Examining the Legal Environment

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Capra Tek is one of the companies credited for offering the best working condition for employees. It has a unique recruitment process where the company hires unskilled employees and trains them to fit specific responsibilities. Studies have indicated that employment discrimination is very rampant in the country and in order to address the problems 4/5ths was established to ensure that the gaps are addressed (Bobko & Roth, 2004). Although the 4/5ths is in practice, most organizations still do not apply the rule and therefore, there is the existence of dissemination protected group in the workplace in terms of recruitment, promotion, and transfer. This paper, therefore, analyzes the application of 4/5ths by Capra Tek Company based on its recruitment, promotion and transfer data gathered during the study.

 However, the adverse impact means that employment actions, which are taken by the company, can result in disproportional effects on a protected group of people. The 4/5ths rule requires that the mode or speed of selection for people should be based on race and sex. And any selection, which does not meet the 4/5th rules are regarded as discriminatory. However, Capra Tek has a lot of experience in organizational management when it comes to hiring, training, promotion, and transfer of employees, which it should use to make the process of recruitment very transparent. In order to abide by the 4/5th rules, the company should ensure that its employment practices are thoroughly checked and analyzed so that it can improve the effectiveness when it comes to selection, transfer, and training of employees. The data show that the recruitment procedure is not balanced and this, therefore, can affect the company. For instance, Capra Tek decided to hire 20% of men in a position where 50% of men were required and hire 40% of female and this, therefore, violates the 4/5ths rules. This can affect the company performance and it would be seen as a bias against certain sex when it comes to recruitment (Bobko & Roth, 2004). It is also essential to point that Capra Tek is a firm, which receives a high number of applicants and therefore, it is required to abide by the federal law. The high number of job applicants can, therefore, make the process of recruitment to be difficult and therefore, the company must apply various professional skills to address the problem.

**The adverse impact of employee utilization based on the relevant labor market for the state you chose in Assessment**.

The data shows that there is an adverse impact on the minority and other protected groups when it comes to recruitment, training, promotion, and transfer of employees. The data shows that Capra Tek hires most of its employees as unskilled workers and trains them and then offers them promotions. However, based on the data, out of 450 workers, less than 25% are from the protected group and this means that protected group makes the minority of the company’s employees (Gastwirth, 2014). The data also shows that unskilled workers are trained and then promoted to work as operators, and other line duties are from a protected group. But the data also shows that 22% are blacks, 22% are Hispanic and 50% are women. This is means that women get more position at work compared to men and protected group. It means that out of 50% of job advertised by the company, the company hires about 22% of workers from the protected group (Ofsanko, 1999). Even though it hires unskilled workers and train them for promotion, the majority of unskilled workers are not Hispanic, blacks and women and therefore, most permanent employees and high paid employees do not come from the protected group. The promotion method of the company has an adverse impact on the protected group. Data of the company shows that promotion is based on knowledge and skills and most protected group are unskilled and this locks them out of the promotion.

**Adverse impact on any protected class concentrated in lower-paying jobs**

It is evident that a number of protected groups are in low paying jobs in the company. Capra Tek employees unskilled workers and then train them for fit the job. But the number of the promoted protected group to high paying jobs like supervisor and managers are less compared to other people. The data shows that out of 44% of employed unskilled workers who belongs to protected group only less than 20% are promoted to lined supervisor and skilled operators. This leaves the majority of the protected group in less paid positions in the company. Although the company policy is to employee unskilled laborers and the train them for specific responsibilities, the data shows that the recruitment method and promotion of the company has an adverse effect on the protected group (Gastwirth, 2014). This, therefore, ensures that the majority of the protected group are in low paying jobs in the company. Capra Tek promotion criteria are very silent but it has a serious adverse effect on the protected group and as result, it ensures that the majority of minorities are in low paying jobs. For instance, Capra Tek out of 450 workers, who were hired by the company, only less than 20% of them are promoted to skilled operators and line supervisor. Although the data shows that there significant disproportionate of the number of male and white applicants, the data is used to compare the recruitment procedures and standard applies by the company. And based on the data it means that male employees still make the majority of the Capra Tek employees.

**Recruitment and Promotion support growth strategy**

Capra Tek growth strategy requires progressive employees with high experience in the relevant field. As stated by Cain (2015), the United States is getting older and this would likely to affect Capra Tek recruitment and promotion methods. The company should get highly experienced employees and blend with unskilled workers for it to experience high production and achieve its growth strategy. Although hiring unskilled workers, and then train them to fit the skills require is a good strategy for employees’ growth, it may affect the growth strategy of the organization. However, the hiring and promotion strategy of the company ensures that it pays less to workers and give employees a chance to grow as well until they achieve high skills needed for a competitive market.

It is also evident that hiring from a diversifies environment brings different skills and rich culture to the organization and this could a key strategy for the growth of the company. The hiring of unskilled laborers can also give the company a humble time to train employees on what they need and this can make them more competent and productive for the company. A study has shown that employees who received in house training are more productive and result oriented (Cain, 2015). It is, therefore, evident that though highly skilled employees are needed by the company, its recruitment and promotion could also be a key to its growth strategy. It should, therefore, continues to hire unskilled workers and diversify employees to ensure that protected group is given equal opportunity as well.

Capra Tek should, therefore, adjustment its recruitment procedures to ensures that majority of the protected group are recruited to the company. The vacancy should be advertised and many applicants from protected groups send their application and this is likely to ensure that the company abides by the 4/5ths rule of recruitment.

# References

Bobko, P., & Roth, P. (2004). The Four-Fifths Rule For Assessing Adverse Impact: An Arithmetic, Intuitive, And Logical Analysis Of The Rule And Implications For Future Research And PRACTICE. *Research in Personnel and Human Resources Management*, 2-18.

Cain, P. (2015). Avoiding Adverse Impact In Employment Practices. *International Journal of Human Resource and Management*, 2-25.

Gastwirth, J. L. (2014). Employment Discrimination: A Statistician at Analysis of Disparate Impact Claims. *Law and Inequalit*y, 2-34.

Ofsanko, F. (1999). Adverse Impact and Underutilization Analysis. *International Journal of Business*, 218.