



**The National
Work Readiness
Credential:
Who Pays the Price?**



The background of the page is a collage of close-up photographs of diverse individuals. The top row shows a person with green face paint, a person with curly brown hair, and a person with dark hair and eyes. The bottom row shows a person with red glasses, a person with a beard, and a person with dark hair.

A Report Prepared by JobsFirstNYC
April 2014



About JobsFirstNYC

JobsFirstNYC is a workforce intermediary organization with a straightforward mission: to connect as many young people as possible to the economic life of New York City.

In 2006, the philanthropic community recognized that a structural approach was needed to address the needs of young adults cast adrift in a rapidly changing economy. JobsFirstNYC was established to identify and create mechanisms to connect them to the labor market and to mobilize community, corporate, private, and public resources to support those mechanisms.

JobsFirstNYC pursues three broad strategies aimed at increasing the long-term employment opportunities of these young adults: engaging employers in a structured, systemic way; advancing and building on best practices in the young adult workforce development field; and raising public consciousness about the out-of-work/out-of school challenge.

Rationale

The mission of JobsFirstNYC is to leverage all available community, corporate, human, organizational, private, and public resources to bring out-of-school and out-of-work young adults into the economic life of New York City. In our effort to fulfill that mission, we have set a goal of reconnecting at least five percent of the 172,000 18- to 24-year-old young adults who are neither working nor in school to the economic life of the city.

Over the past several years, many workforce organizations shared concerns about the National Work Readiness Credential (NWRC) with JobsFirstNYC, particularly around a requirement by the state of New York that they train and prepare young people for the exam without any support or technical assistance. Further, local businesses told us they did not recognize or value the credential and were thus unwilling to give special consideration to credential holders referred to them for openings.

In response to these concerns, JobsFirstNYC researched the history of the NWRC's implementation in New York State and gathered data regarding testing and employment outcomes. We then undertook an advocacy effort to address the many serious issues that we uncovered in the process of our research. This report outlines our major findings and subsequent recommendations concerning the use of the NWRC to measure the work readiness of young adults in New York City.

Executive Summary

In 2002, in response to reports by business leaders that applicants for entry-level jobs often lacked basic work skills, New York State initiated an effort to develop a portable credential that could demonstrate job applicants' employability. Four other states and Washington, DC partnered with New York to develop the National Work Readiness Credential (NWRC), a credential intended to show employers that a jobseeker possessed the basic skills required by any entry-level position.

The NWRC was initially designed for an adult population, including recent immigrants, Native Americans, and low-wage earners. But after determining that young adults had the greatest need for work, the New York State Department of Labor (NYSDOL) made the NWRC a cornerstone of its young adult employment and training programs. Since 2006, thousands of young adults aged 14 to 24—mostly unemployed and lacking a high school credential—have prepared for the battery of four tests required to receive the NWRC.

In response to concerns raised by young adult service providers regarding the credential's effectiveness and utility, JobsFirstNYC performed a comprehensive evaluation of the NWRC in New York. We found the following:

1 THE NWRC IS NOT A VALID MEASUREMENT OF WORK READINESS FOR YOUNG ADULTS IN NEW YORK CITY.

- **The NWRC was field-tested on participants who were older, more educated and more likely to be employed in offices than the young adults who now take the test.**
 - > Nearly two-thirds of field test participants were already employed, with the largest share working in clerical/administrative jobs. Only 12 percent of field test participants had left high school before graduating.
 - > To be reliable, test results must be predictive of the results of the population that will take it.
- **The NWRC was never validated for young adults or for members of minority groups.**
 - > After the field test was conducted, the evaluator cautioned against administering the NWRC exam to members of minority groups and others who had not been adequately represented. NYSDOL ignored that recommendation.
- **The test for the NWRC is fundamentally flawed.**
 - > There is no indication the test is a valid measure of the skills needed to perform the entry-level retail and service jobs—the types of jobs sought by the overwhelming majority of young people who prepare for the NWRC.
- **Test materials assume knowledge and experience not common among the target population.** For example:
 - > Questions presuppose that the test taker drives a motor vehicle rather than uses public transportation and that he or she lives in a house, rather than an apartment.
 - > Questions about organizational charts presume that the test taker is already working and familiar with an office hierarchy rather than seeking a first job.

2 FEW YOUNG ADULTS IN NEW YORK CITY PASS THE NWRC, AND THE TEST HAS AN ADVERSE IMPACT ON BLACK YOUNG ADULTS.

- Only 317 young adults passed the test in 2011, out of an estimated 12,000 young adults who prepared for it.
- **The NWRC is unfairly biased and has an adverse impact on black test takers who fail the test at much higher rates than white test takers.**
 - > While 68% of *white* Summer Jobs Express test takers *passed* the exam, 69% of *black* test takers *failed* it.
- **The state's promotion of the NWRC for young adults in New York City may violate Title VII of the 1991 Civil Rights Act.**
 - > The use of an invalid employment test documented to have an adverse impact on a racial minority is construed as an apparent violation of Title VII.

3 THE NWRC HAS NO VALUE TO EMPLOYERS OR TO YOUNG JOB APPLICANTS.

- **Employers in New York City do not use the NWRC to distinguish candidates.**
 - > The National Work Readiness Council was unable to identify any New York State employer that specifically hired a young person because he or she was a certificate holder.
 - > None of the application forms for 22 national retail outlets JobsFirstNYC recently surveyed in New York City (e.g., Home Depot, Target) and chain-dining establishments (e.g., Pret a Manger) ask applicants if they have the credential.
- Most New York City employers recognize academic credentials like a high school diploma or vocational certifications and licenses (e.g., for food handling, health care, security) as indicators of work readiness.
- **Young adults with the NWRC gain no discernible employment advantage.** The hiring rate for individuals with the credential was virtually identical to the hiring rate of those without it.
- **The NWRC was intended to be portable**—so that a credential-holder could benefit from it in any state they lived in—**but only New York State has endorsed the NWRC and mandated its use.**

4 SUPPORTING THE NWRC DIVERTS RESOURCES FROM EFFECTIVE APPROACHES THAT ENABLE YOUNG ADULTS TO COMPETE IN THE LABOR MARKET.

- **Young adults who are unemployed generally lack the academic or vocational skills to qualify for available job openings in New York City**, or have social needs that need to be addressed.
- **Existing State programs do not help them to obtain employer-recognized credentials** that can qualify them for well-paying jobs.
- **New York State also provides no support for programs that partner service providers with employers** and enable young adults to begin careers in growth sectors of the economy.

JobsFirstNYC presented these findings to the NYSDOL and recommended that the agency no longer require service providers to administer the NWRC test to young adults. Agency representatives refused, insisting that the test “gives employers what they want.” JobsFirstNYC asked the agency for the information on which it based this conclusion. After receiving no substantive response from the NYSDOL, JobsFirstNYC formally requested the data under the New York State Freedom of Information Law. Thus far no information has been released by NYSDOL demonstrating that NWRC preparation enhances the employment prospects of young adults.

Consequently, there is no rational basis for young adults to spend eight weeks preparing for the NWRC exam and three hours taking it. It is a futile and costly misadventure and, at a time of shrinking workforce development budgets and high young adult unemployment, it is an expense that New York cannot afford. But it is New York’s young adults who pay the highest price for this ill-conceived initiative.

Building the NWRC test into workforce programs is a waste of scarce resources, diverting funds from more effective approaches and shaming young adults with undeserved failure. The resources committed to this endeavor should instead be redirected to sound practices and evidence-based strategies proven to help young people get and keep good jobs and move along clear career pathways toward economic self-sufficiency.

Background

In the late 1980s, the media began to report on the difficulties that businesses were experiencing in finding “work ready” job applicants. In 1987, an article in the *New York Times* reported that 84 percent of applicants in New York City had failed examinations for entry-level jobs with New York Telephone.¹ And in 2001, a survey by the National Association of Manufacturers found that 69 percent of applicants lacked basic employability skills.² Business leaders reported dissatisfaction not only with job applicants’ academic and technical skills but also with their perceived lack of attributes that characterize successful employees, such as punctuality, critical thinking abilities, teamwork abilities, and responsibility.

In response, a national movement arose to develop credentials that would indicate job seekers’ possession of the knowledge, abilities, and skills sought by employers. It was believed that “work readiness” credentials would streamline hiring by distinguishing individuals with the abilities required for entry-level work. These credentials were intended to be nationally valid and portable, so that job seekers could use them to obtain work anywhere in the United States. Work readiness credentials were also presumed to be a useful alternative credential for job seekers who had not earned a high school diploma. New York State was a leader in the work readiness credential movement.³ In 2002, the NYSDOL joined with counterparts in Florida, New Jersey, Rhode Island, Washington, and the District of Columbia, as well as the National Institute for Literacy, to create the National Work Readiness Credential,⁴ meant to be a “nationally recognized benchmark for core skill possession by entry-level job seekers.”⁵ The credential’s initial target population was a largely adult population, composed of the following groups: Native Americans, recent immigrants with credentials not recognized in the United States, low-wage/no-wage individuals, and older youth (ages 21–24).⁶

The partnership committed more than \$2.5 million to credential development, with the largest single investment—at least \$1 million—coming from New York State. During the next four years, development of the NWRC was a top priority for the state’s workforce development system.⁷ The effort included the creation of an entry-level “skills profile” based on surveys with business leaders, the drafting of business and marketing plans, the design and development of a credential delivery system, the incorporation of a nonprofit organization to oversee and administer the credential, and the

THE WORLD OF WORK READINESS CREDENTIALS

A wide array of work readiness credentials is available. Other credentials besides the NWRC include ACT’s National Career Readiness Credential (NCRC) (now used in 44 states), WAGE, the CASAS Workforce Skills Certification, and the Work Certified Program. Some employers offer a work readiness certificate designed specifically for youth. For example, more than 30 employers—including Best Buy, Children’s Hospital Los Angeles, Connect Television, Home Depot, Kaiser Permanente, and Universal Studios—give preference to holders of the LA Youth at Work Readiness Certificate. The state of Rhode Island plans to launch its own youth work readiness certificate in 2014.

A relatively small number of NWRCs have been conferred. Between 2006 and 2012, only 6,371 credentials were awarded, of which 4,405 were issued in New York State. In comparison, approximately 1.7 million NCRC certificates were issued during the same period. After evaluating available options, Colorado, Florida, Michigan, Minnesota, and Rhode Island opted for the NCRC over the NWRC.

spearheading of a nine-state field test to evaluate the NWRC’s validity. The NWRC was “soft launched” in September 2006.

Since the launch, none of the other partnering states have specifically endorsed the NWRC or promoted it over other credentials.⁸ Indeed, one state partner, Rhode Island, announced in 2012 that it would develop its own job readiness credential for young adults.⁹

In the meantime, New York State has continued to invest heavily in the NWRC, for example, by spending much of a \$1.4 million federal grant to increase the exam pass rate.¹⁰ Although the test was developed for adults, since 2010 the State has made it a cornerstone of its youth

WHO TAKES THE NWRC TEST?

The NWRC was initially developed for a largely adult population, including Native Americans, low-wage/no-wage individuals, immigrants, and older youth (ages 21–24), to show that they had the skills necessary for entry-level jobs.

However, in New York City, the test has been administered to individuals as young as age 14 who seek assistance finding their first job or obtaining a high school credential. Services to them—financed by contracts between New York State and youth service providers—are conditioned on their participation in NWRC preparation classes.

workforce programs. All such State-funded programs condition service contracts on a commitment by providers to administer the NWRC and prepare program participants for the test.¹¹ The State also promulgated a regulation in 2010 mandating that “disconnected youth” take the NWRC and achieve specified minimum pass rates.¹² Until this regulation was rescinded in late 2012, local workforce areas like New York City were at risk of financial sanctions for failing to achieve mandated performance rates.

After youth service providers reported poor pass rates and a lack of enthusiasm among employers, JobsFirstNYC undertook a comprehensive evaluation of the credential. We conducted interviews with key stakeholders, including the National Work Readiness Council, the nonprofit organization formed to oversee the credential; Houghton Mifflin Harcourt/Steck-Vaughn (Steck-Vaughn), publisher of test-preparation materials; the New York Association of Training and Employment Professionals; and the New York City Department of Youth and Community Development. We also surveyed and interviewed training providers and employers in New York City and reviewed studies conducted by other states on work readiness credentials.

Our research revealed that the NWRC exam is not a valid testing instrument for young adults with limited education and work experience who seek service and retail jobs in New York City. No connection has been established between performance on the test and performance in entry-level jobs in these sectors. Furthermore, we found that the test has an adverse impact on black test takers, whose pass rates are half of those of their white counterparts. Finally, we found that employers see little or no value in the credential and that, consequently, individuals holding the credential are no more likely to be hired than their peers who do not have it.

In June 2012, we presented preliminary research findings to NYSDOL officials and urged them to stop promoting the NWRC. They refused, insisting that the test “gives employers what they want.” JobsFirstNYC asked NYSDOL to provide the data that had led to this conclusion, but no substantive information was provided. JobsFirstNYC then formally filed a request under the New York State Freedom of Information Law (FOIL) seeking all documents reflecting test and employment outcomes. This request was denied.

After JobsFirstNYC appealed its denial, the agency released limited outcome data for a tiny subset of NWRC participants. This data indicated that the program may have increased the hiring rate of this subset by, at most, 1.1 percent.



The test for the NWRC has an adverse impact on black test takers, whose pass rates are half of those of their white counterparts.

Research Findings

JobsFirstNYC undertook a comprehensive evaluation of the NWRC in response to concerns raised by youth service providers administering the test. As stated above, we conducted interviews with representatives of the National Work Readiness Council, Steck-Vaughn, New York Association of Training and Employment Professionals, and the New York City Department of Youth and Community Development.

The National Work Readiness Council, Steck-Vaughn, and the NYSDOL provided JobsFirstNYC with outcome data for individuals who took the NWRC test in New York City and the United States in 2011¹³ and with the field test report assessing the validity of the NWRC exam.¹⁴ Detailed demographic data was provided for test takers in the 2011 Summer Jobs Express (SJE) program, a State-sponsored summer job program that included NWRC test preparation. With the assistance of the New York City Employment and Training Coalition, we also surveyed and interviewed New York City training providers to collect information on credential preparation and employer perceptions of credentials. Additionally, we reviewed prior research, including studies conducted by other states in connection with the adoption of work readiness credentials.

We determined the following:

- The NWRC is not a valid measure of work readiness for young adults (individuals up to age 24 who are neither in school nor working), in New York City for a number of reasons:
 - > the test does not measure the skills needed for the entry-level jobs they seek;
 - > NWRC test content is tailored to a different demographic; and
 - > the validity of the NWRC was assessed on a population very different from that now taking the test.
- Few young adults in New York City pass the NWRC, and the test has an adverse impact on black young adults, in possible violation of civil rights laws.
- Entry-level employers look to other credentials to establish work readiness.
- Support for the NWRC diverts resources from more effective approaches to employment and training.

These findings are discussed in greater detail below.

THE NWRC IS NOT A VALID MEASURE OF WORK READINESS FOR YOUNG ADULTS IN NEW YORK CITY.

No relationship was demonstrated between either (i) NWRC test content and the skills required for the jobs sought by most young adults enrolled in state-funded employment programs in New York City; or (ii) NWRC test performance and performance in those jobs.¹⁵ The NWRC thus fails as a measure of job readiness for young adults enrolled in state-funded employment programs in New York City.

Employment test validity should be evidenced by empirical data demonstrating that the test is predictive of or significantly correlates with important elements of job performance. Test development should begin with an analysis of the behaviors required for successful performance at a given job or group of jobs and an identification of the “constructs” believed to underlie these critical work behaviors.¹⁶ Empirical evidence should be gathered to show that the selection procedure is validly related to the construct and that the construct is validly related to the performance of critical work behaviors.¹⁷ As stated in the *Uniform Guidelines on Employee Selection Procedures*:

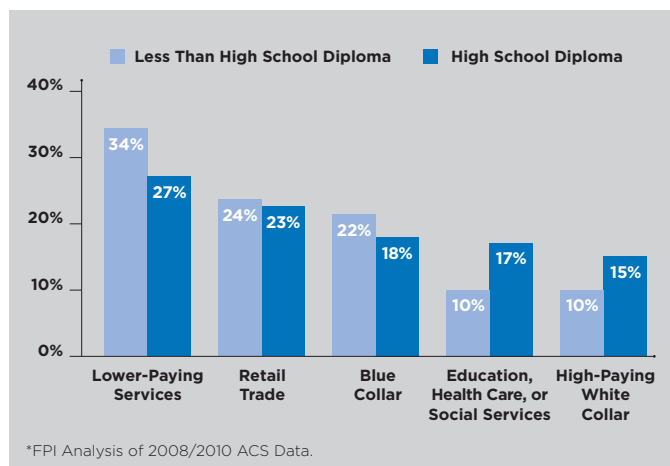
Evidence of the validity of a test or other selection procedure by a content validity study should consist of data showing that the content of the selection procedure is representative of important aspects of performance on the job for which the candidates are to be evaluated.¹⁸

If that connection between a specific job and a specific population cannot be shown, the test lacks validity; it does not measure what it purports to measure.

The NWRC does not measure the skills needed for the entry-level jobs sought by young adults in New York City.

The NWRC was intended to measure the ability to perform an entry-level job. For any employment-related test to have “criterion validity,” it must reflect the skills required to perform the jobs sought by the target population (in this case, young adults aged 18–24 who largely lack high school diplomas and have little or no formal work experience). As illustrated below, an entry-level job for them generally means a position in the retail and service sectors—sectors that offer the widest volume and array of opportunities to individuals with limited education or work experience.¹⁹

Employment by Sector Among NYC Young Adults with Limited Education



To validate the NWRC as a measure of entry-level job skills, SRI International, a national research organization, conducted a field test between October 2005 and February 2006. The online NWRC field test was administered to 701 individuals. Each of the six state partners was asked to recruit at least 40 individuals for each of 20 NWRC test sites. New York had the largest number, with 208 individuals participating at seven test sites. In addition to the partnering states of Florida (91 participants), New Jersey (89 participants), Washington (65 participants), Rhode Island (14 participants), and the District of Columbia (26 participants), the states of Kentucky, Texas, Ohio, and California also operated test sites and recruited participants.²⁰

In April 2006, SRI International published its field test findings. SRI's field test report concludes that "good initial content-related, construct-related and criterion related validity evidence exists to support the use of the NWRC assessment battery as a screening tool in a personnel selection process."²¹ However, our analysis of the field test report revealed this statement to be incorrect.

The field test report does not show that the work behaviors purportedly measured by the NWRC correspond to the jobs sought by young adults in New York City. It is not even clear how some of the identified constructs, such as "speak so others can understand" and "listen actively," could be measured by the online NWRC test.

To begin with, the report provides no content-related or construct-related validity evidence supporting the use of the NWRC. The report does not indicate the job titles for which the test was contemplated and therefore contains no task analysis identifying the specific behaviors required

to successfully perform any jobs. Although the report does identify the constructs purported to underlie job readiness skills,²² no evidence is adduced establishing that the NWRC is validly related to these constructs and the constructs are validly related to the performance of critical work behaviors required by the jobs sought by young adults. It is not even clear how some of the named constructs, such as "speak so others can understand" and "listen actively," could be measured by an online test. Without knowing what the NWRC test is meant to measure, it is impossible to determine whether the test actually measures what it purports to measure.

JobsFirstNYC also disputes that criterion-related evidence supports the use of the NWRC, for technical and operational problems led to a field test sample that was too small to be reliable, particularly for the population to which the test is now being administered. Criterion-related validity was to be established by correlating the scores of individuals who completed all four modules with ratings

The field test sample size for the criterion-related validity analysis was so small that SRI International cautioned that "such a sample size limits the strength of arguments than can be made for valid use of the NWRC assessment to guide hiring decisions."

of work readiness by their supervisors or instructors. Each field test site was asked to recruit a supervisor for each test participant; this person would be asked to complete several background questions, rate the participant's readiness for the nine constructs, and make judgments about the participant's potential for advancement.²³

The initial plan had been to select a sample of individuals from among those with usable and complete test results and then to survey the supervisors of the sample population.²⁴ However, the field test yielded few usable and complete test results. Many participants skipped entire modules or completed them only partially. In addition, technical problems made it impossible for participants at New York, New Jersey, and Washington test sites to complete all four test modules. Another problem was the low response rate among supervisors surveyed. Because of the lack of usable data, some participants selected for the criterion validity study had completed as little as half of each test module.²⁵ Even with that generous and methodologically questionable rule, the field test sample size for the criterion-related validity analysis was only 136. SRI International noted that "such a sample size limits the strength of arguments than can be made for valid use of the NWRC assessment to guide hiring decisions."²⁶

The validity of the NWRC is based on the criterion validity study of these 136 individuals. But the field test report presents no data establishing that they are sufficiently representative of the target population such that their performance on the NWRC can be applicable to them. If the 136 were employed in the same sectors as the field test participants as a whole, the NWRC would be invalid as a measure of job readiness for young adults because the field test participants were employed in sectors with little relationship to the sectors that employ most young adults in New York City.

According to the report, only 18.5 percent of the field test participants were employed in the service sector, and none were employed in the retail sector. But in New York City, 63 percent of the NWRC's target population is employed in these two sectors. About 33.5 percent of field test participants held clerical, manufacturing, or technical jobs—sectors that employ only about 12 percent of young adults without a high school education in New York City. The validity of the test is significantly undermined by the extent to which it over-selects for individuals who work in sectors that do not employ young adults.

The over-representation of participants in the clerical, technical, and manufacturing sectors is especially problematic because the participants working in those sectors performed significantly higher on the field test than participants employed in the service sector or than participants who were unemployed—populations more like the target population. The test results are skewed by the number of higher-scoring individuals who worked at jobs with limited or no connection to those sought by the target population.

Since service workers scored lower than workers in other sectors, the NWRC likely does not reflect the skills required to perform service occupations and is instead a better measure of the skills needed for clerical, technical, and manufacturing jobs. However, given the low number of young adults in New York City employed in these latter sectors, using the NWRC to measure their work readiness is highly problematic.²⁷

Before New York State compelled tens of thousands of young adults to prepare for the NWRC, the credential's validity could have been validated by administering it in one carefully piloted program and then comparing the after-hiring performance of credential holders to peers without the credential. The necessary correlation between performance on the test and performance on the job could have been established by evidence that NWRC holders had higher rates of hiring, promotion, and job retention, or higher wages. Furthermore, performing such a study would have been easy and inexpensive because providers are obliged to supply such hiring and salary data to the state as a condition of state-funded contracts.

CAN ANY WORK READINESS CREDENTIAL BE USEFUL FOR YOUNG ADULTS WITH LIMITED EDUCATION?

Jobs for the Future, a nonprofit research organization that works to move low-income workers into self-sustaining careers, evaluated the five most well-known work readiness credentials in the United States. The organization's "Survey of Selected Work Readiness Certificates," commissioned by the United Way of Rhode Island, questioned whether any such certificate could be useful for individuals without a high school diploma.

The survey's authors "found little to suggest that work readiness certificates of any kind lead to long term improvements in earnings or career advancement of low-skilled job seekers comparable to the impact of a high school diploma or post-secondary education." Jobs for the Future was unable to find any companies that gave a hiring preference to certificate holders. When human resource representatives of companies said to endorse a specific certificate were contacted, most reported being unfamiliar with it.

The study also questioned the central premise of the NWRC and other credentials purporting to measure soft skills, stating that "the idea that soft skills can be measured is widely debated. ... Many employers pointed to the difference in being able to identify the 'correct' answer on a test and practicing a particular behavior (i.e., timeliness) on the job."

Indeed, in 2010, the state announced that such a study was being conducted; however, this study was either not completed or its results were not made public.²⁸

NWRC test content is tailored to a different population of test takers.

The NWRC's lack of criterion validity is also demonstrated by the content of the test and curriculum materials, which have little or no apparent relation to work tasks that the target population might be expected to perform. For example, to measure test takers' ability to "read with understanding," the NWRC asks test takers to refer to an organizational chart to determine the appropriate person

to approve a particular activity.²⁹ This is referred to as a “sample workplace activity,” although it would be far from commonplace for someone who had never worked in an office. Another sample reading question asks respondents to imagine that they “have been hired to assist a local real estate company with its office relocation” and to answer questions concerning responsibility for an “inventory of surplus furniture” and arranging for service with a utility company. Additional questions—such as one regarding the weight of pallets in a shipment—presuppose experience with manufacturing or warehouse facilities.

Situational judgment and behavior questions like these account for 50 percent of the NWRC test score.³⁰ This portion of the test would be particularly challenging for individuals who had never held a job and lacked experience with the types of scenarios presented. Moreover, commentators have questioned whether testing scenarios reflect realistic workplace expectations.³¹ But most importantly, respondents’ ability to answer such questions is irrelevant to their ability to succeed on the job.

In addition, NWRC test preparation materials and sample test questions are loaded with unfamiliar terms that are equally non-probative of job performance. For example, most young adults in New York City live in households without cars and seek jobs that do not require a driver’s license. They would likely be stumped by questions said to originate with the New York State Trooper exam that presume car ownership and knowledge of driving laws. For this reason, NWRC questions about odometers and “rolling stops” are inappropriate in a general exam purporting to measure work readiness. Young apartment dwellers might likewise be perplexed by questions discussing “bags of fertilizer” and “gutters” that were not properly cleaned. The use of unfamiliar terminology in an employment test compromises the test’s validity because it can cause the test to become more a measure of reading comprehension than one of work readiness, and can significantly undermine respondents’ test performance.³²

Providers also reported that test questions were poorly worded, confusing, and ambiguous, echoing field test findings. In the survey of field test participants, test takers complained that questions were unclear or lacked correct answers, and found the wording imprecise. The wording of test questions is important because individuals may interpret questions differently based on their socio-economic status or ethnicity.³³

The validity of the NWRC was assessed for a very different population.

An employment-related test like the NWRC is valid if it reliably predicts work performance of the population to be tested. In this case, the population being tested in New York City largely consists of young adults with limited

education who are black and Hispanic. However, that is not the population for which the NWRC was determined to be valid. Instead, nearly half of the field test participants were white; most were employed and had at least graduated from high school.

At least 66 percent of field test participants had at least a high school diploma or GED, and more than 17 percent had a college or master’s degree.³⁴ Less than ten percent appeared to have left high school before graduating. The target population, however, has significantly lower educational attainment. Detailed demographic and educational attainment information is not available for the entire population of New Yorkers who have prepared for the NWRC, but among a subset of 319 individuals who took the test as part of a 2011 SJE program, only 25 percent had a high school diploma, and none had graduated from college.³⁵ Field test participants were also much more likely to be employed.³⁶

There were also significant racial differences between field test participants and the SJE population. The largest share of field test participants (46.4 percent) was white, while the largest share of SJE test takers (50 percent) was black. The number of black participants in the validity test is not stated in the field test report, but so few were represented that SRI International reported that *the field test sample size of Hispanic, Black and Asian participants was too small for its findings to be reliable and valid for those populations.*³⁷

The field test report notes that “such a sample size limits the strength of arguments than can be made for valid use of the NWRC assessment to guide hiring decisions for particular subgroups” and cautions against applying the test to a broader non-white population. For example, after pointing out “fairly large white/African American differences on the Reading and Math assessments,” the report states:

*There is a clear need for collection and analysis of criterion-related validity evidence in the initial operational phase of implementation of the NWRC assessment. It will be particularly important to collect and analyze data for ethnic subgroups (i.e., African-Americans, Hispanics, Asians and native-Americans) for which sufficient criterion-related data have not yet been gathered and analyzed.*³⁸

Pointing out that “passing rates for African-Americans and Hispanics were substantially lower than for Whites in the field test sample,” the report recommends ongoing evaluation and validation of the NWRC.³⁹ However, these concerns about the test’s fairness and accuracy for minority test takers have never been addressed. New York State has implemented the NWRC knowing that its validity has not been established for these populations.

FEW YOUNG ADULTS IN NEW YORK CITY PASS THE NWRC, AND THE TEST HAS AN ADVERSE IMPACT ON BLACK YOUNG ADULTS.

The vast majority of young adults who prepare for the NWRC in New York City never achieve the credential. In 2011, only 317 young adults in New York City passed the test out of the approximately 12,000 individuals who prepared for it, for an overall pass rate of 2.6 percent.⁴⁰ The NYSDOL claims a “pass rate” of 71 percent based on the 445 persons who actually took the test. However, this is an engineered statistic, since students are required to pass a simulated NWRC pre-test before being permitted or encouraged to take the real two-and-a-half-hour exam. Before the advent of pre-testing, only 21 percent of national test-takers and 27 percent of New York City test-takers were able to pass.⁴¹ Furthermore, a substantial number of the 317 individuals who ultimately obtained the credential had to retake multiple sections of the test.⁴²

The NYSDOL provided a detailed breakdown of NWRC outcomes for the 2011 SJE program. According to this breakdown, 2,790 young adults prepared for the credential and 180 secured it, for a pass rate of 6.5 percent.⁴³ The department reported that 29.1 percent of the overall population (813) secured employment in the first quarter after the end of the SJE program; of this number, 730 had not secured the credential while 83 had. The employment rate among individuals without the credential was 28 percent. The data therefore shows that, at best, preparation for the NWRC led to increased

**At best,
preparation for the
NWRC led to increased
employment among**
ONLY 1.1%
**of the population—
31 young adults out of 2,790**

While 68 percent of white SJE test takers passed the exam, 69 percent of black test takers failed it.

employment among 1.1 percent of the population—31 young adults out of 2,790—who otherwise might not have been hired.

While most New York City youth fare badly on the NWRC test, black youth fare particularly poorly. For example, half of the SJE test takers were black. While 68 percent of white SJE test takers passed the exam, 69 percent of black test takers failed it. If the overall population that year—the roughly 12,000 who had prepared for the test—reflected those rates, then less than two percent of black young adults who prepared for the test would have ultimately secured the credential, compared to four percent of white test takers.⁴⁴

This outcome was predicted by the field test report, which notes significant differences between white and black test takers in the reading and math assessments.⁴⁵

Promotion of the NWRC may violate the Civil Rights Act of 1991 and the Fourteenth Amendment to the Constitution.

Title VII of the Civil Rights Act of 1991 prohibits discrimination “against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color ... or national origin.”⁴⁶ Enforcement guidelines of the federal Equal Employment Opportunity Commission provide that if a test or other selection procedure has an “adverse” impact on the basis of race, sex, or ethnicity, the impact must be eliminated or the selection process must be shown to be job related.⁴⁷ A selection rate for any race that is less than 80 percent of the rate for the group with highest rate is deemed to be evidence of an adverse impact.⁴⁸

In this way, the NWRC has an adverse impact on black test takers, who pass it at half the rate of white test takers. Because the NWRC appears to be unfairly biased and is not demonstrated to be a valid test of job-related performance, New York State’s implementation and promotion of the NWRC appear to violate Title VII.

Title VII is generally construed to apply to employers. However, the Civil Rights Act may also apply to a state agency that administers employment-related tests in a discriminatory manner. Two Equal Employment Opportunity Commission decisions have found that state agencies are subject to the jurisdiction of Title VII. In one, the commission reasoned:

By its terms Title VII speaks not of “employees” but of “person[s] aggrieved.” Throughout the Title and its legislative history Congress indicated its intent to deal with more than the conventional employer-employee situation as demonstrated by the specific prohibition against discrimination by employment agencies and referral labor organizations. ... Courts have held that no employer-employee relationship need exist, only control over access to the job market and denial of such access by reference to invidious criteria.⁴⁹

The state’s professed intent in promoting the NWRC has been to expand the target population’s access to the job market. For example, the NY Youth Works Program, authorized until the state’s fiscal year 2017, offers substantial tax credits to businesses that hire young adults who participate in NWRC training. However, promoting a credential that has a disparate impact on black young adults may deny access to the job market by reference to invidious criteria.

Federal courts have also applied Title VII to cases involving access to the job market on the grounds that the act’s objective is “to achieve equality of employment opportunities.” The Court of Appeals for the District of Columbia has held that “Congress has determined to prohibit ... exerting any power it may have to foreclose, on invidious grounds, access to any individual to employment opportunities otherwise available.”⁵⁰ If black young adults participating in the NY Youth Works Program were found to have been denied employment because they failed to secure an NWRC, the state’s administration of the program could be seen as having reduced access to opportunities that would otherwise be available in violation of Title VII.

The NWRC may also implicate the equal protection and due process clauses of the Fourteenth Amendment if promotion of the test could be construed as state action. The question would turn on whether the state is sufficiently involved to be constitutionally actionable. The Supreme Court has found such “decisive conduct” to occur where the state creates the legal framework governing the construct in question.⁵¹ A case could be made that the state of New York has exercised such decisive conduct with regard to the NWRC based on its extensive role in developing the credential and mandating its use by employment service providers and local governments.

ENTRY-LEVEL EMPLOYERS LOOK TO OTHER CREDENTIALS TO ESTABLISH WORK READINESS.

Through focus groups, JobsFirstNYC surveyed more than 100 employers to elicit their recommendations regarding best practices for youth employment programs. None

As Regional Recruiter for Modell’s Sporting Goods, I staff stores in the entire New York City area and other regions. Last year alone, we hired well over 2,000 young people to work as sales associates.

When sourcing candidates in the 18- to 24-year-old age pool, the fact is that a large number of candidates have very little experience or technical skills. As a specialty retailer in a customer service industry, we can provide these young adults in-house training for jobs like cashiering or reconciling inventory. So our store managers instead “hire for attitude” and seek associates who are outgoing, friendly, and coachable.

We have a tool that has proven effective at identifying reliable and conscientious sales associates who are ready to work. We run a business and cannot afford to take a chance on an unproven alternative that assesses skills that are not essential to the job and that doesn’t align with the age group it is intended for. And the National Work Readiness Credential certainly wouldn’t help to determine if a candidate is going to be good at customer service.

In my opinion, requiring an unproven and unfair testing assessment tool that is not recognized in the human resources world and is not industry-specific will work in reverse and create a larger pool of “out of work young people.”

— Greg Hambric, Regional Recruiter, Modell’s Sporting Goods

of them were familiar with the NWRC or were willing to accept the credential at face value. Moreover, although the credential was piloted in New York and has been available in the state for more than six years, the National Work Readiness Council was unable to identify any New York employer that hired certificate holders.⁵²

JobsFirstNYC also reviewed the online application forms of 22 large national retailers and chain dining establishments—including Home Depot, Target, Walmart, RadioShack, Pret a Manger, and Macy’s—to determine whether these businesses favor applicants who have

earned the credential. In aggregate, these businesses hire a substantial portion of entry-level workers in New York City. It can be assumed that candidates would be asked about the NWRC if these businesses believed it to be a valuable indicator of work readiness. But none of the application forms that we reviewed asked about possession of the credential. Instead, most of them used alternative online screening mechanisms to assess whether candidates were “work ready.”

JobsFirstNYC also found that rather than accepting a generalized “work readiness credential,” most New York City employers recognize existing credentials, certifications, licenses, and degrees as indicators of work readiness. This is consistent with data showing that individuals with established academic credentials—such as high school diplomas, GEDs, and associate’s degrees—have higher employment rates and salaries than individuals who lack them.

Employers filling better-paying entry-level jobs that do not require specialized or technical skills tend to use a high school diploma or a community college degree as a proxy for the literacy and broader work readiness skills they seek. In a recent JobsFirstNYC survey of 40 youth providers, respondents reported that a high school degree was the most important credential for the employers they served; 70 percent of respondents considered it “extremely valuable,” and 22.5 percent found it “moderately valuable.”⁵³

The credential rated second most important by survey respondents was the GED, with 57.5 percent finding it “extremely valuable” and 27.5 percent finding it “moderately valuable” for employers. An associate’s degree was deemed “valuable” by 72.5 percent of respondents. After that, many respondents identified industry certificates as important for employers. More than two-thirds of respondents stated that food handling certificates were “extremely or moderately valuable” for helping youth get hired, and one-quarter of respondents reported that certifications related to security, OSHA regulations, Microsoft Office Suite, A+ information technology, health care, and customer service were “extremely valuable” to employers. Not one respondent rated the NWRC as “extremely valuable to employers,” although one respondent found it “moderately valuable.” Nearly half were uncertain about its value, and 37.5 percent reported that it had “no value.”

Similarly, JobsFirstNYC found that employers who demand proficiency in certain technical skills generally rely on an industry-specific certificate to establish job readiness. For example, Brooklyn Workforce Innovations qualifies program participants to take exams for the BICSI (Building Industry Consulting Service International) certification exam and the Class B commercial driving license. The

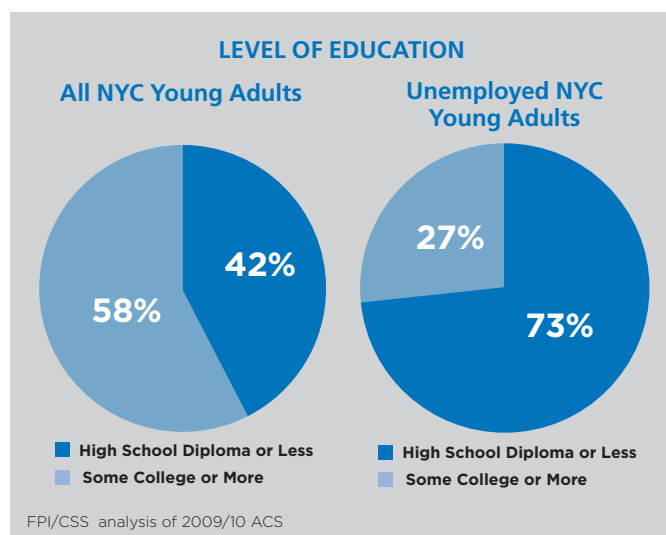
organization is then able to place more than 90 percent of its graduates (many of whom have not graduated from high school) into well-paying positions as cable installers and truck drivers. Young people who have earned certifications as hazardous waste operators or in occupations related to environmental remediation are being hired for jobs paying between \$12 and \$32 an hour. These certificates—unlike the NWRC—have the added advantage of being accepted as Workforce Investment Act youth performance measures.

SUPPORTING THE NWRC DIVERTS RESOURCES FROM EFFECTIVE APPROACHES THAT ENABLE YOUNG ADULTS TO COMPETE IN THE LABOR MARKET.

Young adults are not getting the skills and support they need to become full participants in New York City’s economy. By 2020, more than two-thirds of jobs are expected to require post-secondary education, but more than 40 percent of young adults in New York City either have only a high school diploma or left high school before graduating. More than 35 percent of them are estimated to be unemployed; a rate nearly four times the unemployment rate of their peers with post-secondary education or training.⁵⁴

Young adults without post-secondary education or training are

4x more likely to be unemployed



At the same time, thousands of well-paying jobs are available in New York City annually that can be performed without a four-year college degree. Young adults can

qualify to be cable installers, computer technicians, and truck drivers, for example, by earning employer-recognized postsecondary certificates, and about 27 percent of credential holders out-earn the average bachelor's degree holder.⁵⁵ Good jobs can also be accessed through high-quality on-the-job training developed with and implemented by employers.

For example, JobsFirstNYC has inaugurated a model that partners service providers and employers to jointly customize training to industry-specific demands. This project will enable young adults to acquire industry-recognized credentials, as well as work experience leading to good jobs. Employment strategies that help workforce development organizations respond to labor market demands in growth sectors of the economy are proven to increase employment of individuals with limited education. But, there is no State support for such employer-driven workforce development programs, despite reports that employers in many of the City's economic sectors are having difficulty filling openings.

In addition to career training, many unemployed young adults have social and educational needs that must be addressed before they can compete for and retain even a minimum wage job. They need help obtaining secondary educational credentials and building essential work skills. After their hiring, ongoing support during the probationary period and beyond can ensure that they acquire solid work habits and remain on the job. In addition, young people in their first job often struggle to manage on low wages. Financial management training and help with career pathways can enable them to become economically mobile and to progress along a continuum from a low-wage, entry-level job to a self-sustaining career.

But service providers with this expertise are under-resourced, so few young adults get the help they need to succeed.



PHOTO BY STEVE HILL PHOTOGRAPHY

Workforce programs needing resources include those that partner service providers and employers to jointly customize training to industry-specific demands, enabling young adults to acquire work experience that leads to good jobs.

Conclusion

Thousands of young adults enroll each year in New York State-funded education, training, and employment programs to better their prospects of being hired for a decent-paying job. Most of them left high school before graduating and know that they are perceived by employers to be poor job candidates. They place their faith in these programs to provide the second chance they need to succeed.

As a condition of their participation, these individuals must prepare for the NWRC. But they overwhelmingly fail to secure the credential, and black test takers fail the test at twice the rate of white test takers. Moreover, the test is not a valid measure of work readiness for the sectors in which young adults in New York City seek work, and, not surprisingly, employers in those sectors do not rely on it when making hiring decisions.

Consequently, there is no rational basis for young adults to spend eight weeks preparing for the NWRC exam and three hours taking it. It is a futile and costly misadventure and, at a time of shrinking workforce development budgets and high young adult unemployment, it is an expense that New York cannot afford. But it is New York's young adults who will pay the highest price for this ill-conceived initiative.

The resources committed to this endeavor should instead be redirected to sound practices and evidence-based strategies proven to help young people get and keep good jobs and move along clear career pathways toward economic self-sufficiency.

JobsFirstNYC has asked the NYSDOL to align its training dollars and administrative policies with workforce demands and to promote the attainment of employer-recognized credentials instead of the NWRC. A redirection would provide greater benefits to employers and young adults and, as an added bonus, count toward Workforce Investment Act performance requirements for New York. Thus far, the agency has agreed only to rescind a regulation mandating that local areas achieve impossible pass rates on the NWRC and continues to require youth service providers in state-funded programs to prepare participants for the credential.

The NWRC was adopted with the best of intentions. Employers appeared to agree on the need for a concrete measure of work readiness and the NYSDOL responded by leading an effort to develop the NWRC. Unfortunately, the credential has not delivered the hoped-for outcomes that inspired its development. Furthermore, with the growing understanding that one test cannot adequately reflect the base skill requirements of all entry-level jobs, work readiness credentials in general have become discredited.

We hope that shining a spotlight on this misguided effort will persuade the State to adopt a course of action that better ensures that all young adults in New York City have a fair chance at securing employment that pays a living wage.

Endnotes

- ¹ *Poor Skills Cited in New York Entry-Level Applicants*, Elizabeth Neuffer, *The New York Times* (July 4, 1987).
 - ² *The Skills Gap 2001*, National Association of Manufacturers (2002).
 - ³ *New York Plans Test to Affirm Fitness for Jobs*, Susan Saulny, *The New York Times* (Jan. 29, 2005), http://www.nytimes.com/2005/01/29/education/29regents.html?pagewanted=print&position=&_r=0.
 - ⁴ Other participants included the Business Council of New York State, the New York State Education Department, and the New York State Board of Regents.
 - ⁵ Work Readiness Credential flyer printed by Steck-Vaughn Adult Education, http://steckvaughnadult.hmhco.com/HA/correlations/pdf/s/sva_WRC_Article_ValidAndReliable.pdf.
 - ⁶ *The Work Readiness Credential from Development to Launch*, PowerPoint presentation to the New York State Workforce Investment Board, Sept. 21, 2006.
 - ⁷ Between March 2003 and February 2007, 15 of the 16 meetings of the New York State Workforce Investment Board (SWIB) had “status of NWRC development and implementation” on the meeting agenda, often as the primary item. No other single initiative commanded as much attention during this period. NYSDOL staff made numerous presentations to the SWIB concerning the NWRC during this time.
 - ⁸ JobsFirstNYC contacted each state partner representative to the National Work Readiness Council to confirm the respective state’s continued support of the credential; we did not receive a response from any of them. The state of Florida is the only one to mention the NWRC on its website, although it does not explicitly endorse the credential.
 - ⁹ See *Rhode Island developing work readiness credential*, Denise Perrault, *Providence Business News* (Feb. 6, 2012). Florida, another NWRC state partner, has developed its own work readiness credential that emphasizes math, reading, and research skills. See <http://www.floridareadytowork.com/aboutprogram/>. This is consistent with the practice of other states. For example, Michigan, Minnesota, and Colorado each evaluated the NWRC and determined that it was not effective at measuring the skills sought by employers in their states. See *Work Readiness Credential Proposal*, Michigan Council for Labor and Economic Growth (Dec. 2007), [- \(a\) Corporation for a Skilled Workforce “to develop an NWRC governance model and to facilitate joint SWIB subcommittee meetings” undertaken for credential development
 - \(b\) SRI International, which from June 24, 2002, to October 2006 “led a team of organizations that designed the NWRC and implemented the assessment”
 - \(c\) Castle Worldwide for assessment delivery in 2006
 - \(d\) Steck-Vaughn to increase the pass rate of the NWRC \(2009–2010\) and to develop a work skills curriculum
 - \(e\) unidentified vendors to:
 - a. pilot the NWRC curriculum in 17 literacy zones \(2009–2010\)
 - b. evaluate the curricular materials developed by Steck-Vaughn
 - c. develop second and third versions of the test battery
 - d. develop a revised practice test in 2012
 - e. develop an offline test battery for use in correctional facilities](http://www.michigan.gov/documents/mdcd/WK_NCRC_Prop; Minnesota FastTRAC Work Readiness Tools Team Report (Sept. 2010); Developing a Statewide Work Readiness Credential in Colorado: A Preliminary Assessment. Report to the Colorado Workforce Development Council, Susan P. Blansett and Mary C. Gershwin (2005).¹⁰ The state appears to have spent far more than this amount. In an attempt to quantify the state’s expenditures, JobsFirstNYC asked the NYSDOL to provide copies of all contracts regarding credential development that the agency had entered into. We believe these to include contracts with the following entities:<ol style=)
- ¹¹ Awards included the following: (i) \$15 million to 44 grantees to serve 6,335 emerging and transitional workers (Emerging and Transitional Worker Training); (ii) \$5 million to 24 grantees to serve 1,737 disconnected youth (Disconnected Youth Training); (iii) \$21 million to hire up to 16,500 youth aged 14–21 for summer employment in high-need areas of the state (Summer Jobs Express); \$37 million for job training, supportive services, stipends, and wages, in addition to \$25 million in tax credits and \$25 million in business tax credits for young adults aged 16–24 (NY Youth Works Program). Providers were required to use the NWRC curriculum.
- ¹² Workforce Development System Technical Advisory #10–13, New York State Program Year 2010 Incentive and Sanction Policy for Local Workforce Investment Act Title 1B Program and the Wagner-Peyser Act Program, issued July 1, 2010, and Technical Advisory #11–13, issued Oct. 6, 2011 (collectively, Incentive and Sanction Regulations). The regulations applied to the federally funded Out-of-School Youth Program, under which community-based organizations help young adults aged 16–21 attain a high school credential and find a job. At least 30 percent of Out-of-School Youth participants in each local area were required to take the NWRC exam, and the local area was required to achieve a pass rate of at least 50 percent.
- ¹³ See *NWRC NYC Test Performance 2011*, attached as Ex. 2, and *Summer Jobs Express NWRC Performance 2011*, attached as Ex. 3, aggregated by Castle Worldwide, which delivers and scores the test. See also *Summer Jobs Express Employment 2011*, attached as Ex. 4. The latter performance data, as well as the data shown in Exhibit 7, were provided to JobsFirstNYC by NYSDOL pursuant to a second FOIL appeal filed on November 12, 2013, in response to the agency’s denial of a FOIL request for all performance data and summary reports filed on May 29, 2013. It should be noted that NYSDOL provided an additional chart in response to that appeal that is not reflected in this report. Because the chart supplied by the agency did not identify the pertinent program, ages of participants, and the period in which the data was recorded, the information provided could not be evaluated.

- ¹⁴ *National Work Readiness Credential Field Test Report*, SRI International, Human Resources Research Organization & Center for Applied Linguistics (July 2006). Available at <https://www.humrro.org/corpsite/publication/national-work-readiness-credential-field-test-report>.
- ¹⁵ The correspondence between a test's content and its purpose is termed "content validity." See *Standards for Educational and Psychological Testing*, American Education Research Association, American Psychological Association & National Council on Measurement in Education (1995).
- ¹⁶ See *Uniform Guidelines on Employee Selection*, 29 CFR Part 1607, at section 14, "Technical Standards for Validity Studies." The guidelines were adopted by the Equal Employment Opportunity Commission in 1978 under Title VII. They provide guidance to employers on determining whether tests and selection procedures are lawful under Title VII.
- ¹⁷ *Minimizing Unnecessary Differences in Occupational Testing*, Martin M. Shapiro, Michael H. Slutsky, Richard F. Watt, Valparaiso Law Rev. (Spring 1989).
- ¹⁸ *Uniform Guidelines on Employee Selection*, section 14C (emphasis added).
- ¹⁹ Between 2008 and 2010, over 57 percent of 18- to 24-year-olds with less than a high school education and more than 50 percent of those with only a high school education were employed in the services and retail trade sectors in New York City. See *Barriers to Entry*, James Parrott & Lazar Treschan (May 2013).
- ²⁰ *National Work Readiness Credential Field Test Report*, p. 3.
- ²¹ *Id.*, p. 17.
- ²² The field test report identifies them as the following: (i) cooperate with others; (ii) listen carefully; (iii) observe critically; (iv) read with understanding; (v) resolve conflicts and negotiate; (vi) solve problems and make decisions; (vii) speak so others can understand; (viii) take responsibility for learning; and (ix) use math to solve problems and communicate. *Id.* at A-5.
- ²³ *Id.*, p. 8.
- ²⁴ *Id.*, pp. 14–15.
- ²⁵ *Id.*, pp. 16–17.
- ²⁶ *Id.*, p. 17.
- ²⁷ See *National Work Readiness Credential Field Test Report*, table 5, "Comparison by Industry," p. 11. For example, the math scores of clerical-sector workers had a mean difference of -7.25 compared to persons who were not working, and manufacturing workers had a mean difference of -6.35 compared to persons who were not working. The mean difference of service workers to those not working was -4.29. For reading scores, the scores of clerical workers had a mean difference of -7.88 compared to individuals who were not working, while the mean difference of service workers to those not working was -3.42. For the subjective judgment test, the difference between clerical workers and those who were not working was especially pronounced. The mean difference among clerical workers was -11.11 and among service workers was -4.45 (*National Work Readiness Credential Field Test Report*, table 5). The performance extremes between those who were not working and those who worked in the three sectors also raises the question whether it is possible for anyone to be found work ready for the clerical, technical, and manufacturing sectors unless they have already worked in those sectors.
- ²⁸ See New York State Workforce Investment Act Annual Report for Program Year 2010, p. 6, <http://www.labor.ny.gov/workforcenypartners/annualreport/WIAAnnualReport10.pdf>. According to the report, participant outcomes for New York's Emerging and Transitional Worker and Disconnected Youth Initiatives were recorded by grantees beginning in program year 2010. The agency's Division of Research and Statistics conducted an in-depth evaluation of participant services and outcomes, including a survey of program participants and customer outcomes. Evaluation was to continue into calendar year 2012 so that sufficient quarters following exit would be available to review wage records. On May 29, 2013, pursuant to the New York Freedom of Information Law, JobsFirstNYC submitted a request to the NYS DOL for the release of NWRC performance data. See Ex. 1. In response, the agency released one year of limited performance data for a single program (SJE).
- ²⁹ *The Work Readiness Credential from Development to Launch*, PowerPoint presentation to the New York State Workforce Investment Board, Sept. 21, 2006.
- ³⁰ See Sample Test Questions, attached as Ex. 5. Additional examples can be found in a sample test on the Castle Worldwide website. Respondents were asked to rank, from best to worst, responses to the following two questions.
1. The company where you work has an on-site daycare. Employees often visit with their children during breaks and lunch. Lately employees have been spending additional work time in the daycare instead of working. How should you handle this situation?
 - Allow all employees to make up the time or deduct the time from their weekly hours, with the permission of their supervisor.
 - Forbid all employees to visit the day care during working hours.
 - Determine who really needs to visit the daycare and who does not.
 - Close the daycare since employees are not able to handle the responsibility.
 2. Office policy states that food may not be kept in the refrigerator overnight. You have planned a party for the office secretary and need to store food overnight. How should you handle this situation?
 - Ignore the office policy this once. It is a special occasion.
 - Explain to your boss the need to store food overnight and ask for permission.
 - Hide the food in the back of the refrigerator and hope that nobody notices.
 - Cancel the party because food cannot be kept overnight.
- ³¹ *A Survey of Selected Work Readiness Certificates*, Norma Rey-Alicea and Geri Scott, Jobs for the Future (Jan. 2007), report prepared for Skill Up Rhode Island, a project of United Way of Rhode Island.
- ³² *Fair and Valid Use of Educational Testing*, Janet E Helms, *Measuring Up: Assessment Issues for Teachers, Counselors and Administrators* (2003), ch. 6, <http://eric.ed.gov/PDFS/ED480041.pdf>. See also http://aim.cast.org/learn/historyarchive/backgroundpapers/background_knowledge.
- ³³ For example, one study found that white students from affluent suburbs answered a question about budgeting for school lunches very differently than did black students from urban areas and Native American students from rural areas; 84 percent of the white students interpreted the word "only" in the question as intended by test drafters, while only 56 percent of the Native American students and 52 percent of the black students interpreted it as intended. See *Examining Language in Context: The Need for Research and Practice Paradigms*

in *the Testing of English-Language Learners*, Guillermo Solano-Flores & Elise Trumbull, *Educational Researcher*, vol. 32, pp. 3–13 (Mar. 2003), <http://www.colorado.edu/education/faculty/guillermosolanoflores/docs/Examining%20Language%20in%20Context.pdf>.

³⁴ See *National Work Readiness Credential Field Test Report*, Appendix B, Participant Demographics, attached as Ex. 6.

³⁵ Detailed demographic information is available only for participants in the 2011 SJE program.

³⁶ Although there was no breakdown of the ages (or personal situations) of the 218 persons indicated as not working in SRI International's field test, 159 were said to be enrolled in high school. See Ex. 6.

³⁷ See *National Work Readiness Credential Field Test Report*, p. 17. The field test sample size for the criterion-related validity analysis was only 136. The number of blacks, Hispanics, and Asians in the sample was not given.

³⁸ *National Work Readiness Credential Field Test Report*, p. 17.

³⁹ *Id.* at G-5

⁴⁰ Email correspondence with Jeanne Edwards, Steck-Vaughn Account Executive, Apr. 13, 2012. NYSDOL has refused to confirm the number of young adults who prepared for the NWRC.

⁴¹ See NWRC National Testing Outcomes as of May 27, 2008, attached as Ex.7. This data was provided by the New York State Department of Labor in response to the second appeal of the agency's denial of the FOIL request filed by JobsFirstNYC.

⁴² According to data from the National Work Readiness Council, 56 test takers in New York City took the math portion at least twice, 35 took the reading test twice, 33 took the situational judgment portion of the test twice, and 21 took the listening portion at least twice. In fact, at least 12 individuals took one or more portions of the test three times or more. See Ex. 2.

⁴³ See Ex. 4. It should be noted that the total of 180 young adults stated to have attained the credential is at variance with the 150 reported by Steck-Vaughn. See Ex. 3.

⁴⁴ According to statistics provided by Steck-Vaughn, 150 of the 319 2011 SJE test takers passed the test. Black young adults represented half of the 319 SJE test takers but constituted less than one-third of those passing it, with 49 out of 158 black test takers passing. However, these numbers do not provide the full picture because we do not know the demographic breakdown of the overall population of the roughly 12,000 who prepared for the test. If similar rates apply, then an estimated 103 black young adults would have secured the credential in 2011 out of an estimated 6,000 black young adults who prepared for it, for an overall pass rate of less than two percent.

⁴⁵ *National Work Readiness Credential Field Test Report*, p. 9 and table 3, "Comparison of Assessments by Race and Gender," p. 10.

⁴⁶ 42 USC Section 2000e-2(a)(1). Unlawful employment practices also include classifying "applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin." See 42 USC Section 2000e-2(a)(2). The federal Equal Employment Opportunity Commission is responsible for enforcing Title VII.

⁴⁷ Uniform Guidelines on Employee Selection Procedures.

⁴⁸ Uniform Guidelines on Employee Selection Procedures, section 2(D). Section 703(k) of the 1991 Civil Rights Act codifies disparate impact and requires a justification of the "business necessity" of relying on employment tests as employee selection criteria if scores are racially skewed. 42 U.S.C. Section 2000e-2(k)(1)(A) (2006).

⁴⁹ *National Origin Bias Found in Use of State Insurance Licensing Exam*, EEOC Decs. (CCH) ¶ 6457 (May 6, 1975). See also EEOC Dec. 81-22, finding a state police department was subject to Title VII based on the Civil Rights Act's remedial purposes and the manner in which the agency's acts adversely affected the charging party.

⁵⁰ *Sibley Mem. Hosp. v. Wilson*, 488 F.2d 1338, 1341 (D.C. Cir. 1970). See also *Vulcan Soc'y v. Fire Dep't*, 82 FRD 379, 395-96 (SDNY 1979) (state civil commission is subject to Title VII to the extent that it prepared the test used in connection with municipal hiring).

⁵¹ *Nat'l Collegiate Athletic Ass'n v. Tarkanian*, 109 S.Ct. 454, 463-65 (1988).

⁵² It may be that employers of more senior workers find the credential useful. According to the minutes of the April 5, 2011, meeting of the Columbia-Greene Workforce Investment Board, GE Battery was giving an interview preference to applicants with the NWRC. <http://www.columbiagreeneetworks.org/minutesApril11.pdf>. GE Battery is a new state-of-the art sodium halide battery manufacturing facility that was hiring skilled workers for equipment installation at wages of up to \$22 an hour. <http://careers.geblogs.com/ge-begins-recruiting-for-100m-battery-plant/>.

⁵³ See NWRC Survey Response, attached as Ex. 8.

⁵⁴ The number of young adults in New York City aged 18 to 24 is about 870,700. Among them are approximately 172,300 who are "out of school and out of work." See *Barriers to Entry; Young Adults Face Increasing Challenges in the New York City Labor Market*, James Parrott, Fiscal Policy Institute & Lazar Treschan, Community Service Society, issued by JobsFirstNYC (May 2013).

⁵⁵ *Certificates: Gateway to Gainful Employment and College Degrees*, Anthony P. Carnevale, Stephen J. Rose & Andrew. R. Hanson, issued by Georgetown University Center for Education and the Workforce (June 2012).

Index of Exhibits

- EXHIBIT 1 **SECOND FREEDOM OF INFORMATION LAW APPEAL (EXCERPTED)**
- EXHIBIT 2 **NWRC NYC TEST PERFORMANCE 2011**
- EXHIBIT 3 **SUMMER JOBS EXPRESS NWRC PERFORMANCE 2011**
- EXHIBIT 4 **SUMMER JOBS EXPRESS EMPLOYMENT 2011**
- EXHIBIT 5 **SAMPLE TEST PREPARATION QUESTIONS**
- EXHIBIT 6 **FIELD TEST PARTICIPANT DEMOGRAPHICS**
- EXHIBIT 7 **NWRC NATIONAL TESTING OUTCOMES AS OF MAY 27, 2008**
- EXHIBIT 8 **NWRC SURVEY RESPONSE**

EXHIBIT 1
SECOND FREEDOM OF INFORMATION LAW APPEAL (EXCERPTED)

LOOKOUT HILL

PUBLIC POLICY ASSOCIATES

November 12, 2013

VIA FEDERAL EXPRESS

Commissioner Peter M. Rivera
New York State Department of Labor
State Office Campus, Building 12, Room 509
Albany, New York 12240

Re: Appeal to Denial of Freedom of
Information Law (FOIL) Request FL-13-0565

Dear Commissioner Rivera:

On October 28, 2013 JobsFirstNYC received a response to the above-referenced FOIL request (the request) from the New York State Department of Labor (NYSDOL and the Agency). However, the transmittal was only partially responsive to the May 29, 2013 request. Therefore, we herewith renew our appeal to the Agency's denial of disclosure respecting the following:

- Bullet 1 of the FOIL request seeks the identities of businesses that participated in the development of the National Work Readiness Credential. The October 28th transmittal states that "[n]o records were located responsive to item."

The Freedom of Information Law provides that when an agency indicates that it does not maintain or cannot locate a record in response to a request, it "shall certify that it does not have possession of such record or that such record cannot be found after diligent search." FOIL § 89(3)(a). NYSDOL has not so certified.

Furthermore, NYSDOL publicly announced that about 70 businesses across the state were consulted between 2002 and 2006 in the course of credential development (see, e.g., "Certifying Readiness for Entry-level Jobs," *The Buffalo News* (November 19, 2006). Moreover, an NWRC timeline given to JobsFirstNYC by NYSDOL states that New York and three other investing states identified "supervisors of entry-level workers from local businesses across industry sectors who agreed to participate in an online survey to rate the importance of the tasks required of entry-level workers in their place of business and the skills needed to perform that work."

LOOKOUT HILL

PUBLIC POLICY ASSOCIATES

And, the NWRC was “created through a public-private partnership: built to the specifications of business (see “The Work Readiness Project: Meeting the Demand for 21st Century Workers,” SWIB presentation,) and another SWIB presentation posted to the Agency’s website identifies businesses that participated in NWRC development. Given the substantial evidence of business involvement by NYSDOL staff, it can be inferred that the “diligent search” required by law was not undertaken.

- Bullet 2 of the FOIL request seeks documents concerning changes in the National Work Readiness Credential assessment made after July 2006 to increase its reliability and validity. This question reflects discussions with NYSDOL senior staff in which JobsFirstNYC was told that the test had been modified since the 2006 field test was conducted to increase its reliability and validity. The material transmitted on October 28th, reflected changes to NWRC scoring and to the speaking portion and is not pertinent to the request.
- Bullet 3 of the FOIL request seeks submissions to the SWIB concerning the National Work Readiness Credential including, but not limited to, outcomes of the 2006 test assessment performed by SRI International and Human Resources Research organization, and outcomes of 2011 Summer Jobs Express! Pilot, 2012 Youth Works program. Your agency responded stating that “[n]o records were located responsive to item.”
- Bullet 5 of the FOIL request seeks all contracts and agreements executed by and between the NYS Department of Labor and any and all vendors concerning the development and/ or promotion of the National Work Readiness Credential (NWRC); Your agency responded stating that “[n]o records were located responsive to item,” although it is from apparent public documents, that NYSDOL entered into numerous contracts with vendors respecting development of the NWRC, including :
 - a) Sondra Stein, Gary Yakimov & Jan Urban–Lurain of Corporation for a Skilled Workforce “to analyze the best practices of governance models . . . for the purposes of helping to develop a governance model for the National Work Readiness Credential (*Review of Assessment and Credentialing Models for the New York State Work Readiness Credential*, p.3. (December 9, 2005) and to facilitate joint SWIB subcommittee meetings undertaken for credential development;
 - b) SRI International, which from June 24, 2002 to October 2006 “led a team of research and development organizations in designing [the NWRC] with direct input and oversight of the investing partners” which included New York;

LOOKOUT HILL PUBLIC POLICY ASSOCIATES

135 Eastern parkway, 13k, Brooklyn, NY 11238
www.lookouthillassociates.com
347-699-2511

LOOKOUT HILL

PUBLIC POLICY ASSOCIATES

- c) Castle Worldwide for assessment delivery in 2006;
- d) Steck-Vaughn to increase the pass rate of the NWRC (2009-2010);
- e) Steck-Vaughn to develop Work Skills curriculum; and
- f) Contracts with vendors not specifically identified to:
 - 1. Pilot the NWRC curriculum in 17 literacy zones (2009-2010);
 - 2. Evaluate the curricular materials developed by Steck-Vaughn;
 - 3. develop second and third versions of the test battery;
 - 4. develop a revised practice test in 2012; and
 - 5. develop an offline test battery for use in correctional facilities.

New York law requires Agency retention of all contracts at least until the expiration of the period covered by the Statute of Limitations. Consequently, the assertion that these contracts could not be located is not reasonable.

- Bullet 6 requested data and reports summarizing NWRC outcomes. This request was largely denied, as specified below:
 - Requested reports on WIA Incentive Grants provided to the United States Department of Labor were denied, apparently based on a misinterpretation of the inter-agency exception of the Public Officers Law. FOIL § 87(2)(g) provides that an agency may withhold records that "are inter-agency or intra-agency materials which are not:
 - i. statistical or factual tabulations or data;
 - ii. instructions to staff that affect the public;
 - iii. final agency policy or determinations; or
 - iv. external audits, including but not limited to audits performed by the comptroller and the federal government..."

The requested reports contain statistical and factual information and agency determinations which fall under none of the cited exceptions. If requested information were "intertwined" with opinions or other exempt material, the Court of Appeals has held that the statistical or factual portions, as well as any policy or determinations, must be produced. (*See Matter of Farbman & Sons v. NY Health & Hosp. Corp.*, 62 NY2d 75, 83 (1984).

EXHIBIT 2 NWRC NYC TEST PERFORMANCE 2011

Source: National Work Readiness Council, Inc.

Question	Count		
How many candidates were awarded certificates in the United States in 2011?	2677		
How many candidates were awarded certificates in New York City in 2011?	317		
How many candidates created accounts in the United States in 2011?	3835		
How many candidates in New York City created accounts in 2011?	445		
Question	Count	Total	Percent
How many candidates passed the math exam in the United States in 2011 on any number of attempts?	2947	3687	79.93
How many candidates passed the math exam in New York City in 2011 on any number of attempts?	325	429	75.76
How many candidates passed the math exam in the United States in 2011 on the first attempt?	2847	3506	81.20
How many candidates passed the math exam in New York City in 2011 on the first attempt?	280	373	75.07
How many candidates passed the math exam in the United States in 2011 on the second attempt?	93	160	58.13
How many candidates passed the math exam in New York City in 2011 on the second attempt?	45	56	80.36
How many candidates passed the math exam in the United States in 2011 after three or more attempts?	7	21	33.33
How many candidates passed the math exam in New York City in 2011 after three or more attempts?	0	0	
How many candidates passed the listening exam in the United States in 2011 on any number of attempts?	3142	3540	88.76
How many candidates passed the listening exam in New York City in 2011 on any number of attempts?	332	385	86.23
How many candidates passed the listening exam in the United States in 2011 on the first attempt?	3079	3468	88.78
How many candidates passed the listening exam in New York City in 2011 on the first attempt?	314	363	86.50
How many candidates passed the listening exam in the United States in 2011 on the second attempt?	61	70	87.14
How many candidates passed the listening exam in New York City in 2011 on the second attempt?	17	21	80.95
How many candidates passed the listening exam in the United States in 2011 after three or more attempts?	2	2	100.00
How many candidates passed the listening exam in New York City in 2011 after three or more attempts?	1	1	100.00

Question	Count	Total	Percent
How many candidates passed the reading exam in the United States in 2011 on any number of attempts?	3295	3547	92.90
How many candidates passed the reading exam in New York City in 2011 on any number of attempts?	350	379	92.35
How many candidates passed the reading exam in the United States in 2011 on the first attempt?	3263	3511	92.94
How many candidates passed the reading exam in New York City in 2011 on the first attempt?	343	369	92.95
How many candidates passed the reading exam in the United States in 2011 on the second attempt?	31	35	88.57
How many candidates passed the reading exam in New York City in 2011 on the second attempt?	6	9	66.67
How many candidates passed the reading exam in the United States in 2011 after three or more attempts?	1	1	100.00
How many candidates passed the reading exam in New York City in 2011 after three or more attempts?	1	1	100.00
How many candidates passed the situational judgment exam in the United States in 2011 on any number of attempts?	3056	3628	84.23
How many candidates passed the situational judgment exam in New York City in 2011 on any number of attempts?	339	419	80.91
How many candidates passed the situational judgment exam in the United States in 2011 on the first attempt?	2968	3498	84.85
How many candidates passed the situational judgment exam in New York City in 2011 on the first attempt?	312	381	81.89
How many candidates passed the situational judgment exam in the United States in 2011 on the second attempt?	82	118	69.49
How many candidates passed the situational judgment exam in New York City in 2011 on the second attempt?	25	33	75.76
How many candidates passed the situational judgment exam in the United States in 2011 after three or more attempts?	6	12	50.00
How many candidates passed the situational judgment exam in New York City in 2011 after three or more attempts?	2	5	40.00

EXHIBIT 3 SUMMER JOBS EXPRESS NWRC PERFORMANCE 2011

Source: Jeanne Edwards, HMH/Steck-Vaughn Adult Education, March 29, 2012

Table 4: Demographic comparison among those who took the NWRC

Race	Passed	Failed	Success Rate
Total	150	169	47.02%
White, Hispanic	7	1	86.14%
White, Not Hispanic	53	25	65.30%
Black, Hispanic	6	3	63.97%
Black, Not Hispanic	49	109	28.52%
Asian, Not Hispanic	1	2	30.74%
Hispanic Only	31	14	66.28%
Age	Passed	Failed	Success Rate
Total	150	169	47.02%
14 years old	0	8	0.00%
15 years old	1	15	6.25%
16 years old	3	21	12.50%
17 years old	15	27	35.71%
18 years old	52	34	60.47%
19 years old	39	25	60.94%
20 years old	24	25	48.98%
21 years old	14	13	51.85%
22 years old	2	1	66.67%
Disability Status	Passed	Failed	Success Rate
Total	150	169	47.02%
Disabled	17	7	70.83%
Not Disabled/Not Disclosed	133	162	45.08%
Education	Passed	Failed	Success Rate
Total	150	169	47.02%
In High School	36	99	26.67%
High School Diploma	56	23	70.89%
Some College	25	12	67.57%
Dropout	33	35	48.53%

Note: Success rates for each subgroup are computed as the number of individuals within the group who passed divided by the total number who took the test.

EXHIBIT 4 SUMMER JOBS EXPRESS EMPLOYMENT 2011

Source: New York State Department of Labor

SJE EMPLOYMENT

AGE AT YFS				ATTAINED NWRC				ATTAINED NWRC (18-21)				EVALUATION-PRE REHIRE				EVALUATION-POST REHIRE			
EMP 1QAE				EMP 1QAE				EMP 1QAE				EMP 1QAE				EMP 1QAE			
AGE	NUM	DEN	RATE		NUM	DEN	RATE		NUM	DEN	RATE		NUM	DEN	RATE		NUM	DEN	RATE
14	24	282	8.5%	YES	83	180	46.1%	YES	79	159	49.7%	NA	137	453	30.2%	NA	179	649	27.6%
15	39	383	10.2%	NO	730	2,610	28.0%	NO	437	979	44.6%	1	14	55	25.5%	1	19	80	23.8%
16	91	465	19.6%									2	126	505	25.0%	2	75	250	30.0%
17	138	515	26.8%									3	385	1,251	30.8%	3	319	1,134	28.1%
18	177	440	40.2%									4	147	518	28.4%	4	216	672	32.1%
19	161	318	50.6%									5	4	8	50.0%	5	5	5	100.0%
20	109	246	44.3%									28.7%				32.6%			
21	69	134	51.5%																
RETAINED THROUGH 3QAE				RETAINED THROUGH 3QAE				RETAINED THROUGH 3QAE				RETAINED THROUGH 3QAE				RETAINED THROUGH 3QAE			
AGE	NUM	DEN	RATE		NUM	DEN	RATE		NUM	DEN	RATE		NUM	DEN	RATE		NUM	DEN	RATE
14	9	24	37.5%	YES	52	83	62.7%	YES	51	79	64.6%	NA	74	137	54.0%	NA	100	179	55.9%
15	14	39	35.9%	NO	377	730	51.6%	NO	248	437	56.8%	1	8	14	57.1%	1	10	19	52.6%
16	37	91	40.7%									2	50	126	39.7%	2	30	75	40.0%
17	68	138	49.3%									3	210	385	54.5%	3	157	319	49.2%
18	105	177	59.3%									4	86	147	58.5%	4	131	216	60.6%
19	88	161	54.7%									5	1	4	25.0%	5	1	5	20.0%
20	67	109	61.5%									57.6%				59.7%			
21	39	69	56.5%																
AVERAGE EARNINGS (2 QTR'S)				AVERAGE EARNINGS (2 QTR'S)				AVERAGE EARNINGS (2 QTR'S)				AVERAGE EARNINGS (2 QTR'S)				AVERAGE EARNINGS (2 QTR'S)			
AGE	NUM	DEN	RATE		NUM	DEN	RATE		NUM	DEN	RATE		NUM	DEN	RATE		NUM	DEN	RATE
14	\$66,490	9	\$7,388	YES	\$218,296	52	\$4,198	YES	\$216,518	51	\$4,245	NA	\$344,535	74	\$4,656	NA	\$513,178	100	\$5,132
15	\$44,720	14	\$3,194	NO	\$1,699,802	377	\$4,509	NO	\$1,155,915	248	\$4,661	1	\$46,063	8	\$5,758	1	\$36,810	10	\$3,681
16	\$87,983	37	\$2,378									2	\$163,034	50	\$3,261	2	\$121,918	30	\$4,064
17	\$338,534	68	\$4,978									3	\$987,155	210	\$4,701	3	\$671,009	157	\$4,274
18	\$384,758	105	\$3,664									4	\$366,512	86	\$4,262	4	\$573,685	131	\$4,379
19	\$432,548	88	\$4,915									5	\$10,799	1	\$10,799	5	\$1,498	1	\$1,498
20	\$332,259	67	\$4,959																
21	\$222,868	39	\$5,715									4336.908				4357.447			

	TOTAL		
	NUM	DEN	RATE
EMP 1QAE	813	2,700	29.1%
RETAINED THROUGH 3QAE	429	813	52.8%
AVERAGE EARNINGS (2QAE+3QAE)	\$1,918,098	429	\$4,471

EXHIBIT 5

SAMPLE TEST PREPARATION QUESTIONS

Source: HMH/Steck-Vaughn Adult Education

1. You have been hired to assist a local real estate company with its office relocation. The following checklist outlines all tasks that must be completed prior to the move.

Checklist for Opening New Office

- Inventory existing office furniture and equipment, including computers and phone systems
- Transport all surplus furniture to storage
- Order cartons and boxes for packing
- Pack all materials from the reception area not needed for daily business
- Order new stationery with new address and phone numbers
- Contact utility company to arrange new service
- Order new duplicating supplies
- Set up phone system and assign new phone numbers
- Complete other tasks as assigned

What items are you responsible for packing?

- A. Office furniture
- B. Material from reception area not needed for daily business
- C. Duplicating supplies
- D. Phone system and surplus furniture

2.

To: "Accounting Department" grouplist@vertis.com Monday, December 2, 2008 10:24 AM

From: "Jean White" jwhite@vertis.com

Subject: Accounting Department Meeting Scheduled

The Accounting Department will be meeting on December 12 at 3:00pm in the Blue Conference Room on the 3rd floor. The purpose of this meeting is to review manuals and make revisions. All members should bring their accounting manuals to the meeting.

All department members are expected to attend. Anyone planning to miss the meeting must see Diane Hopper prior to the meeting date.

What is the MAIN purpose of this e-mail?

- A. To notify members of meeting date and location
- B. To update members on upcoming changes to manual
- C. To ask for members to see Diane Hopper
- D. To give instructions for missing meeting

3.

Payroll Stub				
Employee Ida Ingram				
Earnings	Rate	Hours	This Period	Year-to-Date
Regular	27.00	40	1080.00	6480.00
Deductions				
Gross Pay	1080.00			6480.00
Federal Income	162.00			972.00
Social Security	44.00			264.00
Medicare	37.00			222.00
State Income	115.00			690.00
Misc.	0			
Total			358.00	2148.00
Net Pay			722.00	4332.00

What is Ida's net pay for this period?

- A. \$358.00
- B. \$722.00
- C. \$4,332.00
- D. \$6,480.00

4.

MEMO

To: All Employees
From: Human Resources
RE: Accounting Department Meeting Scheduled
Date: September 23,2009

We are pleased to announce the promotion of John Wills to the position of first shift manager. John joined the company two years ago as a cashier. He has also worked as a customer service manager and a department manager. His hard work and dedication, along with his commitment to continuing his education have helped him achieve this accomplishment.

In his new position, John will be in charge of all employees who work during first shift. He will be responsible for employee management and inventory.

Please join us in congratulating John on his promotion and in wishing him continued success at our company.

How did John earn his promotion?

- A. Through hard work, dedication, and commitment to education
- B. Through his friendship with someone in Human Resources
- C. By working at the company for the longest amount of time
- D. By passing a promotions test

*Additional sample questions are available at www.castleworldwide.com/NWRC

EXHIBIT 6 FIELD TEST PARTICIPANT DEMOGRAPHICS

Source: National Work Readiness Field Test Report, SRI International, Human Resources Research Organization & Center for Applied Linguistics (2006)

APPENDIX B Participant Demographics

	Number	Percent
Gender		
Female	431	61.5
Male	270	38.5
Ethnicity^a		
White/Caucasian	325	46.4
African American	226	32.2
Hispanic	106	15.1
Asian	6	0.9
Native American	5	0.7
Pacific Islander	4	0.6
Other	27	3.9
Education^b		
Grade 8 or below	14	2.0
Grade 9-11	221	31.5
Grade 12/High School diploma	208	29.7
GED certificate	59	8.4
Vocational/trade school	45	6.4
Associate degree	46	6.6
Bachelor's degree	63	9.0
Other	43	6.1
Current Class Enrollment		
Not applicable	273	38.9
High School	159	22.7
Adult Education	59	8.4
English as a Second Language (ESL)	8	1.1
Vocational/trade school	63	9.0
Work Skills	72	10.3
Other	67	9.6
Vocation		
Not applicable – not currently working	263	37.5
Service	130	18.5
Clerical/administrative	133	19.0
Manufacturing	63	9.0
Technical	36	5.1
Other	76	10.8
Tenure in Current Job^c		
Not applicable – not currently working	218	31.1
Less than one month	37	5.3
1-2 months	89	12.7
2-4 months	126	18.0
4-6 months	78	11.1
More than 6 months	147	21.0
Participation in Junior Achievement		
Yes	97	13.8
No	604	86.2
English Most Often Spoken at Home		
Yes	649	92.6
No	52	7.4
English Usually Read at Home		
Yes	681	97.1
No	20	2.9

Note. Total number of participants (N) = 701.

^aTwo participants did not indicate their ethnicity.

^bTwo participants did not indicate their education level.

^cSix participants did not indicate their tenure in current job.

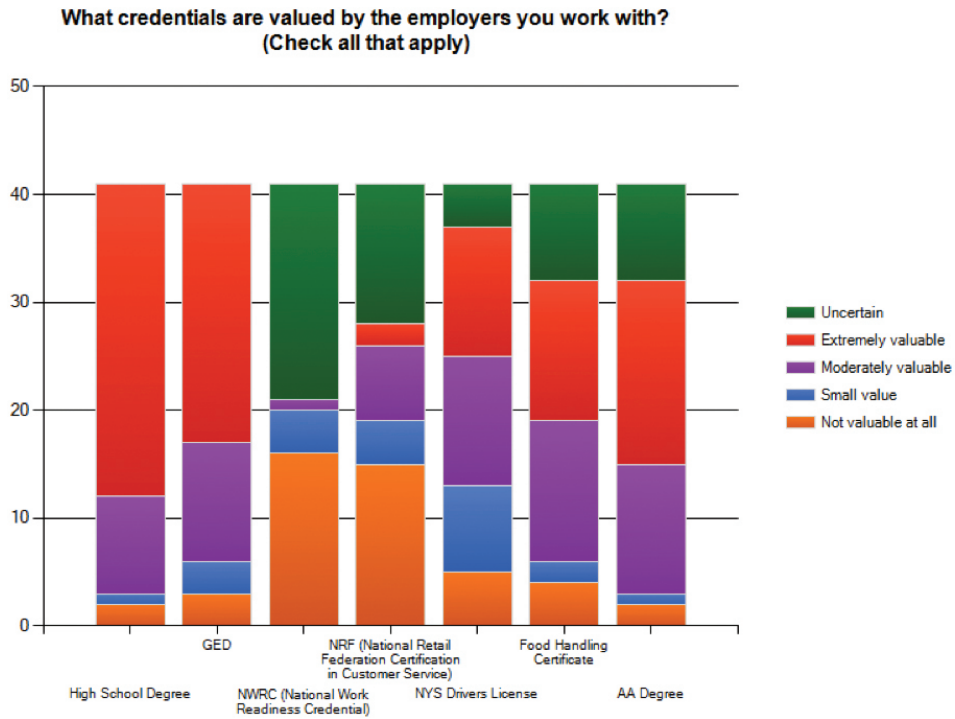
EXHIBIT 7 NWRC NATIONAL TESTING OUTCOMES AS OF MAY 27, 2008

Source: New York State Department of Labor

State	City	Program Name	# of test takers that completed all 4 tests in the past week	# of test takers completing all 4 tests as of last week	# of test takers completing all 4	# of test takers completing 3 of 4	# of test takers completing 2 of 4	# of test takers completing 1 of 4	Total # Test Takers/ Site	Total # Test Takers / Partner	Partner	Total # Credentials Awarded	IF EACH SITE TESTED "X" CANDIDATES...			
													X=3	X=5	X=10	
CT	BRIDGEPORT	Career Resources, Inc./Workplace, Inc.	0	20	20	21	12	5	58				2	3	5	10
CT	BRIDGEPORT	Literacy Volunteers of SE Fairfield County	0	1	1				1				1	3	5	10
CT	NEW LONDON	OIC of New London County, Inc.	0						0					3	5	10
CT	WOODBIDGE	Corraro Center for Careers	0						0					3	5	10
DC	WASHINGTON	Arch Training Center	0			2	2	2	6					3	5	10
DC	WASHINGTON	Booker T. Washington Public Charter School	0	26	26	3	1		30					3	5	10
DC	WASHINGTON	C. Phillip Johnson Ministries	0	10	10	3		3	16					3	5	10
DC	WASHINGTON	Carlos Rosario International & Public Charter School	0	15	15	1	3	1	20			2	3	5	10	
DC	WASHINGTON	Congress Heights Community Training & Development	0	5	5	6	5	4	20					3	5	10
DC	WASHINGTON	Covenant House Washington	0	12	12	1			13					3	5	10
DC	WASHINGTON	Gospel Rescue Ministries, School of Tomorrow	0	58	58	8		2	68			14	3	5	10	
DC	WASHINGTON	Latin American Youth Center - WISE Division	0	13	13	54	3	3	73			3	3	5	10	
DC	WASHINGTON	Marshall Heights Community Development Org, Inc.	0	103	103	3	6	4	116			2	3	5	10	
DC	WASHINGTON	Notre Dame Education Center	0	1	1	2	1	1	5			1	3	5	10	
DC	WASHINGTON	Opportunities Industrialization Center of DC	0	11	11				11	378	DC	3	3	5	10	
FL	CLEARWATER	Pinellas Technical Education Centers	0						0					3	5	10
FL	HOLLYWOOD	Our Children, Our Future, Inc.	0						0					3	5	10
FL	PALM BAY	Brevard Job Link	0	23	23	3	2		28			3	3	5	10	
FL	SHALIMAR	Workforce Development Board of Okaloosa & Walton	0	8	8	4			8			4	3	5	10	
FL	TAMPA	Tampa Bay Workforce Alliance	0	138	138	11	14	7	170			25	3	5	10	
FL	WEST PALM BEACH	Central Career Center	0	369	369	1			370	576	FL	74	3	5	10	
IL	CHICAGO	Cathedral Shelter of Chicago	0						0					3	5	10
IL	CHICAGO	Harborquest, Inc.	0	18	18				18					3	5	10
IL	CHICAGO	Heartland Human Care Services	0						0					3	5	10
IL	CHICAGO	Jobs For Youth	0						0					3	5	10
IL	MT. VERNON	Youthbuild of Jefferson Co.	0						0					3	5	10
IN	INDIANAPOLIS	Gene B Glick JA Ed Ctr	0						0					3	5	10
KY	LOUISVILLE	JCPS Workforce Services	0	36	36	3	5	4	48			14	3	5	10	
MA	BOSTON	Massachusetts League of Community Health Centers	0	49	49	1	2		52			7	3	5	10	
MA	CAMBRIDGE	Just A Start (YouthBuild)	0						0					3	5	10
MA	PITTSFIELD	Berkshire Training & Employment Program	0	7	7		1		8			3	3	5	10	
ME	PORTLAND	Portland West YouthBuild	0						0					3	5	10
MI	ESCANABA	MichiganWorks! Service Center in Delta County	0	2	2				2			2	3	5	10	
MI	MARQUETTE	MichiganWorks! Service Center in Marquette County	0						0					3	5	10
MN	GRAND RAPIDS	Grand Rapids Area Chamber of Commerce	0	2	2				2			2	3	5	10	
MN	HIBBING	Minnesota Workforce Center - Hibbing	0	6	6				6			4	3	5	10	
MN	MANKATO	Mankato Workforce Center	1	7	8		1		9			5	3	5	10	
MN	ST. CLOUD	Workforce Center	0						0					3	5	10
MN	SAINT PAUL	St. Paul Workforce Education	0	33	33		7	1	41			5	3	5	10	
MN	ST. PAUL	St. Paul Workforce Center	4	11	15	1	9		25			4	3	5	10	
MN	WEST SAINT PAUL	Minnesota Workforce Center - West Saint Paul	0	8	8				8			3	3	5	10	
MN	WINONA	Winona Workforce Center	0	4	4				4			3	3	5	10	
MO	ST. LOUIS	St. Louis Artworks	0						0					3	5	10
MS	GRENADA	Holmes Community College	0	19	19				19			3	3	5	10	
NC	MURPHY	Far West YouthBuild	0	3	3	1	1		5			1	3	5	10	
NJ	CAMDEN	Camden County One-Stop Career Center	7	155	162	7	4	5	178			48	3	5	10	
NJ	CRANFORD	Union County College	0	23	23	11	8	8	50					3	5	10
NJ	HACKENSACK	Bergen One-Stop Career Center	0	65	65	7	4	1	77			15	3	5	10	
NJ	MAYS LANDING	Atlanticare Behavioral Health Oakcrest Teen Center	0					4	4					3	5	10
NJ	NEWARK	Essex County College	1	59	60	9	3	3	75			14	3	5	10	
NJ	NEWARK	Newark One-Stop Career Center	0	63	63	4	2	2	71			13	3	5	10	
NJ	UNION CITY	Hudson County One-Stop Career Center	0	95	95	5	3	7	110			6	3	5	10	
NJ	VINELAND	Cumberland One-Stop Career Center	0	163	163	6	4	2	175			38	3	5	10	
NJ	WESTHAMPTON	Burlington County One-Stop Career Center	0	34	34	1	4		39	779	NJ	10	3	5	10	
NY	ALBANY	Capital District EOC	0						0					3	5	10
NY	BINGHAMTON	Cornell University	0						0					3	5	10
NY	BROOKLYN	SUNY Brooklyn EOC	0	102	102	2	1		105			28	3	5	10	
NY	BUFFALO	Buffalo Employment & Training Center	0	14	14				14			2	3	5	10	
NY	BUFFALO	UB Educational Opportunity Center	0	94	94			3	97			20	3	5	10	
NY	BUFFALO	University of Buffalo	0						0					3	5	10
NY	ELIZABETHTOWN	OneWorkSource	0						0					3	5	10
NY	FARMINGDALE	LI EOC/SUNY Farmingdale	0	61	61	14	11		86			9	3	5	10	
NY	JAMESTOWN	Chautauqua Works	0	70	70	4	2		76			36	3	5	10	
NY	MALONE	Malone OneWorkSource	0						0					3	5	10
NY	ORCHARD PARK	ECC One-Stop Center	0	24	24		2	1	27			14	3	5	10	
NY	PLATTSBURGH	OneWorkSource Business & Employment Center	0	1	1				1			1	3	5	10	
NY	POUGHKEEPSIE	Dutchess Community College	0						0					3	5	10
NY	POUGHKEEPSIE	Nubian Directions II, Inc.	0						0					3	5	10
NY	ROCHESTER	SUNY Rochester EOC	0	41	41			1	42			13	3	5	10	
NY	ROCHESTER	The Academy for Career Development	0						0					3	5	10
NY	SYRACUSE	SUNY Syracuse EOC	0	27	27		1		28			6	3	5	10	
NY	TROY	Capital District EOC	0	62	62		1	3	66			40	3	5	10	
NY	WHITE PLAINS	Westchester One Stop Employment Center	0						0					3	5	10
NY	YONKERS	Hopeway Career Voyage	0	1	1	1			2	544	NY			3	5	10
OH	AKRON	Goodwill Industries	0	6	6		1		7			6	3	5	10	
OH	AKRON	The Job Center	0	14	14				14	21	JA	2	3	5	10	
OH	CINCINNATI	Concise Clerical Services, Inc.	0	1	1				1					3	5	10
OR	BEND	Bend Community Action Team	0	1	1				1			1	3	5	10	
OR	LAPINE	LaPine Community Action Team	0						0					3	5	10
OR	MADRAS	Madras Community Action Team	0						0					3	5	10
OR	PRINEVILLE	Central Oregon Partnership	0						0					3	5	10
OR	REDMOND	Redmond Area Community Action Team	0						0					3	5	10
OR	WARM SPRINGS	Warm Springs Family Resource Center	0	2	2				2			2	3	5	10	
PA	BARTONSVILLE	Northampton Community College	0						0					3	5	10
PA	BETHLEHEM	Northampton Community College	0						0					3	5	10
PA	ERIE	PA CareerLink, Erie County	0	18	18				18			10	3	5	10	
PA	HONESDALE	Northampton Community College	0						0					3	5	10
PA	PHILADELPHIA	Community Women's Education Project (CWEP)	0						0					3	5	10
PA	PITTSBURGH	Pittsburgh Job Corps Center	0						0					3	5	10
PA	PITTSBURGH	Goodwill Industries	0	29	29	3	1	1	34			6	3	5	10	

State	City	Program Name	# of test takers that completed all 4 tests in the past week	# of test takers completing all 4 tests as of last week	# of test takers completing all 4	# of test takers completing 3 of 4	# of test takers completing 2 of 4	# of test takers completing 1 of 4	Total # Test Takers/ Site	Total # Test Takers / Partner	Partner	Total # Credentials Awarded	IF EACH SITE TESTED "X" CANDIDATES...			
													X=3	X=5	X=10	
RI	PROVIDENCE	Community College of RI	0	10	10			1	11			2	3	5	10	
RI	PROVIDENCE	Dorcas Place Adult and Family Learning Center	0						0	11	RI			3	5	10
TN	KNOXVILLE	Heart of Knoxville Career Center	0	42	42		2	1	45			23		3	5	10
TN	KNOXVILLE	Tennessee Career Center/Workforce Connections	0						0					3	5	10
TN	NASHVILLE	Martha O'Bryan Center	0	41	41	3	5	1	50			2		3	5	10
TX	DALLAS	Ready to Work, Ltd.	0						0					3	5	10
TX	MIDLAND	Permian Basin Workforce Dev Board	0	17	17				17			6		3	5	10
TX	SHERMAN	Workforce Texoma	0	19	19				19			2		3	5	10
TX	WESALCO	Valley Initiative for Development and Advancement	0						0					3	5	10
WA	CENTRALIA	Centralia College	0						0					3	5	10
WA	CLARKSTON	Rural Resources	0						0					3	5	10
WA	CLARKSTON	Walla Walla Community College	0	31	31	2	1		34			13		3	5	10
WA	COLVILLE	Colville Adult Education Center	0						0					3	5	10
WA	LACEY	North Thurston Public Schools	0	10	10			1	11			8		3	5	10
WA	MOUNT VERNON	WorkSource Skagit	0	1	1			1	2					3	5	10
WA	PULLMAN	Employment Security (Worksource)	0	6	6				6			5		3	5	10
WA	SHORELINE	Shoreline Community College	0	18	18	2	3		23			7		3	5	10
WA	SPOKANE	Adult Education Center of Spokane	0	39	39	3	1	2	45			10		3	5	10
WA	SPOKANE	Spokane Community College	0						0					3	5	10
WA	VANCOUVER	SWWDC-SW Wash	0	9	9		1		10	131	WA	1		3	5	10
TOTALS				13	2499	209	141	84	2933	2440		609	330	550	1100	
											partners % of total	Total Candidates Tested IF:				
TOTAL NUMBER OF TEST TAKERS AS OF LAST WEEK					2486	206	138	83	2816							
NEW CANDIDATES THIS WEEK					13	3	3	1	117							

EXHIBIT 8 NWRC SURVEY RESPONSE



Acknowledgments

This report was authored by Margaret Stix of Lookout Hill Public Policy Associates, who undertook the research that compelled JobsFirstNYC to advance an advocacy effort on behalf of New York City workforce development organizations that had initially raised concerns about the NWRC test and the process to prepare young people to take it.

The report was developed in close consultation with JobsFirstNYC Executive Director Louis Miceli and then-Deputy Executive Director Evelyn Fernandez-Ketcham. Thanks go to members of JobsFirstNYC's Board of Directors and to Bret Halverson and Rae Linefsky for providing feedback as the report was developed.

JobsFirstNYC is especially grateful to Jeanne Edwards of HMM Steck-Vaughn Adult Education and Joseph Mizerek, Executive Director of the National Work Readiness Council, for providing invaluable background information and NWRC testing results, and to Lincoln Restler, the former Executive Director of the New York City Employment and Training Coalition, for hosting a focus group with Coalition members in New York City who administer NWRC preparation and testing for young adults in workforce programs.

We also wish to acknowledge the many employers with whom we spoke during the research process. They generously shared their views on the NWRC and on work readiness for entry-level candidates in their respective businesses.

Most importantly, JobsFirstNYC wishes to thank the many workforce development practitioners and advocates who raised concerns about the NWRC and participated in our research. They provided feedback on earlier drafts of this report and shared their perspectives on the testing process. The majority of these institutions and individuals elected to remain anonymous given the nature of their concerns and the nature of the findings of this report, but we found nearly uniform consensus regarding concerns about the NWRC from among over 75 leading policy experts, practitioners, and young people during the course of this research. It was their encouragement and support that ultimately led to the release of this report.

This document was designed by Tracey Maurer and edited by Keri Faulhaber and Morgan Stoffregen.

This report was made possible with the generous support of the Altman Foundation, The Clark Foundation, the Ira W. DeCamp Foundation, and the New York Community Trust.

The support of these funders does not imply or express endorsement of the contents of this report.

Accelerating opportunities to successfully connect out-of-school and out-of-work young adults to the economic life of New York City.

