unscored selection procedure which has
an adverse impact is utilized, the user
should eliminate the adverse impact,
or modify the procedure to one which
is a formal, scored or quantified meas-
ure or combination of measures and
then validate the procedure in accord
with these guidelines, or otherwise jus-
tify continued use of the procedure in
accord with Federal law.

(2) Where formal and scored procedures
are used. When a formal and scored se-
lection procedure is used which has an
adverse impact, the validation tech-
niques contemplated by these guide-
lines usually should be followed if tech-
nically feasible. Where the user cannot
or need not follow the validation tech-
niques anticipated by these guidelines,
the user should either modify the pro-
cedure to eliminate adverse impact or
otherwise justify continued use of the
procedure in accord with Federal law.

§ 1607.7 Use of other validity studies.

A. Validity studies not conducted by the
user. Users may, under certain cir-
cumstances, support the use of selec-
tion procedures by validity studies con-
ducted by other users or conducted by
test publishers or distributors and de-
scribed in test manuals. While pub-
lisbers of selection procedures have a
professional obligation to provide evi-
dence of validity which meets gen-
erally accepted professional standards
(see section 5C above), users are cau-
tioned that they are responsible for
compliance with these guidelines. Ac-
cordingly, users seeking to obtain se-
lection procedures from publishers and
distributors should be careful to deter-
mine that, in the event the user be-
comes subject to the validity require-
ments of these guidelines, the nec-
essary information to support validity
has been determined and will be made
available to the user.

B. Use of criterion-related validity evi-
dence from other sources. Criterion-re-
lated validity studies conducted by one
test user, or described in test manuals
and the professional literature, will be
considered acceptable for use by an-
other user when the following require-
ments are met:

(1) Validity evidence. Evidence from
the available studies meeting the stan-
dards of section 14B below clearly
demonstrates that the selection proce-
dure is valid;

(2) Job similarity. The incumbents in
the user's job and the incumbents in
the job or group of jobs on which the
validity study was conducted perform
substantially the same major work be-
haviors, as shown by appropriate job
analyses both on the job or group of
jobs on which the validity study was
performed and on the job for which the
selection procedure is to be used; and

(3) Fairness evidence. The studies in-
clude a study of test fairness for each
race, sex, and ethnic group which con-
stitutes a significant factor in the bor-
rowing user's relevant labor market for
the job or jobs in question. If the stud-
ies under consideration satisfy para-
graphs (1) and (2) of this paragraph
B. above but do not contain an inves-
tigation of test fairness, and it is not
technically feasible for the borrowing
user to conduct an internal study of
test fairness, the borrowing user may
utilize the study until studies con-
ducted elsewhere meeting the require-
ments of these guidelines show test un-
fairness, or until such time as it be-
comes technically feasible to conduct
an internal study of test fairness and the
results of that study can be acted
upon. Users obtaining selection proce-
dures from publishers should consider,
as one factor in the decision to pur-
chase a particular selection procedure,
the availability of evidence concerning
test fairness.

C. Validity evidence from multiunit
study. If validity evidence from a study
covering more than one unit within an
organization satisfies the require-
ments of section 14B below, evidence of
validity specific to each unit will not
be required unless there are variables
which are likely to affect validity sig-
nificantly.

D. Other significant variables. If there
are variables in the other studies which
are likely to affect validity signifi-
cantly, the user may not rely upon
such studies, but will be expected ei-
ther to conduct an internal validity
study or to comply with section 6
above.