

# Resources, Information and Best Practices for Hiring Decisions

## Hiring Process Considerations/Recommendations

- Questions – tips and best practices:
  - Ask all applicants the same interview questions. Skipping questions doesn't allow each applicant a level playing field. By asking the same questions you allow all applicants the same opportunity to respond.
  - Ask follow-up questions: It's good to ask follow-up questions to an applicant's answer as long as it's relevant to the job or your seeking clarification to their response.
    - For example: If an applicant uses terms like "we" or "our," ask a follow up questions about their specific role and the actions they performed.
  - Avoid questions that can be responded with just a "yes" or "no." These types of questions are not generally helpful. Instead, rephrase the question to, "Describe your experience doing X."
- Evaluation – decide before the interviews how you will discuss and evaluate candidates.
  - For example: you can use a ranking point system, used by the Department of State.
- References – If you check references, consider calling references beyond what they provide. Applicants generally do not provide references that will give them unfavorable reviews, so it's always good to call their current or past supervisors. Co-workers or personal references are not usually a good reference as they can't always speak to work performance issues.

## Resources

- [Live video interviews: best practices for interviewers](#), by Christina Pavlou, Workable Technology Limited.
- [How to Check a Potential Candidate's Social Media Account](#), by Aditya Singhal, Cake HR, Last Modified June 24, 2018, accessed November 11, 2020.
- [Illegal Interview Questions: Questions you should avoid asking in an interview](#), Betterteam, Last Modified August 27, 2020, Accessed November 11/2020.

*[Excerpt from "Illegal Interview Questions" included below]*

## Interview Questions Do's and Don'ts:

<b><u>Subject</u></b>	<b><u>Permitted</u></b>	<b><u>Not Permitted</u></b>	<b><u>Notes</u></b>
<b>Address</b>	How long have you been at your current address? What is your current address? What was your previous address and how long did you live there?	Do you own your own home or rent? Who do you live with? How are you related to the people you live with?	
<b>Age</b>	For some roles age is a legal requirement (working in a bar) so it is acceptable to ask a candidate their age directly and ask for proof.	What year were you born? When did you graduate high school?	Age discrimination only pertains to adults over the age of 40. Exemption for employers with less than 20 full-time employees.
<b>Arrest Record</b>	Usually only law enforcement agencies can ask and exclude based on their arrest record. For other businesses it is OK to ask if the arrest is directly related to the role they applied for and relatively recent, but you are walking a very thin line.	Avoid any questions relating to arrests if it is not directly related to the job or in states where it is illegal to ask. (i.e., they have not been convicted yet so could be innocent).	See convictions below for arrests that have lead to convictions. Also, rejecting applicants based on arrest record has been shown to impact some racial groups.

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<b>Availability</b>	What days and shifts can you work? Are there shifts you cannot work? Are there any responsibilities you have that could make it difficult for you to travel for work? Do you have a reliable way of getting to work?	Directly asking about weekend work could be seen as a proxy question for religious observance. Also, questions about evening work or childcare arrangements can impact females who have childcare responsibilities. Asking if they own a car could be seen as racially discriminatory unless it is a requirement of the job.	Ask all candidates the same questions on this subject. Asking only women about evening work can be discriminatory as it ties into questions about family status.
<b>Citizenship or National Origin</b>	Are you legally eligible to work in the United States? Can you show proof of citizenship/visa/alien registration if we decide to hire you? Are you known by any other names? Can you speak, read, and write English?	Are you a US citizen? Can you provide a birth certificate? What country are your parents from? What is your background? Where were you born? How did you learn Portuguese?	Asking about other languages is fine if it is a job requirement such as a translator or Spanish speaking phone operator. Exemption for employers with less than 15 full-time employees.
<b>Convictions</b>	If the role the candidate applied for is security sensitive then it should be fine to ask questions about convictions. Candidates dealing with large sums of money (cashier, treasurer, money transfer agent) or aligned roles where the candidate is working unsupervised such as janitor, custodian, or truck driver could all be considered security sensitive.	Don't ask questions about convictions for roles that are not security sensitive or ask about convictions that have no connection to the role. For example asking a receptionist about speeding convictions.	Rejecting candidates purely on conviction record has been shown to disproportionately impact some racial groups. If this question is important then it is best to ask it later in the interview process so candidates can be excluded for legal reasons first.

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<b>Credit Inquiries</b>	In general do not ask questions about this unless you are sure it is permitted under the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996.	Do you have a bank account? Do you own a home or rent? Have your wages ever been garnished? Have you ever declared bankruptcy?	
<b>Disabilities</b>	Accurately describe the job then ask the candidate if they can perform all of the functions.	Do you have a disability? Have you ever filed a workers compensation claim? Have you ever suffered a workplace injury?	Exemption for employers with less than 15 full-time employees.
<b>Education</b>	Do you have a high school diploma or equivalent? What university or college degrees do you have?	What year did you graduate high school?	
<b>Emergency Contact Name</b>	Only after employment is confirmed.	Who is your emergency contact?	Do not ask this as part of any pre-employment interview questions as this could be seen as a question about national origin or sexual orientation.
<b>Employment</b>	How long did you stay at your last role? What was start and finish titles? What is your current and expected salary?	When did you first start working? (age discrimination)	Some states prohibit questions about current salary.
<b>Family Status</b>	Do you have any commitments that might prevent you from working the assigned shifts?	Are you married? Are you single? Do you have any children?	Ask all candidates about outside commitments, not just relationships, or it will be seen as discriminatory.

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<b>Financial Status</b>	Do you own a car? (only if a requirement of the job)	Do you own your own home? Do you own a car?	Due to the relationship between poverty and some minorities, questions on this subject can be very sensitive.
<b>Genetic Information</b>	None	Do you or any of your family members have a history of disorders or disease?	Exemption for employers with less than 15 full-time employees.
<b>Height or Weight</b>	Accurately describe the job then ask the candidate if they can perform all of the functions.	What is your height? How much do you weigh?	If you can definitively prove a specific height and/or weight is required for the job, then it is fine to ask, but this is usually unlikely.
<b>Marital Status</b>	None	Are you married? Are you single? Do you have any children?	
<b>Military Service</b>	What experience and training did you receive while serving that would be beneficial to this job?	Direct questions about discharge or non-U.S. military service.	
<b>Organizations</b>	Are you a member of a professional organization?	Are you a member of the local country club? What sorority did you join?	Avoid all questions about non-professional organizations that could be seen as a proxy question about race, age, sex, etc.
<b>Personal Information</b>	Have you ever worked for us before under any other name? What are the names of your personal references?	Did you ever change your name through marriage or court application? What is your maiden name?	

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<b>Pregnancy</b>	How long do you plan on staying with us? Do you have any leave planned?	Are you pregnant? Are you trying to have a family?	Even if a candidate is obviously pregnant, it is not acceptable to ask any questions about this subject. You can still describe the job and then ask if they can perform all functions. Exemption for employers with less than 15 full-time employees.
<b>Race or Color</b>	Almost always not acceptable unless it is a bona fide occupational qualification.	All questions about color and race.	This is a hot topic question and best to get legal advice on if you are unsure. Exemption for employers with less than 15 full-time employees.
<b>Relatives</b>	Do any of your relatives currently work for us or our competitors? Can you provide the names of your relatives who work for us?	What is the name of your relatives who work for our competitors?	This does become discriminatory if your company has issues hiring minorities as it could look like you have a preference against hiring them.
<b>Religion or Creed</b>	None	What denomination are you? Who is your pastor?	Exemption for employers with less than 15 full-time employees.

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<b>Sex, Orientation, or Gender Identity</b>	None	What gender do you identify as?	Avoid all questions relating to gender and sexual orientation. Exemption for employers with less than 15 full-time employees.

The examples above are pretty direct. Don't make the mistake of asking illegal questions indirectly either. For example, asking someone what year they graduated high school would be indirectly asking about their age.

Also, during the course of an interview, candidates may offer information about themselves voluntarily that would answer an illegal interview question. If this happens, do not follow up on the topic, and do not consider it when making your hiring choice.

**What interview question topics are illegal?**

- Race, Color, or National Origin.
- Religion.
- Sex, Gender Identity, or Sexual Orientation.
- Pregnancy status.
- Disability.
- Age or Genetic Information.
- Citizenship.
- Marital Status or Number of Children.

**What Questions Are Illegal to Ask During an Interview?**

- Are you Hispanic?
- Do you go to church?
- How much do you weigh?
- How old are you?
- What country are you from?
- Are you pregnant?
- How many children do you have?
- Are you married?

**What is pre-employment discrimination?**

Pre-employment discrimination happens when a potential employer discriminates against a candidate during the hiring process. This discrimination may be based on age, race, religion, sexual orientation, or other factors. This still counts as discrimination, even if an employment relationship has not started.

## **Are there exceptions to illegal interview questions?**

According to the [U.S. Equal Employment Opportunity Commission](#), exceptions can be made in cases when information is needed for a “bona fide occupational qualification.” In cases where an employer is worried that a person may not be able to perform the job due to health or disabilities, it is appropriate to ask how they would perform it.

## **Can you ask a candidate how old they are?**

Employers are not allowed to ask job applicants how old they are, as they may lead to age discrimination.