

# ***ADOPTING LEGAL AND EFFECTIVE HIRING PRACTICES***

*by*

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**[www.scottwarrick.com](http://www.scottwarrick.com)**

- What Can You **LEGALLY** Ask An Applicant Under Title VII? ADA? Etc.?
- What Must An Application Disclaimer Say To Protect Yourself Legally?
- What Background Checks Must You Perform In Order To Protect Yourself Against A Negligent Hiring Situation?
- What Is A **STRUCTURED INTERVIEW**?
- What Documents And Notices **MUST** You Have In Place In Order To Perform Background Checks?
- What Is A **BEHAVIORAL** Question ... A **HYPOTHETICAL** Question ... And How Will They **GREATLY** Improve The Accuracy Of An Interview?
- What **SELECTION TOOLS** Should You Use ... And Which Ones Are Legal?

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## ***OUTLINE***

- I. EMPLOYMENT APPLICATIONS**
  - A. What May An Employment Application Ask Legally?**
  - B. Other Issues Related To Employment Applications**
  - C. Employment Application Disclaimers**
  
- II. DECIDING UPON SELECTION CRITERIA AND SELECTION TECHNIQUES**
  - A. Selection Criteria**
  - B. Testing Job Applicants**
  - C. Criminal Records**
  
- III. NEGLIGENCE HIRING AND NEGLIGENCE RETENTION**
  - A. General Theory**
  - B. Duty Of Care**
  - C. Foreseeability**
  - D. Various Potential Solutions**

#### **IV. FAIR CREDIT REPORTING ACT**

##### **A. Definitions**

- 1. Consumer Reporting Agencies**
- 2. Consumer Report**
- 3. Investigative Consumer Report**

##### **B. Requirements For Requesting A Consumer Report**

##### **C. Requirements For Requesting An Investigative Consumer Report**

#### **V. REFERENCE CHECKS**

##### **A. Using A Proper Release**

##### **B. Reference Checking Laws**

##### **C. Questions Commonly Asked When Obtaining References**

##### **D. Getting Reference Information**

- 1. Personal References**
- 2. Remind the person of the protections they have under the law.**
- 3. Ask to get reference from the employer's employment attorney**

#### **VI. DRUG AND ALCOHOL TESTING**

#### **VII. MEDICAL TESTING OF EMPLOYEES**

#### **VIII. NEPOTISM AND SWEETHEART POLICIES**

#### **IX. COVENANTS NOT TO COMPETE**

## **X. THE PRE-INTERVIEW STAGE**

- A. Pre-Interview: Managers Should Review The Applicant's Materials**
- B. Pre-Interview: Managers Should Decide What They Need To Know About This Applicant, Then Choose Their Interview Questions Accordingly**
- C. Legal v. Illegal Interview Questions**
- D. Types of Interview Questions**
  - 1. Closed-Ended Questions**
  - 2. Open-Ended Questions**
  - 3. Hypothetical Questions**
  - 4. Experience/Behavioral Questions (S/A/R Format: Situation-Task/Action/Result)**
- E. Sample Interview Questions**
  - 1. Experience (Review Pertinent Former Positions or Responsibilities):**
  - 2. Knowledge of Organization**
  - 3. Goals/Motivations**
  - 4. Attention to Detail**
  - 5. Flexibility**
  - 6. Work Ethic**
  - 7. Managing Multiple Priorities**
  - 8. Computer Skills**

9. **Communication Skills**
10. **Perceptions:**
11. **Likes/Dislikes:**
12. **Attitude/Ethics**
13. **Honesty**
14. **Miscellaneous**
15. **Final Question**

## **XI. THE INTERVIEW ITSELF**

- A. **What Is An Interview?**
- B. **The Interviewer's Style**
- C. **Beginning The Interview Session**

## **XII. THE POST-INTERVIEW PROCESS**

- A. **Filling In The Details And Due Diligence**
- B. **Choosing A Candidate**
- C. **Offer Letters Should . . .**



## **Scott Warrick, JD, MLHR, SPHR**

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**www.scottwarrick.com**

- **Masters degree in Labor and Human Resources: The Ohio State University**
- **Capital University College of Law (Class Valedictorian (1st out of 233))**
- **Lifetime Senior Professional in Human Resources (SPHR) accreditation**
- **Winner of the Human Resource Association of Central Ohio's Linda Kerns Award for Outstanding Creativity in the Field of Human Resource Management and the Ohio State Human Resource Council's David Prize for Creativity in the Field of Human Resource Management**
- **Scott is President of his own Human Resource Consulting, Employment Law and Training Firm based in Columbus, Ohio specializing in:**
  1. **PREVENTING Employee Problems from happening,**
  2. **Training Managers and Employees ON-SITE in over 30 topics and**
  3. **Keeping HR Professional's UP TO DATE WITH THE CHANGES IN THE LAW with his MONTHLY NEWSLETTERS AND ANNUAL AUDIO TAPES.**

Scott Warrick was the highest rated presenter at SHRM's 2003 National Diversity Conference in New York City. Scott has now been invited back to present his "Tolerance in the Workplace: Management v. Employees" session at the 2006 SHRM National Diversity Conference in Los Angeles in October of 2006.

Scott travels the country presenting his "Intolerance of Intolerance: Diversity/Tolerance Awareness Program." Scott's clients include The Gap, Skyline Chili, The Ohio Supreme Court, Heinz, Fayette County Hospital, Honeywell, Carastar International, Utah Workforce Development, etc.

***Solving Employee Problems BEFORE They Happen!***

**HERE'S WHAT ATTENDEES SAY ABOUT SCOTT WARRICK'S SESSIONS...**

**“My managers LOVE Scott! I would never even consider using anyone else.”**

*Tina Powers, Fayette County Memorial Hospital*

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**“Without a doubt, the best presenter I have ever heard. Scott Warrick could make a seminar on “Manure Specifications” enjoyable.”**

*Dirk Prusok, The Columbus Public Metropolitan Library*

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**“Scott makes me feel MUCH more confident as a manager.”**

*Nance Curtis, Prologue, Inc.*

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**“All of the managers at my company should come to Scott’s seminars.”**

*Amy Lieb, Krieger Ford*

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**“Scott always provides realistic and manageable ways to handle personnel problems. Excellent!”**

*Ric Mazon, Professional Insurance Agents, Inc.*

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**“THANK YOU for having these seminars!”**

*Darlene Duffy, Ohio Hunger Task Force*

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**“I learned a great deal from Scott. This was just the information I was looking for.”**

*Kelsy Ruoff, Liebert Corporation, Inc.*

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**“This guy could make ‘Two Steps To Brushing Your Teeth’ interesting.”**

*Collette Mak, OCLC*

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**“Scott’s seminars are filled with examples and solutions to avoid problems. It was great!”**

*Mike McGovern, Odyssey Consulting, Inc.*

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**“Scott is the best presenter we have ever had!”**

*Tim Thompson, Columbus Public Metropolitan Library*

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**“Loved the ‘real world’ examples. Scott has really ‘been there, done that.’”**

*Kay Peters, Evans Adhesives, Inc.*

**Attendees agree ... “Scott Warrick Spins Magic!”**