

AVOIDING INTERVIEWING & SELECTION PITFALLS



12TH ANNUAL EXCEL CONFERENCE

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1:30 PM — 3:00 PM

PRESENTER: TRACEY P. PARTEE, ESQ.



HUMAN RESOURCES
solutions + services



Hitting the Mark™
Training Series

HR Solutions & Services, LLC
PO Box 299, Peyton, CO 80831

For more information on this or other leadership and/or legal compliance training programs contact:

Tracey P. Partee, Esq.
HR Solutions & Services, LLC
PO Box 299, Peyton, CO 80831
719-495-5045 (work) 719-210-0446 (cell) traceypartee@hrsos.net (email)

This Participant Workbook should NOT be construed as providing legal advice in any situation.

The contents herein are solely intended as general guidelines and, therefore, are limited in content and scope. You should contact the appropriate designated personnel within your organization for advice and/or guidance regarding any specific situation.



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HR Solutions & Services, LLC
PO Box 299, Peyton, CO 80831
719-495-5045 (work) 719-466-2060 (fax) www.hrsos.net (website)

Interview Role-Play Demonstration

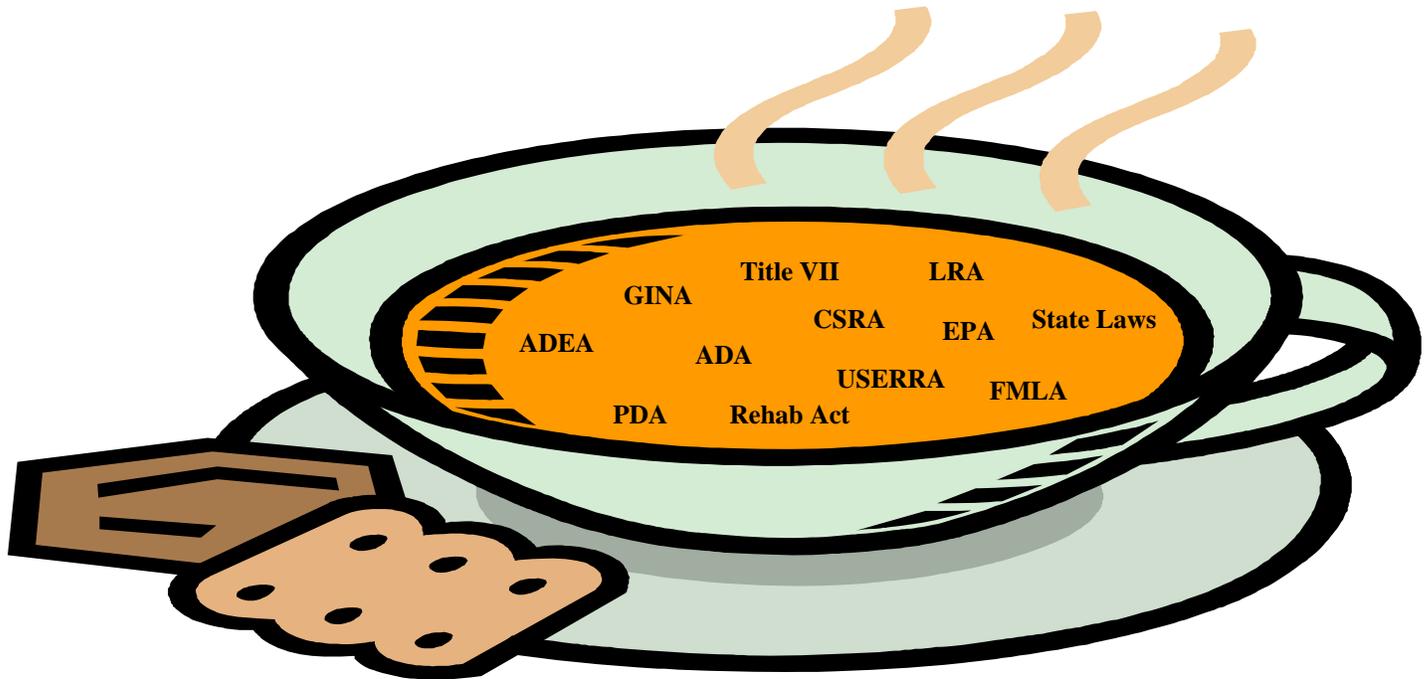
(1) What should the interviewer NOT have said? Why?

(2) How should the interviewer have responded when the candidate brought up personal issues? Why?

(3) Was there a better way to conduct the interview? If so, how?

(4) What should the interviewer do about the internal candidate? Why?

Alphabet Soup of Employment Laws



Protected Characteristics:

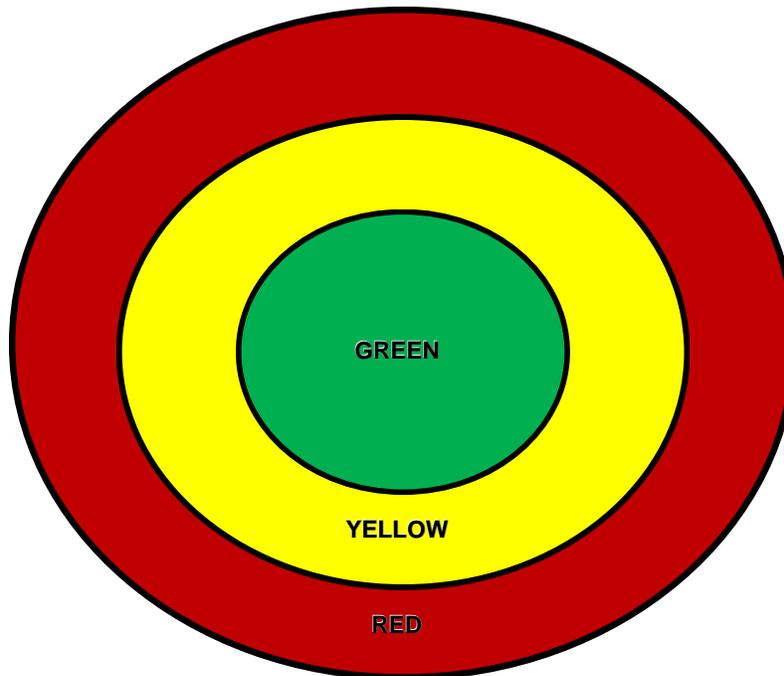
- Race
- Color
- National Origin
- Sex/Gender
- Religion
- Age
- Disability / Handicap
- Pregnancy
- Veteran Status
- Sexual Orientation
- Genetic Information
- Marital Status
- Status as a Parent
- Political Affiliation
- Union Status or Activity
- FMLA
- Other Characteristics

What Does Protected Mean?

“At our agency we do not consider protected characteristics when interviewing and making selection decisions.”

[This is our Pledge!]

The Bullseye Tool™



“In the Green” means your interview process is based on a LBR and you . . .

HIT THE MARK!

“In the Yellow” means your interview process is risky as it creates an inference that you considered a protected characteristic and you . . .

Missed the Mark! Don't Go Here!

“In the Red” means your interview process is discriminatorily based on a protected characteristic (i.e., SOUP) and you . . .

Missed the Mark! Don't Go Here!

Do your interview questions & selection decisions hit or miss the mark?

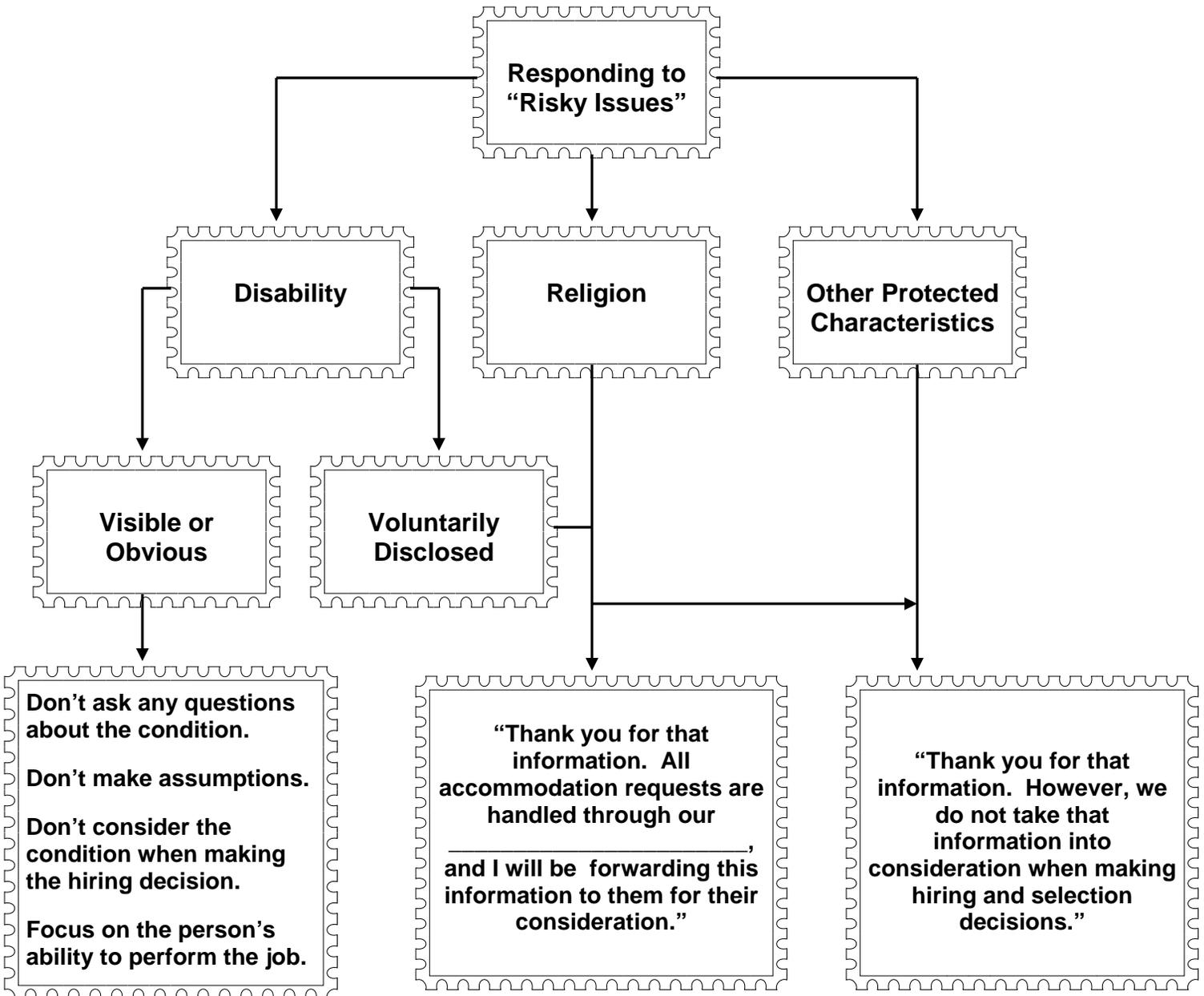
Applying the Bullseye Tool™

Let's Practice!



| | <u>Hit the Mark</u> | <u>Missed the Mark</u> |
|--|--------------------------|--------------------------|
| (1) You ask the candidate the following question during the interview: "I see by your application that you went to Franklin High School. So did I. When did you graduate?" | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) You inform Sayed that the job requires working occasional overtime, approximately 2 hours every other week. You then ask Sayed the following: "Can you work 2 hours of overtime once every other week?" | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) Kerry asks <u>all</u> candidates he interviews the following: "Can you perform the essential functions of the job with or without a reasonable accommodation?" | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) Bernie is interviewing candidates for a position at your agency. Bill shows up to the interview with a guide dog. Bernie then tells Bill: "The position requires the ability to see and have good vision, therefore, you are not qualified for the job." Bernie then thanks Bill for showing up for the interview and dismisses him from further consideration. | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) John is interviewing Mary for a position that requires typing 70 words per minute using a keyboard. Mary has no arms. Because of this obvious disability John asks Mary the following: "Given your condition, please describe how you would be able to type using a keyboard." | <input type="checkbox"/> | <input type="checkbox"/> |
| (6) Samantha informs all candidates that the position requires submittal to a drug test, and asks whether they are willing to take the test. One of the candidates does not disclose to Samantha that he just got out of rehab for treatment of cocaine abuse. | <input type="checkbox"/> | <input type="checkbox"/> |
| (7) During the interview you state the following to Shakira: "This job sometimes requires working late into the evening. Can you meet this job requirement?" In response, Shakira states: "I am a single parent and I do have 3 kids . . . but I guess I'll be able to do it." You then ask Shakira: "What are your childcare arrangements?" | <input type="checkbox"/> | <input type="checkbox"/> |
| (8) You ask Joseph whether he has any religious beliefs that would impact his ability to perform the job. Joseph then informs you that he is a Seventh Day Adventist, and his religious beliefs do not allow him to work after sundown every other Friday. In response you inform Joseph that the Agency cannot accommodate him because working <u>every</u> Friday until 5:00 p.m. (and sometimes later) is an essential job requirement. | <input type="checkbox"/> | <input type="checkbox"/> |

Worksheets for Responding to “Risky Issues”



Note: Always contact an appropriate representative when the following issues arise in the interview:

- (1) D _____ (3) P _____
 (2) R _____ (4) A _____ and/or _____ requests.

INAPPROPRIATE INTERVIEW QUESTIONS

| Subject | Inappropriate Questions |
|--|--|
| Age | <ul style="list-style-type: none"> • How old are you? • What is your age? • What is your date of birth? • What year did you graduate from school? • Questions which tend to identify the age of an applicant over the age of 40. |
| Arrests, Convictions and Criminal Records | <ul style="list-style-type: none"> • Have you ever been arrested? • General questions regarding arrest record. |
| Citizenship, Birthplace and National Origin | <ul style="list-style-type: none"> • Are you a U.S. Citizen? • Where were you born? • Questions regarding the birthplace of applicant or applicant's parents, spouse or other relatives. • Questions as to nationality, lineage, ancestry, national origin, descent or parentage of applicant, applicant's spouse, parent or relative. • Requirements that applicant produce naturalization or alien card prior to employment. |
| Credit Report | <ul style="list-style-type: none"> • Any report which would indicate information which is otherwise inappropriate to ask, e.g., marital status, age, residency, etc. |
| Disability and Medical Conditions (Applicants) | <ul style="list-style-type: none"> • Do you have a disability? • Have you ever filed for worker's compensation? • How much sick leave did you use at your previous job? • Have you ever been injured on the job? • Have you ever been treated for a mental condition? • Any inquiry into the applicant's general health, medical condition or mental/physical disability. • Requiring a psychological/medical examination of any applicant. |

INTERVIEWING & SELECTION PITFALLS



INAPPROPRIATE INTERVIEW QUESTIONS

| Subject | Inappropriate Questions |
|---|--|
| Disability and Medical Conditions (Post-Offer/Pre-Employment) | <ul style="list-style-type: none"> Any inquiry into the employee's general health, medical condition, or mental/physical disability, if not job-related and consistent with business necessity. |
| Financial Status | <ul style="list-style-type: none"> Have you ever filed for bankruptcy? Do you own a car? Do you own a home? |
| Marital or Family Status or Sex | <ul style="list-style-type: none"> Are you married? Engaged? Divorced? Do you plan to have a family? When? Do you have children? What are your childcare arrangements? Questions to indicate applicant's sex, marital status, number/ages of children or dependents. Questions regarding pregnancy, child birth, or birth control. |
| Military Service | <ul style="list-style-type: none"> General questions regarding military service such as dates/type of discharge. Questions regarding service in a foreign military. |
| Physical Description, Photographs, Fingerprints | <ul style="list-style-type: none"> Questions as to applicant's height/weight. Requiring applicant to affix a photograph to application or submit one at his/her option. Require a photograph after interview but before employment. |
| Race, Color, Sexual Orientation, Sexual Preference | <ul style="list-style-type: none"> Questions as to applicant's race, color, sexual orientation or sexual preference. Questions regarding applicant's complexion, color of eyes, hair, sexual orientation or sexual preference. |
| Religion | <ul style="list-style-type: none"> What is your religion or do your religious beliefs prevent you from working certain days of the week? Religious days observed. |

Documenting Your Hiring Decision

Let's Practice!



- (1) Ted highlighted on the resume that the candidate graduated college in 1959 and then wrote: "Overqualified. Too many years of experience. Not what we are looking for."
 - Where on the Bullseye? _____
 - Is there a better way to document? _____
 - _____

- (2) Mary wrote on the resume: "The candidate's foreign accent makes him unable to communicate well."
 - Where on the Bullseye? _____
 - Is there a better way to document? _____
 - _____

- (3) Yusuf wrote the following interview notes:
"Rude during the interview. Not a good candidate for our department. Possible disability?"
 - Where on the Bullseye? _____
 - Is there a better way to document? _____
 - _____

- (4) Stanley wrote the following interview notes: "Because she is taking a maternity leave of absence during the critical time period when projects need to be completed, she is not the best qualified candidate to be promoted into the position."
 - Where on the Bullseye? _____
 - Is there a better way to document? _____
 - _____

Notes: _____

Top 5 Rules to Hit the Mark and to Avoid Interviewing and Selection Pitfalls:



- 1) Never ask questions about _____.
- 2) Always _____ to every candidate you interview.
- 3) Respond appropriately to _____ issues.
- 4) Never write or make stray marks on the candidate's _____ or application.
- 5) Always call your _____ for assistance PRIOR to making your hiring decision when issues of disability, religion, pregnancy, and/or accommodation issues arise during the interview process.

↳ Contact Info: _____
