

MANAGER TRAINING

The Do's and the Don'ts of Interviewing

An interview is an employer's opportunity to learn more about an applicant's experience, skills, and knowledge as it pertains to the position for which the applicant applied.

It is illegal for an employer to discriminate against a job applicant because of his or her race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, or any other class protected under federal or state law. Also, an employer may not base hiring decisions on stereotypes or assumptions about an applicant's protected class.

In the course of the interview, however, it is easy for employers to inadvertently create problems by asking seemingly innocent questions that may appear discriminatory or elicit a discriminatory response. Managers may reduce the likelihood of a problem by only asking questions that relate to the job for which the applicant is interviewing.

Discrimination

The prejudicial treatment or consideration of a person, racial group, minority, etc. based on category rather than individual characteristics, excluding or restricting members of one or more categories of people on the grounds of race, sex, or age.

Examples of Common Interviewing Mistakes and Ways to Correct the Same are:

Potential Sex/Gender Discrimination

Instead of: Questions about the number of, or ages of, children or dependents, or plans to have children.

You may ask: What is the name of your parent or guardian? (if the applicant is a minor.)

Potential Disability Discrimination

Instead of: Questions about the applicant's general medical condition, state of health, or illnesses.

You may ask: Ask whether the applicant will need a reasonable accommodation for the hiring process.

Potential Age Discrimination

Instead of: How old are you? What is your date of birth?

You may ask: Make a statement that hiring is subject to verification that the applicant meets legal age requirements.

Potential National Origin Discrimination

Instead of: What language do you commonly speak?

You may ask: Make a statement that such proof may be required to begin employment.

Potential Discrimination Based on Religion

Instead of: Does your religion prevent you from working weekends or holidays?

You may ask: Make statements regarding the regular days, hours, or shifts to be worked and ask if the applicant will be able to meet those requirements.

Other Prohibited Questions/Topics

Potential Race Discrimination

Avoid:

- Questions as to applicant's race.
- Questions regarding applicant's complexion or color of skin, eyes, or hair.
- Questions about political and/or social organizations.

Military Service

Avoid:

- Questions about the applicant's service in a foreign military.
- Questions about an applicant's required service in the National Guard.

You may ask:

ONLY if disclosed on the application: From the perspective of the service being part of the individual's employment history; general questions about the applicant's military service, such as the dates and type of discharge, and/or what skills they acquired during U.S. military service?

Credit History/Garnishment

Be aware that many states prohibit an employer's ability to use credit history for an applicant or employee when making employment decisions. The EEOC has also issued guidance stating that using credit history can have an adverse impact on minorities and women. In general, it is recommended that you use or ask about credit history only if there is a business/industry and/or position related reason for doing so.

Avoid:

- Questions about the applicant's current or past assets, liabilities, or credit rating, including bankruptcy or garnishment.

Arrest, Criminal Record

Do not ask questions about arrests and convictions for the purpose of making an employment decision. In many states, such inquiries are expressly prohibited. In addition, the EEOC also has stated that employees or applicants may not be disqualified solely on the basis of a criminal conviction, unless the employer can justify its action based on "business necessity." If you believe you have a "business necessity" and plan to ask about criminal history, you should consult legal counsel or an HR specialist.

General Considerations

Job Position

You may ask:

- When can you start work?
- Can you meet the employer's attendance requirements?
- Have you ever applied for employment with this company before? Where? When?
- Who was (were) your former employer(s)? What was your position?
- How long did you work there? Why did you leave?

Educational Experience

Questions about education can have an adverse impact on minorities. As such, employers should **only** ask about education if required for the job.

If required of the job, you may ask:

- What subjects did you study? What research work have you done?
- What school did you attend?
- Did you graduate?
- Do you have (or do you intend to get) a certain/specified certification or license required for any job duties?

References

Instead of:

Questions of the applicant's former employers or acquaintances which may elicit information regarding that applicant's race, color, religion, national origin, ancestry, disability, marital status, sex, or age.

You may ask:

- Who is willing to provide professional and/or character references for you?
- How many years have you known [the reference]?

If an applicant begins to disclose information which could fall into a discriminatory or risky area, the interviewer should politely stop them and advise that the information is not necessary. Interviewers should take and maintain notes from interviews and ensure they do not contain any stray discriminatory comments. To avoid the risk of discrimination, hiring selections should be based on the applicant's skills, abilities, knowledge, and experience.