

The STA and EEOC Compliance

Setting minimum acceptable criteria
to avoid discrimination claims

By establishing, and not deviating from, a set of minimum acceptable criteria and specifying any exceptions, an organization can avoid possible discrimination claims that may result from using the Sales Temperament Assessment.

Sales Temperament Assessment and EEOC Compliance

The EEOC

EEOC stands for Equal Employment Opportunity Commission. It is the US federal agency that investigates and prosecutes unlawful employment discrimination.

Is all discrimination unlawful?

No. According to the legal firm of Fortney and Klingshirn (www.fklaborlaw.com), an employer does not have to hire someone who lacks qualifications. An employer could also refuse to hire anyone born under the sign of Aquarius, without breaking the law.

How can this be?

Discrimination laws respond to specific, discriminatory biases that have worked their way into employment decisions. These biases lack any valid business justification and have been used to deny people employment opportunities because of the bias.

While a bias against people born under the sign of Aquarius lacks any business justification, it is not so wide-spread that Aquarians generally are at a disadvantage when it comes to employment opportunities. The EEOC therefore only prohibits discrimination based on age, sex, race, national origin, disability, creed, or religion.

Anyone who suffers discrimination because of his or her age, sex, race, national origin, disability, creed, or religion is considered as being a “protected class” under the law.

The Sales Temperament Assessment

The Sales Temperament Assessment (STA) is a pre-hire sales assessment. It is used to assess a person's suitability for sales and for particular selling environments.

As the STA makes no reference to a person's age, sex*, race, national origin, disability, creed, or religion, it is inherently free of any discriminatory biases.

The STA gauges two factors on a scale of 1 to 10 which are then combined to place the candidate into one of five categories.

The two factors are:

- Temperament to Succeed
- Suitability for the Position

The five categories are:

- Has the potential to be a top performer
- Has the potential to be a good performer
- Has the potential to perform well with a minimum of supervision
- May succeed in sales if given the proper guidance, supervision, and coaching
- May succeed in sales only if possessing a great deal of desire, drive, and discipline

Setting job qualifications and proving discrimination

The EEOC lets employers decide what qualifications are necessary for their jobs. The EEOC must then prove that the victim of discrimination was at least as qualified as a successful applicant who is not in the protected class. The EEOC can do this by comparing the sales assessment results of the least qualified successful applicant to the victim's assessment results.

*The assessment form does ask for the person's gender. We do this so the report that is produced will be grammatically correct. Gender selection does not change the results.

If the employer has set a minimum Temperament to Succeed of 5 and a minimum Suitability for the Position of 5, but in fact has hired someone outside of the protected class with a rating of 4 in both categories, the EEOC will treat a rating of 4 as being the employer's actual qualification requirement.

Avoiding discrimination claims

An organization can avoid possible discrimination claims that may result from using the STA by establishing, and not deviating from, a set of minimum acceptable criteria and specifying any exceptions.

For example:

Minimum Acceptable Criteria:

Temperament to Succeed (TTS): 5 or more

Suitability for Position (SFP): 5 or more

Exception:

A SFP of 3 or more is acceptable if the TTS is 7 or more.

Used in this manner, the Sales Temperament Assessment is EEOC compliant.