statistical data and other non-statistical information which would indicate whether employees and applicants are being treated without regard to their race, color, religion, sex, or national origin.

PART 60–3—UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES (1978)

Sec. GENERAL PRINCIPLES
60–3.1 Statement of purpose.
60–3.2 Scope.
60–3.3 Discrimination defined: Relationship between use of selection procedures and discrimination.
60–3.4 Information on impact.
60–3.5 General standards for validity studies.
60–3.6 Use of selection procedures which have not been validated.
60–3.7 Use of other validity studies.
60–3.8 Cooperative studies.
60–3.9 No assumption of validity.
60–3.10 Employment agencies and employment services.
60–3.12 Retesting of applicants.
60–3.13 Affirmative action.

TECHNICAL STANDARDS

DOCUMENTATION OF IMPACT AND VALIDITY EVIDENCE
60–3.15 Documentation of impact and validity evidence.

DEFINITIONS
60–3.16 Definitions.

APPENDIX TO PART 60–3
60–3.17 Policy statement on affirmative action (see section 13B).
60–3.18 Citations.

AUTHORITY: Secs. 201, 202, 203, 203(a), 205, 206(a), 301, 303(b), and 403(b) of E.O. 11246; as amended by sec. 715 of Civil Rights Act of 1964, as amended (42 U.S.C. 2000e-14).

SOURCE: 43 FR 38295, 38314, August 25, 1978, unless otherwise noted.

GENERAL PRINCIPLES

§ 60–3.1 Statement of purpose.
A. Need for uniformity—Issuing agencies. The Federal government’s need for a uniform set of principles on the ques-
§ 60–3.3 Discrimination defined: Relationship between use of selection procedures and discrimination.

A. Procedure having adverse impact constitutes discrimination unless justified. The use of any selection procedure which has an adverse impact on the hiring, promotion, or other employment opportunities of members of any race, sex, or ethnic group will be considered to be discriminatory and inconsistent with these guidelines unless the procedure has been validated in accordance with these guidelines, or the provisions of section 6 of this part are satisfied.

B. Consideration of suitable alternative selection procedures. Where two or more selection procedures are available which serve the user's legitimate interest in efficient and trustworthy workmanship, and which are substantially equally valid for a given purpose, the user should use the procedure which has been demonstrated to have the lesser adverse impact. Accordingly, whenever a validity study is called for by these guidelines, the user should include, as a part of the validity study, an investigation of suitable alternative procedures for the purpose of determining qualifications or for the purpose of selection on the basis of relative qualifications, if the selection procedure had been validated in accord with these guidelines for each such purpose for which it is to be used.

D. Limitations. These guidelines apply only to persons subject to Title VII, Executive Order 11246, or other equal employment opportunity requirements of Federal law. These guidelines do not apply to responsibilities under the Age Discrimination in Employment Act of 1967, as amended, not to discriminate on the basis of age, or under sections 501, 503, and 504 of the Rehabilitation Act of 1973, not to discriminate on the basis of handicap.

E. Indian preference not affected. These guidelines do not restrict any obligation imposed or right granted by Federal law to users to extend a preference in employment to Indians living on or near an Indian reservation in connection with employment opportunities on or near an Indian reservation.