

Developments In Business Simulation & Experiential Exercises, Volume 23, 1996

LEGAL ISSUES RELATED TO THE USE OF APPLICATION BLANKS: AN EXPERIENTIAL EXERCISE

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ABSTRACT

Most organizations ask recruits to complete an employment application as part of the selection process. The application is typically designed to assess an applicant's "general suitability" for a job. As such, the application blank is used to eliminate unqualified candidates in the early stages of the selection process and is therefore subject to legal scrutiny. This experiential exercise is to give participants the opportunity to expand their understanding of employment law and its use in designing and assessing application blanks.

INTRODUCTION

Selection of employees is critical for effective management of all organizations. The tools used and the choices made during the selection process can and will have a lasting impact on the quality of a company's labor force, and thus the organization's profits. Traditionally, most organizations ask recruits to complete an employment application as part of the selection process—a measure of an applicant's "general suitability" for a job. As such, the application blank is used to eliminate unqualified candidates in the early stages of the selection process and is therefore subject to legal scrutiny. Any selection tool used to eliminate people from the selection process must conform to all appropriate state and federal employment regulations.

The purpose of this experiential exercise is to give participants the opportunity to expand their understanding of employment law and its use in designing and assessing selection tools, in this case an application blank. Participants in the exercise will be asked to assess the lawfulness of each item on the attached application blank based on their "gut feelings" and make changes to the application where appropriate. Participants are then supplied with a guide providing information on appropriate and inappropriate pre-employment inquiries as a reference against which they can compare their reactions.

THE EXPERIENTIAL EXERCISE

Anyone currently involved or that expects to be involved in the interviewing process at some point in the future must have at least a basic knowledge of the Equal Employment Opportunity Commission's Uniform Guidelines on Employee Selection Procedures. The 1964 Civil Rights Act

and the Age Discrimination in Employment Act of 1967 as amended in 1978 basically prohibit discrimination on the basis of race, color, religion, sex, national origin, or age in employment practices. The guidelines specifically emphasize that use of any employee selection device that results in the exclusion of a disproportionate number of women or minority applicants may be unlawful unless it can be shown that the device is a valid measure of on-the-job performance. In other words, all questions have to be job related, or they cannot be asked. In this experience, you become familiar with one such selection device: the employment application blank.

Exercise 1

Your instructor will divide the class into groups, and each group will be assigned a different job title. Write your group's job title in the space that follows. (Job title)_____. Before meeting with your group, individually examine the employment application blank in Figure 1. Then, using your "gut feelings" and common sense, determine the lawfulness (L) or unlawfulness (U) of each item with regard to your assigned job. Use the space below each item on the application blank to jot down your thoughts. Make any changes that you believe will correct the item, including the items that should be deleted.

Exercise 2

Meet with your group and discuss your individual decisions and their rationale. Reach a consensus decision on the lawfulness of each item based again on the group's "gut feelings" and common sense. Make changes in your earlier individual thoughts on the application blank in Figure 1 where appropriate.

Exercise 3

Meet as a class and discuss group decisions and rationale. Again, make changes/comments on the application blank in Figure 1 where appropriate.

Exercise 4

As directed by your instructor, compare your "gut feelings" and common sense reactions to the *Uniform Guidelines on Employee Selection Procedures*. What are the differences between your logic and that of the *Uniform Guidelines*?

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INSTRUCTOR'S NOTES

Purpose of the Experience

This experience was designed to expose students to the lawfulness of various items on the application blank as an employment device, by giving them the opportunity to:

1. Exercise their "gut feelings" and common sense reactions regarding the lawfulness of various items on an employment application blank
2. Familiarize themselves with *EEOC Uniform Guidelines on Employee Selection Procedures*
3. Compare their "gut feelings" to the law

How This Experience Can Be Used

This experience can best be assigned as an in- and out-of-class exercise. Previous to administering the experience, the instructor may want to:

1. Randomly assign students to groups (4 to 5 mem.)
2. Assign every group a job title from the list below (or you may wish to make up your own list):
 - a. Flight attendant for a commercial airline
 - b. Pilot for a commercial airline
 - c. Flight engineer for a commercial airline
 - d. Nurse
 - e. Police officer
 - f. Accountant
 - g. Credit Manager
 - h. Prison guard for male inmates
3. Ask every student to examine the application blank (Figure 1) relating it to the job title assigned to his or her group. This may be done individually at home.

On the day the experience is to be discussed in class, students caucus in their respective groups to reach a consensus on the lawfulness of each item. (Variation: Different groups may be assigned different portions of the application blank if time will not allow for a comprehensive analysis by every group. If you adopt this alternative, each group should be assigned portions of the application on the day the exercise is to be discussed so individually students still examine the whole application blank as homework.) Group decisions may be channeled to the class via spokespersons/round-robin contribution by individual members. To complete exercise 4, students may be referred to Figure 2—Pre-Employment Inquiry Guide. Individually, they may be asked to mark the difference between their groups' responses and the Figure 2 guidelines by placing an asterisk next to the item where discrepancies are found. Figure 1 with the differences marked, can then be handed in if the instructor so desires. You may want to emphasize two points to minimize student defensiveness: 1. Indicate that you want individuals to identify the difference between group decisions about the application blank items' lawfulness and the guidelines of Figure 2 and that earlier

individual decisions are irrelevant here, 2. Indicate that these are being collected primarily to provide insight to the instructor to make better future use of the exercise.

NOTE: "References" and "Sample Results," including Figures 2 and 3, were omitted due to space limitations.

FIGURE 1
Employment Application Blank

Application for employment		PHOTO
(You must fill out this application to be considered for employment in this company.)		Applicants: Your photograph should be submitted only after the interview has been conducted
1.	Name: Mr. Miss Mrss. _____ Have you worked for this company under a different name? Yes ____ No ____	
2.	Marital status: a. Currently married ____ Currently unmarried ____ b. Are you currently pregnant? Yes ____ No ____	
3.	If hired, can you submit proof of Age? Yes ____ No ____	
4.	a. Do you have any disabilities? Yes ____ No ____ b. If yes, what is the nature of your disability? _____	
5.	Have you ever received worker's compensation benefits? Yes ____ No ____	
6.	a. Height: feet ____ Inches ____ b. Weight: ____ lbs. c. Color of Hair: _____ d. Type of hair: _____	
7.	Address: _____	
8.	Birthplace of Parents: _____	
9.	If employed, can you supply a birth certificate? Yes ____ No ____	
10.	a. Do you observe any particular religious customs? Yes ____ No ____ b. If yes, what customs? _____	
11.	a. what type of military experience do you have? _____ b. What was the type of discharge you received? _____ Honorable ____ Dishonorable ____ Why (explain briefly) _____	
12.	a. Are you a citizen on the United States? Yes ____ No ____ b. If not, of what country are you a citizen? _____	
13.	a. What languages do you speak fluently? _____ b. What is your native language? _____	
14.	a. What is the highest degree you have earned? _____ b. what school did you attend for your highest degree? _____ c. When did you graduate? _____	
15.	a. Work Experiences: (1) _____ (2) _____ (3) _____ b. Explain why you left each of your previous employers. _____	
16.	Do you own or rent your place of residence? Own ____ Rent ____	
17.	Do you have any overdue bills? Yes ____ No ____	
18.	Have you ever been arrested? Yes ____ No ____	
19.	Have you ever been convicted? Yes ____ No ____	
20.	a. Do any of your relatives work for this company? Yes ____ No ____ b. If no, provide a name and address of a relative to be notified in case of an accident or emergency: _____ Name: _____ Address: _____	
	c. If no relatives exist, provide the name and address of a person to be notified in case of an accident or emergency: _____ Name: _____ Address: _____	
21.	List all organizations, clubs, societies, and lodges to which you belong. _____	
22.	Can you supply a recommendation from your pastor after the interview? Yes ____ NO ____	
23.	Who referred you for this position? _____	
I understand that any misstatements or omissions of material facts in this application may be cause for dismissal.		
Signature _____		
Date _____		