal, 2(4), 12-17.

Landy, F. J. (1998). Fitness Testing and the ADA. IPMA News, October 1998, 18-19.

Landy, F. J. (2001). Age, race, and gender in organizations. International Encyclopedia of the Social and Behavioral Sciences. In press.

Landy, F. J. (2001). Low Ceiling, Poor Visibility. Contemporary Psychology. In press.

Griffin, M. A., Landy, F. J., & Mayocchi, L. (2002) Australian influences on Elton Mayo: The Construct of Revery in Industrial Society. History of Psychology, 5(4), 356-375.

Conte, J. M., Dean, M. A., Ringenbach, K. L., Moran, S. K., & Landy, F. L. (2005) The relationship between work attitudes and job analysis ratings: Do task rating scale type and task discretion matter? Human Performance, 18(1), 1-21.

Landy, F. J. (2003). People Like Us. Intercultural Management Quarterly. Fall, 2003, 3, 8.

Landy, F.J. (2003). People Like Us. Atlantic Monthly. November 2003.

Landy, F. J. (2004). Professional Standards for the Practice of I-O Psychology. The Romanian Journal of Industrial and Organizational Psychology. In press.

Landy, F. J. (2005). Some Historical and Scientific Issues Related to Research on Emotional Intelligence. Journal of Organizational Behavior, 26, 411-424.

Landy, F. J. (2004). Taking the "or" out of Predictor: A Consideration of the Incremental Validity of Multiple Predictors. www.HRM.net (September).

Conte, J. M., Dean, M. A., Ringenbach, K. L., Moran, S.K., & Landy, F. J. (2005). The Relationship Between Work Attitudes and Job Analysis Ratings: Do Rating Scale Type and Task Discretion Matter? Human Performance, 18, 1-21.

Landy, F. J. (2005). Post-modernism and applied psychology. The Industrial-Organizational Psychologist, 43(1), 16-24.

Landy, F. J. (2005). That Woman. Psychological Observer. In press.

Landy, F. J. (2005) The Americans with Disabilities Act. Encyclopedia of Industrial/Organizational Psychology. In press.

Landy, F. J. (2005) The Equal Pay Act Of 1963. Encyclopedia of Industrial/Organizational Psychology. In press.

Research Grants/Contracts

1968 U.S. Dept. of Labor. Motivation and Satisfaction of Professional Engineers. ($14,349)

1970 National Science Foundation. Anticipated Satisfaction of Engineering Students. ($4,600)

1971	U.S. Department of Justice. Police Performance Measurement. ($81,051)
1972	U.S. Department of Justice Police Performance Measurement. ($129,782)
1973	Penn State Instructional Development Grant. Personalized Instruction System Development for Introductory Psychology. ($4,100)
1975	H. Thomas Hallowell Chair in Industrial Psychology (through 1980). ($75,000)
1976	Swedish National Board of Education Teacher Style and Student Behavior. ($4,000)
1977-1981	Grants from industries for Industrial and Organizational Research and Training Program at Penn State. ($115,000)
1980	Office of Naval Research/Office of Personnel Management Conference on Performance Theory and Measurement. ($31,081)
1980-1984	Office of Naval Research Developmental Motivation Theory. ($238,070)
1982	Office of Naval Research. Funds for Administering the High School Research Intern Program at Penn State for the Summer of 1982.
1986-1987	Funding for Applied Psychology Institute from the College of Liberal Arts, Graduate School, West Penn Power Co., Academic Assistance Program (PSU), Pennsylvania State Police, McDevitt and Street. (Total approximately $70,000)
	Continuing Funding for Applied Psychology Institute from State Attorney General's Office, Pennsylvania State Police, Academic Assistance Program. ($273,000)
	Boeing Corporation to Applied Psychology Institute for Study of Cognitive Ability Demands of Middle Level Managers. ($92,000)
	NIOSH - Data Collection on Time Urgency Scales. ($4,000)
1989-1994	U.S. Department of Agriculture - Evaluation of OPM Demonstration Project. ($1.8 Million)
	Pennsylvania State Police - Special Assignment Placement System. ($79,000)
	Boeing Corporation - Training Program for Management Assessment. ($46,000)
1990	Equal Employment Opportunity Commission - Study of Aging and Public Safety. ($900,000)
1990-1991	Nuclear Regulatory Commission - Study of Safety in Nuclear Power Plants. ($600,000)
1991-1992	American Dietetics Association - In Collaboration with Planning Studies - Development of Self-Assessment Modules: Phase I. ($800,000)
	Boeing Helicopters - Work Sample Testing. ($64,000)

1992	Corning - Asahi - Organizational Diagnosis. ($25,000)
1992	Pennsylvania Department of Transportation - Evaluation of Employee Involvement Program. ($77,000)
1992	American Dietetics Association - In Collaboration with Planning Studies - Development of Self-Assessment Modules: Phase II. ($770,000)
1993	Training and delivery of highway information systems (with Pennsylvania Transportation Institute). ($69,000)
1993	U.S. Department of Defense - Defense conversion initiative in Philadelphia Naval Shipyard. ($219,000)

Papers and Presentations

Approximately 600 presentations at conventions, professional meetings, and non-Penn State University Colloquia in the past 30 years.

External Consulting and Research Contacts

Philadelphia Electric Co.
General Public Utilities:
- Three Mile Island Nuclear Facility
- Oyster Creek Nuclear Facility

PARADE Magazine
Pittsburgh Plate Glass
World Bank
City of New York Personnel Department
New York City Police Department
Personnel Department, City of Philadelphia
RCA
Johnson and Johnson:
- Echo-Ultrasound
- IREX
- Technicare-Denver

CitiBank of New York
CertainTeed Corporation
Stouffer's Frozen Foods Co.
King, Ballow and Little - Law Firm
Pennsylvania State Civil Service Commission
Mexican American Legal Defense Fund
Lewistown Hospital
New Jersey State Civil Service Commission
New Jersey State Attorney General's Office
Gordon, Scheckman and Gordon - Law Firm
Brown-Boveri Corp.
SPS Technologies, Inc.
New York State Civil Service Commission
Foreman and Wickes - Law Firm
City of Columbus (Ohio) Department of Police
City of Columbus (Ohio) Fire Department

City of Columbus (Ohio) City Attorney's Office
City of Akron Department of Law
City of Wilmington (Delaware) Department of Public Safety
State of Maryland
General Public Utility Nuclear Corporation
New York State Department of Law - Attorney General's Office
Minitab
Armstrong World Industries
City of Cleveland - Department of Law
Photomedica - Division of Johnson and Johnson
City of Cleveland - Civil Service Commission
City of Cleveland - Division of Fire
Westmark - A Division of Squibb, Inc.
West Penn Power Co.
City of Denver
State Attorney General's Office of Pennsylvania
Pennsylvania State Police
Eichorn, Eichorn, and Link - Law Firm
Northern Indiana Public Service Co. (NIPSCO)
Gentry and Phillips - Law Firm
Edwin H. Sty - Law Firm
Kraft Foods, Inc.
District of Columbia - Division of Fire
City of Chicago - Division of Law
City of Grand Rapids - City Attorney's Office
Communications Workers of America
Old Bridge Township, New Jersey
Bell Atlantic Corporation
Advanced Technology Laboratories
Swedish Nuclear Inspection Agency
Liquor Enforcement Bureau of Pennsylvania State Police
C. Itoh, Inc.
City of Cincinnati
Commonwealth Court: Philadelphia
St. Paul Firefighters Union
Illinois State Police
Illinois Attorney General
City of Chicago Police Department
City of Chicago Fire Department
City of Tulsa Civil Service Commission
City of Austin Police Department
Pennsylvania Human Relations Commission
City of Colorado Springs
US West
City of Kansas City, KS, Police Department
City of New York Tests and Measurement
Denver, Colorado City Attorney
SEPTA
Target Stores
Leahy Law Offices
New York City Law Department - Arluck

City of Columbus Bio Data
Communications Workers of America
Lightman Law Offices
City of Buffalo-Department of Law
Stella D'Oro
Heidrick and Struggles
Port Authority of New York and New Jersey
City of Austin - Police Recruitment
City of Tulsa - Civil Service Commission
Lemon Growers
Ethan Allen
United Mine Workers
City of Buffalo Civil Service Commission
NYNEX
Department of Justice
Massachusetts Department of Personnel Administration
EEOC
Computer Science Corporation
Hollington Law Offices
Norfolk Southern
Conybeare Law Offices
City of Franklin, TN
San Mateo County
DuPont
Ceridian
Borough of Juneau, Alaska
City of Sheboygan
PG&E
Monument Mortgage
First Data Corporation
New York State Supervisor Test Assessment
INRTEK
Honda of America Manufacturing, Inc.

Litigation Services Consulting and Testimony

Employment Cases

1980 Police Women's Endowment Association v. City of New York (United States District Court)

1981 Guardians v. City of New York (Newman for 2nd Circuit)

1984 Contreras v. Bolger (United States District Court)

1985 United States v. State of New Jersey (United States District Court)

1985 Brunet v. City of Columbus (United States District Court)

1985 McGowan v. State of New York Civil Service Commission (New York State Supreme Court)

1985 Chilles v. State of New York Civil Service Commission (New York State Supreme Court)

1985 United Black Firefighters v. City of Akron (United States District Court)

1985 Dozier v. Chupka (United States District Court)

1986 Brunet v. City of Columbus (United States District Court)

1986 Police Officers for Equal Rights v. City of Columbus (United States District Court)

1987 Brunet v. City of Columbus (United States District Court)

1987 Police Officers for Equal Rights v. City of Columbus (United States District Court)

1987 Brunet v. City of Columbus (United States Circuit Court of Appeals, 6th Circuit)

1987 United States v. City of Philadelphia and the Commonwealth of Pennsylvania (United States District Court)

1987 BLEOA v. City of Akron (United States District Court)

1987 ZAMLEN v. City of Cleveland (United States District Court)

1988 Pinder v. Civil Service Commission, City and County of Denver (United States District Court)

1988 Lorandi v. Civil Service Commission, City and County of Denver (United States District Court)

1989 Dunbar v. Cote (Massachusetts Superior Court)

1989 Duffy et al. v. C. Itoh (United States District Court)

1989 Police Officers for Equal Rights v. City of Columbus (United States District Court)

1989 Minnesota Human Relations Commission v. St. Paul (Administrative Law Hearings)

1989 Knight v. Sycamore Manor (United States District Court)

1989 Dowling v. Commonwealth of Pennsylvania (United States District Court)

1990 Dixon v. Margolis (United States District Court)

1990 Frazier v. SEPTA (United States District Court)

1990 Tye et al. v. City of Cincinnati (United States District Court)

1990 Soroka v. Target Stores (California Superior Court)

1991 Youngblood v. City of Cincinnati (United States District Court)

1991 Tucker v. City of Columbus (United States District Court)

1991 Upper Dublin Police Benevolent Assoc. v. Upper Dublin Civil Service Commission (Court of Common Pleas)

1991 Massie et al. v. City of Columbus et al. (Court of Common Pleas)

1991 EEOC v. Stella D'oro Biscuit Co. (United States District Court)

1991 Arluck v. Levitt (Supreme Court of the State of New York, County of New York)

1991 Hispanic Society v. City of New York (United States District Court)

1991 Johnnie v. Penelec

1992 Gilchrist v. HRA

1992 Runyon v. Belknap (Circuit Court, Washtenaw, MI)

1993 Vreeland et al v. Ethan Allen Inc. (United States District Court)

1994 Tiano v. City of Philadelphia.

1994 St. Louis Firefighters Association v. City of St. Louis (United States District Court)

1995 Nashville Peace Officers v. Metropolitan Government of Nashville and Davidson County and Fraternal Order of Police (United States District Court)

1995 Burns et al. v. E-Systems, Inc. (United States District Court)

1995 Norris v. DCA (United States District Court)

1995 Krueger v. New York Telephone and NYNEX (United States District Court)

1995 Ethical Society of Police v. Board of Commissions and City of St. Louis (United States District Court)

1996 USA v. City of Pontiac (United States District Court)

1996 Moore et al. v. Norfolk Southern Corp. (United States District Court)

1996 Hopkins v. City of Franklin (United States District Court)
1996 Conde v. County of San Mateo (United States District Court)
1996 Santos et al. v. DuPont (United States District Court)
1996 Leonhartt et al. v. DuPont (United States District Court)
1996 McClinton v. City and Borough of Juneau et al. (United States District Court)
1996 U.S. Department of Justice v. City of Pontiac (United States District Court)
1996 EEOC v. North Knox School District (United States District Court)
1996 USA v. The City of Buffalo (United States District Court)
1996 Burns et al. v. Ceridian (formerly Control Data Corporation) (United States District Court)
1996 Gately et al. and EEOC v. Commonwealth of Massachusetts et al. (United States District Court)
1996 Van De Weghe v. City of Sheboygan (United States District Court)
1996 Rice et al. v. Southern California Edison (United States District Court)
1997 Griffin v. City of Tulsa (United States District Court)
1997 Nicholas et al. v. NYNEX (United States District Court)
1997 Taylor v. Cline et al. (United States District Court)
1997 Butler et al. v. Home Depot, Inc. (United States District Court)
1997 Gentry et al. v. Nightrider Overnight Copy Service Corporation
1997 Cortazzo v. University of Pittsburg School of Medicine et al. (United States District Court)
1997 McArthur v. Turner et al. (United States District Court)
1997 Edwards v. City of Houston v. Houston Police Patrolmen□s Union (United States District Court)
1997 EEOC v. Allen-Bradley Company, Inc. (United States District Court)
1997 Richard et al. v. Bell Atlantic Corporation (United States District Court)
1997 Didion et al. v. United Airlines, Inc. (United States District Court)
1997 Segar et al. v. Reno et al. (United States District Court)
1997 Winger v. Bootheel Area Rapid Transportation, Inc. et al. (Illinois Circuit Court)
1997 EEOC v. Groome Transportation Inc. (United States District Court)
1998 Jordon v. City of New London (United States District Court)
1998 White v. Credit Lyonnais North America, Inc. et al. (United States District Court)
1998 Adams v. Brookshire Grocery Company (United States District Court)
1998 Hartnett v. Time Life, Inc. et al. (United States District Court)
1998 EEOC v. Adams Marks Hotel (United States District Court)
1998 Arbitration between City of Livonia, Michigan and Livonia Firefighters
1998 Axtell v. Northwest Airlines (United States District Court)
1998 Crum et al. v. State of Alabama et al. (United States District Court)
1998 Cameron et al. v. Los Angeles Fire Department (United States District Court)
1998 Magnuson v. Kellogg (United States District Court)
1998 EEOC v. Hesco, Inc. (United States District Court)
1998 Betts v. United Air Lines, Inc. (United States District Court)
1998 United States v. City of Garland, TX (United States District Court, Northern District of Texas, Dallas Division)
1999 Doumouras v. Northwest Airlines (United States District Court)
1999 Meacham et al. v. KAPL et al. (United States District Court)
1999 Quintanar et al. v. Reno (United States District Court)

1999 McMenemy v. City of Rochester et al. (United States District Court, Western District of New York)

1999 McTiernan v. City of Rochester et al. (United States District Court, Western District of New York)

1999 U.S. v. City of Milwaukee et al. (United States District Court, Eastern District of Milwaukee)

1999 Butcher v. Tosco Refining Company (United States District Court, Eastern District of Pennsylvania)

1999 Abrams et al. v. General Electric Company (United States District Court, Northern District of New York)

1999 Schwed et al. v. General Electric Company (United States District Court, Northern District of New York)

1999 Hearn et al. v. City of Jackson, MS (United States District, Southern District of Mississippi)

1999 U.S. v. Southeastern Pennsylvania Transportation Authority (United States District Court, Eastern District of Pennsylvania)

1999 Cremin et al. v. Merrill Lynch (United States District Court, Northern District of Illinois Eastern Division)

2000 EEOC v. Ian Schrager Hotels, Inc. (United States District Court, Central District of California)

2000 Burmeister v. Automatic Data Processing (United States District Court, Northern District of California)

2000 Dold v. City of Cincinnati (United States District Court)

2000 Woodland v. Tosco Refining Company (United States District Court, Eastern District of Pennsylvania)

2000 Bush et al. v. Ogihara America Corp. (United States District Court, Northern District of Alabama, Southern Division)

2000 Bacon et al. v. Honda of America Manufacturing, Inc. (United States District Court, Southern District of Ohio, Eastern Division at Columbus)

2000 Hoffman v. Honda of America Manufacturing, Inc. (United States District Court, Southern District of Ohio, Western Division at Dayton)

2000 Drug Enforcement Administration Disciplinary Study - Report

2000 State of New York – Department of Civil Service – Promotion Test Batteries Study

2001 EEOC v. Venator (United States District Court, Southern District of New York)

2001 Carl Tucker et al. v. Taco Bell (United States District Court, Northern District of Alabama, Northeastern Division)

2001 Yarbrough et al. v. Lockheed Martin et al. (United States District Court, Northern District of Georgia, Atlanta Division)

2001 Miami v. Morris & McDaniel, Inc. (United States District Court, Southern District of Florida)

2001 Barnes v. NYNEX, Inc. (United States District Court, Southern District of New York)

2001 Gulino v. Board of Education of the City School District of the City of New York (United States District Court, Southern District of New York)

2001 Holtmann v. Meyers (Circuit Court of the City of St. Louis, State of Missouri)

2001 Cotter et al. v. City of Boston (United States District Court – District of Massachusetts)

2001 Bates et al. v. UPS (United States District Court, N.D. California)

2001 Bacon et al. v. Honda of America Manufacturing, Inc. (Exempt) (United States District Court, Southern District of Ohio, Eastern Division at Columbus).

2002 Simpson v. The Home Depot, Inc. (United States District Court, Eastern District of Kansas, Kansas City Division).

2002 Rodolico v. Unisys Corporation (United States District Court, Eastern District of New York).

2002 King, et al v. MGM Grand Detroit, LLC (Circuit Court for the County of Wayne, 3rd Judicial District, State of Michigan)

2002 U.S. v. The State of Delaware, The Delaware Department of Public Safety, and the Delaware Division of State Police (United States District Court for the District of Delaware)

2002 National Treasury Employees Union v. Internal Revenue Service

2002 Denhof, et al v. Grand Rapids Police Department, et al (17th Judicial Circuit Kent County Circuit Court, State of Michigan)

2002 Garcia, v. Viratec Thin Films, Inc. (United States District Court for the District of Minnesota)

2002 Arnold v. Cargill, Inc. (United States District Court for the District of Minnesota 4th Division)

2002 Lohrenz v. M.M., a minor child (Montana Thirteenth Judicial District Court, Yellowstone County)

2002 Hollifield v. Applewhite; and United Parcel Services, Inc. (District Court of the Fifth Judicial District of the State of Idaho, County of Twin Falls)

2002 EEOC v. TIC (United States District Court, Eastern District of Louisiana)

2002 Miller, et al. v. Baltimore Gas and Electric Company, et al. (United States District Court, For the District of Maryland, Northern Division)

2003 EEOC v. Burlington Northern Santa Fe Railroad

2003 Garrison, et al. v. Gambro, Inc. and Gambro BCT, Inc., (United States District Court, For the District of Colorado)

2003 Heidlage, v. River Associates, LLC et al. (Circuit Court of Newton County, State of Missouri)

2003 Internal Revenue Service Expert Witness for Tax Specialist Occupation - Report and Arbitration

2003 Office of Federal Contract Compliance Programs, United States Department of Labor v. Whirlpool Corporation, (United States Department of Labor Office of Administrative Law Judges)

2004 Internal Revenue Service Quality Step Increase Arbitration

2004 Gonzalez, et al., v. Abercrombie & Fitch (United States District Court Northern District of California San Francisco/Oakland Division)

2004 Dalke v. Titan Travel Limited (United States District Court Northern District of California)

2004 Mata v. Illinois State Police (United States District Court Northern District of Illinois, Eastern Division

2004 Longmire v. Los Alamos National Laboratory (United States District Court District of New Mexico)

2005 Cupp v. Fluor Fernald, Inc. (United States District Court Southern District of Ohio, Western Division)

2005 Contreras v. Thomas Ridge, Secretary, Department of Homeland Security (United States District Court, District of Columbia)

2005 Bradley v. City of Lynn, et al. (United States District Court, District of Massachusetts)

2005 Whitaker v. 3M Company (District Court, Second Judicial District, State of Minnesota)

2006 Ellis et al. v. Costco Warehouse Sales, Inc.

Human Factors Cases

1987 Dunkle/Rizor/Rice v. West Penn Power Co. (Common Pleas Court of Pennsylvania)

1987 Dennis v. NIPSCO (State Court: South Bend, Indiana)

1987 Harris v. City of Jacksonville (State Court: Jacksonville, Florida)

1988 Bailey v. NIPSCO (United States District Court)

1991 Kinder v. Domino's Pizza, Inc. (Circuit Court, St. Louis, MO)

1991 Wauchop v. Domino's Pizza, Inc. (United States District Court)

1991 Braxton v. Domino's Pizza, Inc. (Court of Common Pleas)

1993 Beehive v. Domino's Pizza, Inc. (United States District Court)

1993 Zupo v. Pizza Hut, Inc. (Georgia State Court of Fulton County)

1994 O'Connor v. Baxter Medical Co.

1994 Hatley v. Domino's Pizza, Inc. (Supreme Court of California for the County of Orange)

1994 Serrao v. Teer (Circuit Court of the Third Circuit, Hawaii)

1994 Marcinko v. Domino's Pizza, Inc. (Court of Common Pleas of Luzerne County)

1994 Marrazzo v. Domino's Pizza, Inc. (United States District Court)

1994 Igegneri v. Domino's Pizza, Inc. (Circuit Court of the 17th Judicial Circuit, FL)

1995 Branger v. Trinity Industries (Texas District Court)

1995 King v. Domino's Pizza, Inc. (Court of Common Pleas, Ohio)

1995 Tourville v. Presbyterian Healthcare Systems et al. (Second Judicial District Court, New Mexico)

1996 Watson v. N.P.C. International et al. (Missouri Circuit Court)

1996 Clymer v. Dueco (Michigan Circuit Court)

1996 Anderson v. Troyer Manufacturing, Inc. et al. (Michigan Circuit Court)

1996 Norris v. Dynamics Corporation of America et al. (Michigan Circuit Court)

1996 Barnes v. Domino's Pizza, Inc. and Corder (Florida Circuit Court)

1996 Bailey v. Spain and NIPSCO (Indiana Superior Court)

1996 Miller v. Domino's Pizza, Inc. (District Court of Texas)

1996 Mack v. Domino's Pizza, Inc. (Pennsylvania Court of Common Pleas)

1996 Walker v. UPS (New York Supreme Court)

1996 Cole v. Tiremart et al. (Missouri Circuit Court)

1996 Warfe v. Pizza Hut, Inc. (West Virginia Circuit Court)

1996 Bacon v. Evans and Domino's Pizza, Inc. (Delaware Superior Court)

1996 Epps v. Winn-Dixie Stores et al. (Florida Circuit Court)

1996 Barrentine v. Albritton et al. (Florida Circuit Court)

1996 Pryce v. D. Jackson and Associates, Inc. (United States District Court)

1996 Tau Aupiu v. SeaEscape, Ltd. (Florida Circuit Court)

1996 Stauffer v. Metro Edison (Pennsylvania Court of Common Pleas)

1996 Cole v. Tire Mart (United States District Court)

1996 Waters v. Georgia-Pacific (United States District Court)

1996 Barr v. Connerty (Florida Circuit Court)

1996 Birth v. J.J.'s Mae et al. (United States District Court)

1996 Watson v. Pizza Hut (Missouri Circuit Court)

1997 Postlethwaite v. Robbie Stadium et al. (Florida Circuit Court)

1997 Elam v. Emro Marketing Company et al. (Georgia State Court)

1997 Elisha v. Gibbons and Donatos Pizza, Inc. (Indiana Superior Court)

1997 Finelli v. Domino's Pizza, Inc. et al. (Superior Court for the District of Columbia)

1997 Van Dyne v. Domino's Pizza, Inc. et al. (United States District Court)

1997 Ballard v. Carolina Freight et al. (Florida Circuit Court)

1998 Mayfield v. Pizza Hut of St. Louis (Circuit Court for the City of St. Louis)

1998 Shaffer v. Takeout Taxi et al. (Circuit Court of Tennessee)

1998 Osgood v. Florida Power and Light Co. (Florida Circuit Court)

1998 McCullough v. Hubbard Construction Company et al. (Florida Circuit Court)

1998 Shields v. Domino's (District Court, Clark County, Nevada)

1998 Gutierrez v. Kelly-Springfield/Goodyear (Superior Court of the State of Arizona in and for the County of Maricopa)

1999 Massey v. NPC/Pizza Hut (Circuit Court of Jefferson County)

1999 Lott v. Pritchett Trucking, Inc. and William M. Wenz

1999 Alcorn v. Amtrak et al. (Circuit Court of Jackson County, Missouri at Kansas City)

1999 Blue v. Amtrak et al. (Circuit Court of Jackson County, Missouri at Kansas City)

1999 Lueder v. NIPSCO (Newton Superior Court, Kentland, Indiana)

1999 Deuble v. N.A.D., Inc., et al. (Superior Court of Chatham County, State of Georgia)

2000 Dorsey v. Sekisui America Corporation, et al. (Missouri Circuit Court, 22nd Judicial Circuit, St. Louis City)

2000 Twenter v. Union Pacific et al. (United States District Court, Western District of Missouri)

2000 Alonso v. Makita USA, Inc., and Home Depot USA, Inc. (United States District Court, Southern District Of Florida, Miami Division)

2000 Reier v. Isuzu Motors America, Inc. (Circuit Court, Fourth Judicial Circuit In and For Duval County, Florida)

2000 Rotolo v. The Planned Industrial Expansion Authority of Kansas City, Missouri (Circuit Court of Jackson County, Missouri at Kansas City)

2001 Johnson v. Sherwood Construction Co., Inc.,) United States District Court for the Western District of Missouri)

2001 Alonso v. Makita U.S.A., Inc. and Home Depot U.S.A., Inc. (United States District Court)

2002 Prater v. Waste Management of Missouri, Inc. (Circuit Court of the City of St. Louis, State of Missouri)

2003 Maynard v. Waste Management, Inc., (Court of Common Pleas, Franklin County, Ohio)

2004 Medley v. Union Pacific Railroad Company (Circuit Court of the City of St. Louis State of Missouri)