

CLOSING LEGAL LOOPHOLES IN PERSONNEL CERTIFICATION

Presented by bmc & associates, inc.

Co-hosted by American National Standards Institute and NSSB Institute

October 2-3, 2003

Marriott at Metro Center

775 12th Street, NW

Washington, DC

October 2, 2003

12 – 2pm General Session and Luncheon

Welcome: **Allison Black Mclver**, President, bmc & associates, inc.
 Lane Hallenbeck, Vice President of Conformity Assessment
 American National Standards Institute
 Joan Wills – Chair, NSSB Institute

Achieving Accountability in Certification

Speaker: **The Honorable Christopher Dodd**

This session explores the need for increased accountability as a means of bringing further credibility to any profession or occupation. The U.S. Government currently is advocating public-private sector development of voluntary consensus standards, which will enhance greatly the credibility of personnel certification programs. Accountability should include an open, transparent, and consensus process that contributes to equal access and equity for all individuals trying to enter the workforce. This increased accountability will lead to valid and reliable personnel certifications that can be used as a quality assurance mechanism for the US Government.

Moderator: **David Foster, PhD**

2:15-2:45 General Session

Learning from the Past and Preparing for the Future: The Evolving Landscape of Certification

Speaker: **Roy Swift, PhD** - Program Director, American National Standards Institute Personnel Certifier Accreditation Program

The art and science of personnel certification has evolved naturally over the past twenty years. Historically, the focus of attention has been on improving the “assessment tools” and not on the effectiveness and utilization of certification. Few studies exist that analyze the cost-effectiveness of certification, its affect on practice of the profession or occupation, or the effectiveness of a disciplinary action program to protect the public. A scientific body of knowledge for personnel certification is desperately needed to create a legitimate personnel certification profession. The personnel certification can no longer be managed and directed by individuals with “related” bodies of knowledge or even worse reliance on an individuals self-report of learning acquired through “on the job

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training” without some objective measure. The future of personnel certification is tied to its ability to become a legitimate and definitive profession. At a minimum, there is a need for accredited educational programs, a national research agenda

and a professional research journal. These initiatives will provide more defensibility for certification programs and further close some of the “legal loopholes” in the certification process.

Moderator: **William Kelly, PhD** – Chair, American National Standards Institute Personnel Certification Accreditation Committee

3-4:30pm General Session

Speaker: **James Scharf, PhD** – President, Scharf and Associates

Title VII and Standards of Practice – The New Horizon

The use of tests in employment decisions has a long and complex legal history in this country. Acknowledgement of disparities in employment led to the adoption of the Civil Rights Act of 1964, which was followed by the creation of the Equal Employment Opportunities Commission (EEOC). Both sought to assure elimination of discrimination based on race, ethnicity, gender, national origin and religion, and created a formal process for aggrieved individuals to file legal claims. In 1978, the EEOC, the Department of Labor, the Department of Justice and the Civil Service Commission jointly promulgated the Uniform Guidelines on Employee Selection Procedures. These regulations provide a technical and legal framework by defining standards for the development of selection procedures used in decisions affecting the terms and conditions of employment.

Certifications programs provide an alternate remedy to issues of access to employment and the residual effects of past discrimination. By offering individuals an additional mechanism to demonstrate knowledge and skills while providing employers with a tool to identify and measure competence, certification has the potential to benefit everyone. However, today more than ever, certifiers and users of certification *must* be aware of the implications of Title VII and established *standards of practice* in the employment testing arena to effectively avoid costly litigation.

Moderator: **Allison Black McIver, Esq.** – President, bmc & associates

4:30 – 5pm Announcements and Plans for the Next Day

Allison Black McIver, Esq – President, bmc & associates, inc.

5:30 – 7pm Reception

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October 3

7:30 – 8am Continental Breakfast

8 – 9:30am General Session

Closing Legal Loopholes through Quality Assurance

Speakers:

- **Art Wise, PhD** - President, National Council for Accreditation of Teacher Education
- **Lane Hallenbeck**, Vice President, Conformity Assessment, ANSI

Accreditation and certification mechanisms are being utilized in a variety of occupational and industry sectors more frequently as quality assurance mechanisms. This session will explore three models of quality assurance that examine the competency of personnel within broader accreditation systems. Examining the competency of personnel is important for both programmatic and legal reasons. Programmatic objectives may include improving performance, productivity, occupational or industry credibility and appropriately matching skills to job requirements. From a legal perspective, systematic examination of personnel competencies can assist in addressing issues related to access and equity, as well as consumer protection. Each of the models discussed in this session include self-assessment components that lead to continuous quality improvement as well as other quality assurance mechanisms personnel certification programs may want to incorporate.

Moderator: **Sharon Goldsmith, PhD**

9:30 – 9:45 Overview of the Breakout Sessions
Sharon Goldsmith, Ph.D.

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10:15-11:45 Breakout Sessions

#1 Legal Issues in Certification

Moderators: **Susan Dorn, Esq.** – Principal, Dorn & Klamp, PC
Evora Thomas, Esq. – Program Counsel, Legal Services Corporation

#2 Technical Issues in Certification

Moderator: **Joe Lualhati, PhD**- Chief Scientist, Global Skills Xchange Corporation

#3 Gaps in the Body of Certification Knowledge

Moderators: **Vinetta Jones, PhD** – Dean of College of Education, Howard University
Sharon Goldsmith, PhD

12 – 1:30 Lunch and General Session

Creating a Certification Research Base – A New Beginning

Speakers: **Joan Wills**, Chair, NSSB Institute
Shirley Wilcher, President, Wilcher Global LLC

Certifications have become an accepted measure of an individual's knowledge, skills and abilities. For example, many employers are relying on certifications when making employment decisions. In addition, in response to the emphasis currently placed on accountability, policy makers are relying on certifications as objective measures of performance. But where is the research that supports the use of certifications for these purposes? Does current research reflect the evolved status of certifications?

This informative session will explore the interaction of certification and research with employment law and public policy. We also will unveil an innovative initiative to address the research needs around certification research, policy and governance.

Moderator: **Allison Black McIver, Esq.** – President, bmc & associates

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1:45 – 3:15 Breakout Sessions

#4 Steps for Minimizing Legal Exposure

Moderators: **Jeff Glassie, Esq.** – Partner, Shaw Pittman
Judy Browne, Esq. – Senior Attorney, The
Advancement Project

#5 Ensuring Access, Equity and Fairness

Moderator: **Elizabeth Kolmstetter, PhD**, Director of Standards,
Testing, Evaluation and Policy, Transportation
Security Administration

**#6 Truth in Advertising: Distinguishing Certification from
Licensure and Certificate Programs**

Moderators: **JoEllen Carlson, PhD** – Senior Assessment
Consultant, Sales & Service Voluntary Partnership

3:30-4:30 General Session

A Vision for the Future

Speaker: **Josef Reum, PhD** – Associate Professor, George
Washington University

Moderator: **Roy Swift, PhD** – Program Director, ANSI Personnel
Certification Accreditation Program

4:30-4:45 Closing Remarks

Speaker: **Allison Black McIver, Esq.**- President, bmc & associates, inc.