

# James C. Sharf, PhD

## **PROFESSIONAL EXPERIENCE**

1999 to present: President,  
**SHARF & Associates, Employment Risk Advisors**  
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Jim Sharf: (1) advises employment attorneys, HR managers and fellow industrial psychologists on developing, implementing and defending selection and appraisal systems that minimize the risk of employment litigation, and (2) provides expert testimony regarding: Age discrimination challenges to downsizing and reengineering decisions involving corrective actions and terminations; Age, race and gender discrimination challenges to selection, performance appraisal and promotion systems; Disparate impact claims challenging minimum education & experience requirements and employment tests; Disparate treatment claims challenging subjective employment decisions, unstructured interviews and performance appraisals; Gender-based comparable worth claims; Goals & timetables used in managing diversity under the Dept. of Labor's Office of Federal Contract Compliance Programs' Executive Order 11246.

1994 to 1998: Vice President, Human Resources Consulting Group,  
**Aon Consulting**, Washington, DC

Headed EEO compliance, risk management, and litigation support services within the Human Resources Consulting Group. Provided expert testimony and litigation support in both public and private sectors. Developed and defend job-related selection, appraisal and downsizing procedures against: EEOC's enforcement of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act; and the Office of Federal Contract Compliance Programs' enforcement of Executive Order 11246.

1991 to 1993: Special Assistant to the Chairman,  
**U.S. Equal Employment Opportunity Commission**, Washington, DC

Advised Chairman on the principles & practices of industrial psychology governing employee selection & appraisal procedures, and the precedent of Title VII employment testing case law in relation to the EEOC's 1978 Uniform Guidelines on Employee Selection Procedures. Drafted "race norming" prohibition in the Civil Rights Act of 1991.

1985 to 1991: Personnel Research Psychologist,  
**U.S. Office of Personnel Management**, Washington, DC

Developed job-related selection procedures for Federal civil service. Represented OPM on the National Academy of Science study of validity generalization for the U.S. Employment Service's General Aptitude Test Battery. Received Director's Award for developing "biodata" exam used to screen entry-level professional and career candidates nation-wide.

1978 to 1984: Vice President,  
**Richardson, Bellows, Henry & Co., Inc.**, Washington, DC

Designed and conducted multi-employer validation studies utilizing objective background & experience "biodata" measures; Provided expert testimony in Title VII litigation.

1974 - 1978: Chief Psychologist  
**U.S. Equal Employment Opportunity Commission**, Washington, DC

Assisted EEOC attorneys as expert witness in Title VII litigation; Represented EEOC in drafting 1978 Uniform Guidelines on Employee Selection Procedures.

Spring 1977: Team Leader, President's Reorganization Project  
**Executive Office of The President**, Washington, DC

Led team which analyzed management decision-making structure and redefined unit responsibilities at the Office of Management and Budget in the Carter Administration.

1986 – 1994: Associate Professorial Lecturer,  
**The George Washington University**, Washington, DC

Taught employment testing and assessment courses for both PhD students in the Department of Psychology and MS degree students in the Administrative Sciences Program.

1970 - 1977: Assistant & Adjunct Professor, College of Business Administration  
**The American University**, Washington, D.C.

Taught in undergraduate, MBA and PhD degree programs; Directed doctoral dissertations. Served on College of Business Rank & Tenure Committee.

1971 - 1974: Senior Associate  
**Leadership Resources, Inc.**, Washington, D.C.

Developed, implemented and evaluated comprehensive Management by Objectives (MBO) work planning & appraisal system for the National Aeronautics and Space Administration.

1969 - 1970: Campus Manager,  
**A.C. Nielsen**, Knoxville, TN.

Supervised market research data collection evaluating the effectiveness of corporate campus recruiting programs.

1967 - 1970: Assistant to Director, Career Planning & Placement Office  
**The University of Tennessee**, Knoxville, TN.

Counseled undergraduate and graduate students in career planning; Coached students on improving interviewing skills; Provided feedback to corporate college relations programs.

## **EDUCATION**

1970: **PhD** in Organizational Psychology, University of Tennessee, Knoxville, TN.

1965: **BS** in Chemistry, Dickinson College, Carlisle, PA.

## **PROFESSIONAL ORGANIZATIONS**

American Psychological Association

Elected to Board of Professional Affairs, 1986; elected **Fellow**, 1995.

Association of State and Provincial Psychology Boards

Member of exam committee, 1989-93. Wrote test items for professional exam required for licensure as a psychologist in every state in the U.S. and all provinces in Canada.

Society for Industrial and Organizational Psychology

Chairman, Ad hoc Committee on Legal Issues, 1978-79; Membership Chairman, 1983-85; Professional Affairs Committee, 1975-76, 1985-87, 1994-present; elected **Fellow**, 1995.

## **EDITORIAL BOARDS**

Personnel Psychology, 1987-88;

The Industrial/Organizational Psychologist, 1977-1998.

## **BIBLIOGRAPHY**

### **1974**

Behavioral dimensions of the job interview. The Journal of College Placement, Spring 1974 , 34 (3), 17-22.

**1975**

A psychologist's guide to Title VII legal language. The Industrial/Organizational Psychologist, 1975, 13(1), 30-31; also reprinted in The Training and Development Journal, February 1977, 31(2), 20.

Bibliography on personnel testing. Daily Labor Report, 1975, 66 (April 4), 18-22.

Supreme Court to examine criterion adequacy and job analysis requirement in Moody v. Albemarle Paper Co. The Industrial/Organizational Psychologist, 1975, 12(3), 30-33.

**1976**

"Do's and Don'ts in the Employment Process: The Current Status of Testing," 1 Employee Relations Law Journal 579-589 (1976); also reprinted in T. Siegel (Ed. ), Equal Employment Opportunity Law Reader 1976. New York: Executive Enterprise Publications Co., Inc. 1976.

Bibliography of FEP testing. Daily Labor Report, 1976, 195 (October 6), F1-F7 .

Supreme Court decides Washington v. Davis involving training criteria. The American Society for Training and Development Journal, 2(8), June 1, 1976.

The influence of lawyers, legal language and legal thinking. Personnel Psychology, 29(4), 541-549, Winter 1976.

**1977**

A lawyer's guide to testing practices and procedures. In K. McGovern (Ed.), An Equal Employment Opportunity Practice Guide. Washington, D.C.: Subcommittee on Publications of the Committee on Equal Employment and Collective Bargaining of the Council on Labor Laws and Labor Relations, Federal Bar Association, 1977.

Facing reverse discrimination. The American Psychological Association "Monitor," Mar. 1977, 8(3), 6, 21.

Fair employment implications for HRD: The case of Washington v. Davis. The American Society for Training and Development Journal, February 1977, 31 (2), 16-21 .

Second-guessing the legal fair employment system. The American Psychological Association "Monitor," April 1977, 8(4), 4.

Statistics of prima facie case examined in Hazelwood School District v. United States. The Industrial/Organizational Psychologist, 1977, 15(1), 15-16.

**1978**

The impact of litigation on the personnel manager of the future. In Schneier (Ed.), Personnel Administration Today. New York: Addison-Wesley, 1978.

The prima facie case: Keeping Title VII honest. In K. McGovern (Ed.), An Equal employment Opportunity Practice Guide. Washington, D.C.: Subcommittee on Publications of the Committee on Equal Employment and Collective Bargaining of the Council on Labor Laws and Labor Relations, Federal Bar Association, 1978.

**1979**

EEO issues: Proposed Federal "Truth in Testing" bills. The Industrial/Organizational Psychologist, 1979, 17(1), 25-26.

The impact of competency assessment on minorities: A Title VII perspective. In J. Towslee-Collier (Ed.), Issues in Competency-Based Education: Conference Proceedings. Atlanta, GA: Georgia State University, 1979.

Uniform Guidelines: Competence or numbers? In J. Erickson & K. McGovern (Eds.), Equal Employment Opportunity Practice Guide, Vol. 1, Washington, D.C.: Subcommittee on Publications of the Committee on Equal Employment and Collective Bargaining of the Council on Labor Laws and Labor Relations, Federal Bar Association, March 1979.

**1980**

Content validity: Whither thou goest? The Industrial/Organizational Psychologist, 1980, 17(3), 8-14.

Court of Appeals rejects EEOC's claim that everyone in labor market is equally qualified for all jobs (...and but for discrimination, the workforce would reflect parity with the labor market). The Industrial/Organizational Psychologist, 1980, 17(3), 60-61

Landmark appeals decision on content validity: Guardians Assn. of New York City Police Department v. Civil Service Commission of the City of New York. The International Personnel Management Association Assessment Council News, Winter 1980, 4(4), 1-3.

Validity generalization: Round one (Pegues v. Mississippi State Employment Service). The Industrial/Organizational Psychologist, 1980, 17(4), 36-38.

**1981**

"Business necessity" clarified and "bottom line" confounded in two Appeals decisions: Contreras v. City of Los Angeles, & Teal v. State of Connecticut. The Industrial/Organizational Psychologist, 1981, 18(4), 41-42.

Good validity work and good legal defense withstand challenge: Cormerier v. PPG. The Industrial/Organizational Psychologist, 1981, 19(1), 9-11.

Landmark Appeals decision on content validity: Guardians Association of New York City Police Department v. Civil Service Commission of City of New York. The Industrial/Organizational Psychologist, 1981, 18(2), 21-23.

Unanimous Supreme Court reaffirms legal burdens in individual case under Title VII: Texas Department of Community Affairs v. Burdine. The Industrial/Organizational Psychologist, 1981, 18(4), 41-42.

With Ad Hoc Group on Uniform Guidelines: A Professional and Legal Analysis of the Uniform Guidelines on Employee Selection Procedures. In V. Day, F. Erwin & A. Koral (Eds.) Alexandria, VA: The American Society for Personnel Administration, 1981.

**1982**

"Bottom line" before Supreme Court: State of Connecticut v. Teal. The Industrial/Organizational Psychologist, 1982, 19(2), 19-21.

National Research Council of the National Academy of Sciences report: Ability Testing: Uses, Consequences and Controversies. The Industrial/Organizational Psychologist, 1982, 19(3), 34-35.

Personnel testing and the law. In J. Ferris & K. Rowland (Eds.), Personnel Management: New Perspectives. Boston, MA: Allyn and Bacon, 1982.

Supreme Court Teal decision: Good "bottom line" does not preclude a prima facie case nor does it provide a defense to a prima facie case. The Industrial/Organizational Psychologist, 1982, 20(2), 33-36.

**1983**

Reagan administration underscores opposition to affirmative action quotas. The Industrial/Organizational Psychologist, 1983, 20(4), 61-63.

The new Joint Technical Standards: Legal problems for clinical practice? The Industrial/Organizational Psychologist, 1983, 20(2), 56-57.

**1984**

Department of Justice asks Supreme Court to review Constitutionality of voluntarily adopted racial quota in Detroit police promotion case. The Industrial/Organizational Psychologist, 1984, 21(2), 53-58.

Office of Technology Assessment reviews polygraph validity evidence. The Industrial/Organizational Psychologist, 1984, 21(3), 53-56.

Relief limited to individuals, not merely members of affected class, says Supreme Court in Memphis firefighters decision. The Industrial/Organizational Psychologist, 1984, 21(4), 62-5.

### **1985**

Segar v. Smith: Employers now burdened with defending the "business necessity" (validity?) of the total personnel decision making system! The Industrial/Organizational Psychologist, 1985, 23(1), 29-34.

### **1986**

The Uniform Guidelines' paradox persists. New Perspectives, The U.S. Commission on Civil Rights, Winter/Spring 1986, 18(1), 53.

With Ad Hoc Committee on Employee Selection. Employee Selection: Legal and Practical Alternatives to Compliance and Litigation, Second Ed. In E. Potter (Ed.), Washington, D.C.: National Foundation for the Study of Equal Employment Policy, 1986.

### **1987**

Industrial/Organizational psychology: Today's critical issues. Board of Professional Affairs Symposium, annual meeting of the American Psychological Association, 1985. (ERIC Document Reproduction Service No. ED 263 467); also reprinted in The Professional Practice of Psychology, 7(1), January, 1987.

Lower court decisions on the legality of preferential treatment and amicus positions, pro & con, before the Supreme Court in Johnson v. Transportation Agency, Santa Clara County. The Industrial/Organizational Psychologist, 1987, 24(2), 68-73.

Validity generalization: Round two. The Industrial/Organizational Psychologist, 1987, 24(3), 48-50.

### **1988**

Gottfredson, L. & Sharf (guest Eds.). Fairness in employment testing: Litigating personnel measurement policy. Journal of Vocational Behavior, 33(3), 235-271.

### **1991**

Employment testing and the law in the United States. In J. Jones, B. Steffy, and D. Bray (Eds.), Applying Psychology in Business. Lexington, MA: Heath & Co., 1991.

### **1992**

Legal and EEO issues impacting on personal history inquiries. In G. Stokes, M. Mumford & W. Owens (Eds.), The Biodata Handbook: Theory, Research & Application. Palo Alto, CA: Consulting Psychologists Press, Inc., 1992.

### **1997**

The Clinton administration's opposition to the California Civil Rights Initiative argues for affirmative action status quo. The Industrial/Organizational Psychologist, 1997, 34(4), 57-68.

Courts limit use of cutoff scores in employment testing. Employment Testing Law & Policy Reporter, June 1997, 6(6), 89-93, 103.

### **1998**

U.S. Department of Justice's Supreme Court amicus brief in Taxman flip flops on affirmative action but favors diversity. The Industrial/Organizational Psychologist, 1998, 35(3), 34-50.

Sharf, J. and Wolf, P. University of Michigan's affirmative action case: A good bet for the Supreme Court. The Industrial/Organizational Psychologist, 35(4), April 1998, p.85-88; also reprinted in Personnel Testing Council of Metropolitan Washington Newsletter, XXI(7), July 1998, p.3-5.

Use of contingent workers: What you should know. The Industrial/Organizational Psychologist, 1998, 36(2), 30-32.

**1999**

Testing as an employment risk strategy. Employee Rights and Employment Policy Journal, 3(1), 133-145.

President Clinton proposes government "solution" for "gender pay gap." The Industrial/Organizational Psychologist, 1999, 36(4), 59-63.

Valid employment testing lowers litigation risks. The California Psychologist, October 32(10), 22-25.

Third Circuit's Lanning v. SEPTA Decision: 'Business necessity' requires setting minimum standards. The Industrial/Organizational Psychologist, 37(2), 138-149.

**2000**

Sharf, J. and Jones, D. "Managing Employment Risk." In Kehoe, J. (ed). Managing Selection Strategies in Changing Organizations. Society for Industrial and Organizational Psychology Professional Practice Series. San Francisco, CA: Jossey-Bass, 1999.

**PROFESSIONAL ASSOCIATION SEMINARS**

Conducted three-day seminar series in 14 cities nation-wide entitled "Federal Guidelines on Employee Selection Procedures, Interpretation and Application" for the American Society for Personnel Administration (now **Society for Human Resource Management**), 1978-79;

Conducted "Developing Sound Employee Selection Procedures: A Detailed Look at Job Analysis and the Requirements of the Uniform Guidelines on Employee Selection Procedures" for the **Equal Employment Advisory Council**, January '82;

Conducted three-day seminar series in 5 cities nation-wide "Appraising Performance and Productivity" for the **International Personnel Management Association**, 1983.

"EEO Legal Developments" talks to industrial psychologists at **Personnel Testing Councils** in New York (2x), Washington (4x), Chicago, St. Louis, Houston, Los Angeles (4x), and San Francisco (2x).

**PROFESSIONAL SOCIETY WORKSHOPS** (continuing education credit to participants)

Designed, Produced and Conducted: "The Tightening Legal Strangle-hold on Employee Selection Procedures" for the **Society of Industrial & Organizational Psychology** Workshop at the Annual Convention of the American Psychological Association, Aug. '76;

"Uniform Guidelines: Basic Issues and Practical Implications" for the **Society of Industrial & Organizational Psychology** Workshop at the Annual Convention of the American Psychological Association, Aug. '79;

"EEO/Fair Employment Update" with private sector attorney for the **Society of Industrial & Organizational Psychology** Workshop at the Annual Convention of the American Psychological Association, Aug. '82;

"EEO Update" with private sector attorney at the **Society of Industrial & Organizational Psychology** Workshop at Annual Convention of the American Psychological Association, Aug. '87; and

"EEO: Legal and Regulatory Developments" workshop with private sector attorney at Annual Meeting of **Society of Industrial & Organizational Psychology**, April '96.

**UNIVERSITY LECTURES ON FAIR EMPLOYMENT LAW & PUBLIC POLICY:**

|  |                                     |
|--|-------------------------------------|
| Duke University                        | Univ. Maryland                      |
| George Washington University           | Univ. North Carolina Law School     |
| Memphis State University Law School    | Univ. South Carolina Law School     |
| Pennsylvania State University          | USC School of Public Admin.         |
| Stetson University Law School          | Univ. Tennessee                     |
| University of Chicago                  | Univ. Texas School of Public Admin. |
| University of Houston                  | Univ. Wisconsin Law School          |
| University of Louisville School of Law | Vanderbilt University Law School    |

**SECURITY CLEARANCE:** Top Secret**CIVIC**

Chairman, Waterfront Committee, Old Town Civic Association, Alexandria, VA

Coach, Naval Academy Sailing Squadron, U.S. Naval Academy, Annapolis, MD

**LITIGATION SUPPORT & EXPERT TESTIMONY** (partial)

**Attorney General, State of California** San Diego (Caltrans)

**Attorney General, State of Washington** Seattle (Washington Highway Patrol)

**Attorney General, State of New York** New York (NYC Board of Education & State Educ. Dept.)

**Center for Individual Rights** Washington (Univ. Washington Law School, plaintiffs)

**Covington & Burling** Washington (IBM)

**Cross Wrock** Washington (Detroit Edison)

**Ellzey & Brooks** Columbia SC (Willamette Industries, Inc.)

**Friday Eldridge** Little Rock (ENTERGY)

**Homes Roberts** Denver (Martin Marietta)

**Jones Day** Cleveland and DC (American General, GM, Bridgestone-Firestone, Westinghouse)

**Kaye Scholer** New York (Texaco)

**Kienbaum, Opperwall** Detroit (FORD)

**Kilpatrick & Cody** Atlanta (Kmart)

**Latham & Watkins** Los Angeles (City of Garland)

**Lawyers' Committee for Civil Rights Under Law** Washington  
(U.S. Civil Service Commission (Office of Personnel Management), plaintiffs)

**Littler Mendelson** Pittsburgh (PPG Industries)

**McCalla Thompson** New Orleans (PPG Industries, Louisiana State Police)

**McGuire Woods** Richmond (James River Corp.)

**Miller Canfield** Detroit and Washington (Detroit Edison, Lockheed-Martin)

**Morgan Lewis** Philadelphia (Allied Signal, CONRAIL)

**Ogletree Deakins** Washington (NISSAN)

**Orrick Herrington** Los Angeles (Hitco)

**Semmes Bowen & Semmes** Baltimore (MBNA, Thomson Consumer Electronics)

**Seyfarth Shaw** Chicago and San Francisco (Borg-Warner)

**Shaffer, Rapaport & Schmidt** Washington (Secret Service, plaintiffs; FBI, plaintiffs)

**Sidley & Austin** Chicago (Norfolk Southern)

**Snitow & Cuningham** New York (Nassau County Police)

**Steptoe & Johnson** Washington (Burlington Northern)

**Thelen Reid** Washington (MicroStrategy)

**U.S. Department of Justice** Washington (State of New York, plaintiffs)

**Venable, Baetjer and Howard** Baltimore and Washington (MBNA, Mirage Resorts)

**Wilmer, Cutler & Pickering** Washington (Educational Testing Service, Fannie Mae)

**Wilson Sonsini** Palo Alto (Home Depot)