

Conducting A Legal and Effective Interview

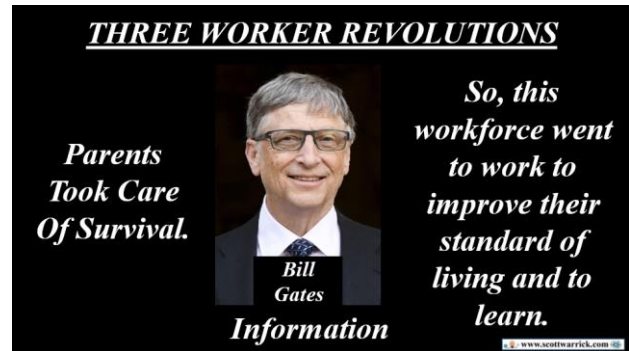
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I. THE SOCIAL REVOLUTION



II. EMPLOYMENT APPLICATIONS

A. Modern Issues With Employment Applications?

- It should not take more than five minutes to complete.
- It should be online and easily accessible on your website.
- The applicant needs to be able to SAVE the information and come back to it later.

B. What May An Employment Application Ask Legally?

Whenever a human resource professional attempts to draft an employment application, the question always arises regarding what questions can be asked legally? In short, when drafting an employment application form, or when selecting questions to use in the interviewing process for that matter, two cardinal rules should be observed:

1. The questions asked are job related or have a legitimate business reason for being asked and
2. The questions do not ask about a person's protected class.

Examples of permissible inquiries that can be made on employment applications include:

1. Biographical data, such as name, address, and primary and secondary phone numbers. It is also advisable to ask permission to contact the applicant at work with his/her current employer before doing so, in order to avoid breaching any possible assurances of confidentiality.
2. If the applicant is eligible to work in the U.S. (It is **not** permissible to ask if the applicant is a U.S. citizen.)
3. If applicant has ever been convicted of a crime other than a minor traffic offense that has not been expunged or sealed by a court of law. Still, remind the applicant on the application that a criminal conviction will not necessarily bar the applicant from employment. (Offense must be related to the position.) It is also permissible to ask the applicant the dates of his/her incarceration and the nature of the conviction.

NOTE: Considering the developments in the area of negligent hiring, it is becoming more common for employers to ask their applicants if they have any arrests pending before the courts, other than minor traffic offenses. Still, only those violations that are job-related may be considered.

4. The applicant's military service, including branch of the service, rank, special training or honors received, omitting any information that may reveal protected class status. Do not ask for dates of service. (Reveals age and Vietnam Vet status.)

5. Educational background of applicant, including school name, location and address of school, major, grade point, and degree received. It is also permissible to ask if the applicant participated in any special activities, received any awards, or held any particular offices while in school *if* such information does not reveal applicant's protected class status. Do not ask for dates of attendance. (Reveals age).
6. If the applicant has ever worked for the company in the past, or previously applied for a position with the company, or if the applicant knows anyone who works for the company.
7. How the applicant came to know of the available position.
8. The applicant's employment history, including the employer's name, address, telephone number, supervisor, reason for leaving, position held and its duties or responsibilities, the applicant's beginning and ending rates of pay and the applicant's dates of employment for each position held. Employers should also ask if the applicant objects if any of his/her former employers are contacted for a reference. If the applicant does object, the employer should ask why.
9. For the applicant's references, both personal and/or professional.
10. Any licenses or certifications or applicable skills held by the applicant.
11. Employers can remind their applicants that they maintain a smoke-free environment and do not provide "smoke breaks," if that be the case.

III. THE PRE-INTERVIEW STAGE

It is at this stage, before the manager ever sees the applicant, where most employment interviews fall short and are doomed to fail. **Managers must prepare themselves for the interview.** If managers go into an interview and try to "**wing it**," they have already handicapped themselves greatly. Deep down, they will know they have not prepared themselves properly, which greatly damages their confidence and severely limits their control of the interview.

As a result, due to them being unprepared, these managers have introduced a great number of unknowns into the situation, which will only increase their nervousness even more. Even highly skilled interviewers, interviewers who could "get by" in an interview better than most managers, prepare themselves for each employment interview.

Granted, it may not take a skilled interviewer as long to prepare for the interview as a novice, but they are still prepared. That is why they are "professionals."

Managers should do both themselves and their applicants a favor by preparing for the interview.

A. Pre-Interview: Managers Should Review The Applicant's Materials

The first thing managers should do in preparing for an interview is to **review the applicant's materials**, such as the candidate's application, resume, letters of recommendation, or any other submitted materials.

Managers should review this material for flaws and for any pertinent information relating to the position available. Managers should also ask themselves such questions as:

- Are all of the blanks on the application completed? Is it neat and orderly?
- Do all the dates coincide with each other?
- Are there any gaps in employment?
- What education or experience does the applicant possess that correlates well with the vacant position?
- Does the applicant's work history seem stable or applicable to the position? Is the application signed?
- Are there any "typos" on the resume or cover letter? (Some managers discount an application immediately for a single typo. This is a judgment call.)

When spotting a typo on a candidate's application materials, good interviewers consider the position for which the candidate is applying. They consider the entire application, resume, and cover letter. Does it appear to be professional? Is the grammar correct? If so, then perhaps they do not discount the entire application for one small error.

Everyone makes mistakes, so interviewers need to consider the entire picture of the person applying for the position when reviewing each candidate's application materials. It is very easy to discount an applicant for one reason or another, where, on the other hand, it is difficult to take the time and be diligent enough to scrutinize an applicant. Managers should be conscientious.

Good interviewers do not discount an applicant simply because it is easier to do so. They use valid reasoning and wisdom. (Again, this is a judgment call.)

B. Pre-Interview: Managers Should Decide What They Need To Know About This Applicant, Then Choose Their Interview Questions Accordingly

After the manager has reviewed the applicant's materials, the manager should then have some sort of image in his mind as to what this person is like. Also, and most importantly, certain curiosities about this applicant should cause different questions to come to mind as the manager reviews these materials.

At this point, managers should begin to form a list of what it is they need to know about this applicant. These questions should revolve around the applicant's:

1. Job knowledge, experience, general background.
2. Skills, education.
3. Character (i.e., reliability, honesty, motivation, and attitude).
4. Intelligence (i.e., judgment, curiosity, ability to communicate clearly, flexibility, adaptability).
5. Personal and emotional factors (i.e., self-confidence, emotional stability, level of aspiration, outside interests, and ability to relate to others).
6. Job requirements (i.e., salary, benefits, promotions, and responsibilities).

Managers should also record any discrepancies they find in the applicant's materials and ask the applicant to clear up any such confusion in the interview.

Managers must choose questions that they are comfortable with and seem appropriate to ask each applicant.

For example, a skilled interviewer would not ask applicants applying for a janitorial position about their basic management philosophy. The question is not appropriate for such applicants. Instead, the interviewer might want to ask these applicants about various past managers they reacted well to and why.

Still, the questions asked of each applicant asked for each position should be as uniform as possible to help ensure a more equitable comparison of the answers given by the various candidates. (When a set format of questions are asked of each applicant for a given position, the interview is referred to as being a "structured interview.")

Each question managers choose to ask in an interview should be designed to tell them something about the applicant. Managers should strive to gain some insight into their applicant's personality. They are trying to get to know this person. They realize they may have approximately 45 to 60 minutes to assess the worth of another human being, which is no small task. Managers cannot do that accurately unless they "get to know" the candidate somewhat.

"Getting to know" the applicant gives the interviewer insight into this person's values. All successful employees have values comparable to those of the company. Does the employee see both management and labor's side of various issues? How does the candidate feel about tardiness? Stealing? Does the candidate take criticism well and see it as a tool for improvement? The most qualified candidate in the world is worthless without proper values, so managers must choose applicants who have the same values as professed by the firm's management (i.e., positive attitude, good work ethic, etc.) to most effectively staff a successful department.

Still, above all else, managers must remember to make whatever questions they ask the applicant their own. Managers must sound natural as they ask their questions. Even the best interview questions are worthless if they sound "staged."

Again, an interview is a conversation between individuals to elicit information. Therefore, the interview must flow...it must sound natural... **conversational**. Interviewers must make all the questions they ask in the interview their own, which only comes with practice. They must "take charge" of the interview by directing and controlling it with their questions.

Managers must have an understanding of not only the available position, but also of the department and the company itself. The Human Resource Department can help with such questions regarding policy and benefits, but managers should also have a basic understanding of such areas to appear well-informed to the applicant. This layman's knowledge of policy and benefits will enhance their professionalism. The organization's personnel policy handbook can help in that respect as well.

C. Legal Parameters of Interview Questions

In short, when selecting questions to use in the interviewing process, two cardinal rules should be observed:

1. The questions asked are job related or have a legitimate business reason for being asked and
2. The questions do not ask about a person's protected class.

Therefore, only information that is needed to make the employment decision for the job in question should be solicited. In choosing these questions, interviewers should ask themselves:

1. Why do you ask the question?
2. What is the information you are seeking to ascertain?
3. How is that information important or necessary for you to make a decision on whether or not you are going to employ this person?

D. Legal v. Illegal Interview Questions

1. National Origin

- a) Legal
 - Applicant's place of residence.
 - Can applicant legally work in the U.S.?
 - Languages which applicant writes or speaks fluently, if applicable to position.

b) **Illegal**

- Applicant's birthplace, or applicant's parents', spouse's, or other close relative's birthplace.
- Require applicant to submit birth certificate, naturalization, or baptismal certificate before hire.
- Of what country applicant is a citizen.
- Whether applicant is naturalized or native-born citizen, or date citizenship was acquired.
- Inquiry into applicant's lineage, ancestry, national origin, descent, parentage, or nationality.
- How applicant acquired ability to read, write, or speak a foreign language.

2. Race

a) **Illegal**

- Complexion, color of skin.
- Require photograph affixed to employment form before hire.

3. Religious affiliation

a) **Legal**

- Willingness to work required work schedule.
- General personal and work references not related to any protected class.

b) **Illegal**

- Inquire into applicant's religious denomination, affiliation, church, parish, pastor, or religious holidays observed.
- Request references specifically from clergy or any other persons who might reveal an applicant's protected class status.

4. Sex

a) Legal

- Does applicant have any family, business, health, or social obligations that would prevent him/her from working consistently, or working overtime, or traveling? (Takes in religious preference area as well.)
- Is applicant willing and able to lift "X" number of pounds? If yes, and there are doubts, then applicant can be tested by the employer. (Must be applicable to position and present employees.)

b) Illegal

- Intentions of marriage or plans to raise a family?
- While applicant is working, who will take care of children?
- If applicant is married, divorced or widowed.

5. Age

a) Legal

- Is applicant over 16 years of age? 18 years of age? 21 years of age?

b) Illegal

- Applicant's age.

6. Other Areas

a) Legal

- Organizations of which applicant is a member, excluding organizations which indicate the person's protected class status.
- Is applicant willing to relocate?

E. Types of Interview Questions

There are many different ways to ask interview questions.

1. **Closed-Ended Questions:** Closed-ended questions ask for a short definitive answer from the interviewee (“Did you like working with ABC Company?”)
2. **Open-Ended Questions:** Open-ended questions ask for a longer explanation from the interviewee (“Tell me why you liked it at ABC Company.”)
3. **Hypothetical Questions:** Hypothetical questions occur when the interviewer poses a specific situation to the interviewee and the interviewee explains how he/she would handle the situation. (“If a disgruntled employee came into the building wrapped in dynamite, what would you do?”)

It is always a good idea to include in an interview hypothetical situations to determine how the interviewee would react in certain situations. Good interviewers also give their interviewees real-life situations to reason through based on situations that actually happened within the organization.

The true advantage of asking interviewees to solve hypothetical situations based upon real-life instances is that they allow the interviewer to get a glimpse of the person’s instantaneous thought and problem-solving processes.

4. **Experience/Behavioral Questions (S/A/R Format: Situation-Task/Action/Result):** Experience/Behavioral questions in an S/A/R format ask the interviewee to think of a specific **situation** he/she has had in the past, what was the interviewee’s role, what **actions** the interviewee took in this situation and what was the **result**. This allows the interviewer to see how the person reacts in such situations in real life, how their thought processes work in real situations and how successful this person has been in these situations.

Such questions would be posed in the following manner:

“Think of a situation you have been in where you had to layoff an employee. What actions did you take to do this and what was the final result?”

As follow up questions, it may also be a good idea to ask the interviewee if he/she would now do anything differently. Also, in order to help establish the truthfulness of the answer, interviewers may want to ask the interviewee what his/her supervisor or co-workers would say if the interviewer was to call them on the phone and ask them about this instance? The interviewee’s reaction to such follow up questions can be quite revealing.

F. Sample Interview Questions

Perhaps the most important part of the interview process lies in preparing for the interview itself, which includes choosing the proper questions to ask. Below is a list of sample interview questions from which interviews may choose a set of questions for their upcoming session.

1. Experience (Review Pertinent Former Positions or Responsibilities):

- a) Tell me about this (particular former) position?
- b) Why did you or are you leaving?
- c) What did you like best about this job or find particularly satisfying?
- d) What did you not like? (Is that why you left?)
- e) What kind of responsibilities did you have and what kind of decisions did you typically make?
- f) What did you like best about the company?
- g) What did you like least?
- h) What sort of atmosphere or environment did this company promote?
- i) What was the most challenging part of this position?
- j) What do you feel are the greatest strengths you can bring to this company?

2. Knowledge of Organization

- a) What do you know about our organization?
- b) What do you like and dislike about this type of organization?
- c) How does this organization fit into your goals?

3. Goals/Motivations

- a) What motivates you most of all on a job?
- b) What do you feel this position can give you that your other positions have not?
- c) In the next five or ten years, where would you like to be career-wise?
- d) How does this company and this position fit into that goal?

- e) What attracted you to this kind of work?
- f) What specifically do you hope to gain from this position?

4. Attention to Detail

- a) Describe an instance to me where you worked on a very detailed project. Tell me what your role was, how you handled the situation and what was the outcome.
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or co-workers and asked them about this instance? What would they tell us?

5. Flexibility

- a) Describe to me a specific instance where you had your plans at work changed by your supervisor or a co-worker that disrupted your agenda. What was your reaction and what was the result?
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or co-workers and asked them about this instance? What would they tell us?

6. Work Ethic

- a) Describe to me the worst aspect of your current job?
- b) When do you do your best work? Why?
- c) What is your greatest accomplishment in your life? Why?

7. Managing Multiple Priorities

- a) Describe to me how you organize your day.
- b) We have all had an occasion when we were working on something that just “fell through the cracks” and did not get done. Can you think of an instance where this has happened to you? How did you handle it and what was the result?
 - (1) Is there anything you would now do differently?
- c) If not, what would you do if I gave you a project that needed to be done in two days, another manager gave you another that needed to be done in two days, and a third manager gave you a project due by the end of the day?

8. Computer Skills

- a) Tell me specifically what computer software systems have you operated?
- b) What work specifically have you done with these systems? Formatted documents? Created tables? Etc.?
- c) If we were to call your supervisor and ask about you computer skills, what would he/she say?

9. Communication Skills

- a) Describe to me an instance when you had to communicate bad news to another employee (person). How did you handle the situation and what was the final result?
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or co-workers and asked them about this instance? What would they tell us?
- b) If you cannot think of an instance, how would you communicate bad news to another person, such as telling the person he is not doing well in his job?

10. Perceptions:

- a) What do you suppose your co-workers would say about you if we were to contact them?
- b) What would your supervisor say about you if we contacted him/her?
- c) Do you have a particular reason to believe he/she would give such a reference?

11. Likes/Dislikes:

- a) Which position did you like the best?
- b) Why?
- c) Describe the perfect atmosphere or environment in which you would like to work.
- d) Describe an ideal co-worker.
- e) Describe the ideal supervisor.

- f) Describe the perfect job for you, no matter how imaginative.

12. Attitude/Ethics

- a) What do you feel your obligations are to the company for which you work?
- b) What do you think a company's responsibilities are to you as an employee?

13. Honesty

- a) Situations arise in life where we are asked to bend or even break the rules...or to even lie. Describe an instance to me where you were placed in such a situation, what did you do and what was the final result?
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or co-workers and asked them about this instance? What would they tell us?

14. Miscellaneous

- a) What is the most challenging hurdle you have ever had to face and how did you go about overcoming it?
- b) What is the most difficult decision you have ever had to make in a job and how did you go about dealing with this situation?
- c) We all have regrets in life, but what is your greatest regret?
- d) What is your greatest accomplishment?
- e) What is your greatest fear in your career?
- f) Hobbies? Interests?
- g) Which subjects did you like best in school? Least?
- h) What other field did you consider before you chose this one?
- i) What does it take to be a good supervisor?
- j) Would you make a good supervisor? If so, why?

15. Final Question:

- 16.** If I were to make you an offer of employment, what could I tell my supervisor in trying to justify this decision to him/her so he/she would think I was doing a good job in recommending you?

*This is a **much** better way to ask an applicant: "Why should we hire you?"

Once the manager has reviewed the applicant's materials, assembled a list of interview questions, and has become familiar with the particulars of the position, the manager is then ready to begin the interview.

G. Interview Questions Targeting Emotional Intelligence

1. Attitude/Ethics

- a) What do you feel your obligations are to the company for which you work?
- b) What do you think a company's responsibilities are to you as an employee?

2. Coaching

- a) Tell me about a time when you were making some mistakes at work and someone talked to you about it. What was happening, how did you handle the advice and what was the final result?
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or co-workers and asked them about this instance? What would they tell us?

3. Communication Skills

- a) Describe to me an instance when you had to communicate bad news to another employee (person). How did you handle the situation and what was the final result?
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or co-workers and asked them about this instance? What would they tell us?

4. Conflict Resolution Skills – Co-Worker

- a) Tell me about a time when you had a conflict with a co- worker. What was it about, how did you handle the situation and what was the final result?
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or co- workers and asked them about this instance? What would they tell us?

5. Conflict Resolution Skills – Subordinate

- a) Tell me about a time when you had a conflict with one of your employees. What was it about, how did you handle the situation and what was the final result?
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or employees and asked them about this instance? What would they tell us?

6. Conflict Resolution Skills – Supervisor

- a) Tell me about a time when you had a conflict with your supervisor. What was it about, how did you handle the situation and what was the final result?
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or co- workers and asked them about this instance? What would they tell us?

7. Emotional Control

- a) Tell me about a time when you were really upset at work. What was it about, how did you handle the situation and what was the final result?
 - (1) Is there anything you would now do differently?
 - (2) What if we called your former supervisor or co- workers and asked them about this instance?
 - (3) What would they tell us?

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- a) Describe to me how you organize your day.
- b) We have all had an occasion when we were working on something that just “fell through the cracks” and did not get done. Can you think of an instance where this has happened to you? How did you handle it and what was the result?
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- a) Describe to me a specific instance where you had your plans at work changed by your supervisor or a co-worker that disrupted your agenda. What was your reaction and what was the result?
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IV. THE INTERVIEW ITSELF

A. What Is An Interview?

An interview is simply an exchange of information between people for the purpose of gaining a better understanding of their compatibility. Therefore, it is important that interviewers establish an atmosphere that is conducive to encouraging a free exchange of information in order to maximize this understanding of one another. Unfortunately, too many "false positives" and "false negatives" occur in hiring decisions simply because an environment conducive to communications was not created.

B. The Interviewer's Style

In order to set the proper atmosphere for the interview session, interviewers should:

1. Set the proper tone. An interview is an opportunity to get to know the applicant, who is your guest.
 - a) Interviews are not "grill" sessions and the job candidate is not your prisoner. The job applicant is your guest and should be treated as such.

2. A good interviewer comes across as interested in the applicant. Good interviewers do not project an air of insincerity, boredom, superiority, a lack of interest in the candidate, or a lack of comprehension of the job requirements or the company.
3. Good interviewers are also well informed regarding the vacant position and the company itself. Never "wing" an interview. They prepare.
4. Interviewers should also:
 - a) Watch their nervous habits. They are distracting (i.e., pen clicking, knuckle cracking, etc.)
 - b) Look professional.
 - c) Schedule enough time for the interview. Don't rush the candidate.
 - d) Be well prepared. Have interview questions ready and the applicant's materials reviewed.
 - e) Make eye contact.

NOTE: Good interviewers look their applicants in the eye. That is singular – eye. It is physically impossible to stare someone in the eyes. Humans can only focus on one eye at a time, so if managers constantly glance from one eye of the applicant to the other, they will appear to be "shifty." This may cause the applicant either to be more nervous or to mistrust the manager.

- f) Not boast about themselves and try to "out do" the applicant. Interviewers sometimes feel as if they must impress the applicant with their own accomplishments and success. This is at the least unprofessional and at the most rude. Most people would not invite their friends over to their homes and then make them listen to the host brag about themselves for an entire evening...hopefully. So, interviewers should not do it to their applicants. Managers have jobs – they should now give the applicant a chance to get one.
- g) Allow applicants' an opportunity to ask questions. **REMEMBER:** the applicant is looking at the company too. The "best" applicants have the qualifications to go somewhere. Good interviewers realize this and do not want to be in a position where the best candidates are not interested in the vacant position, the company or both.

With these points in mind, it is then time for the manager to talk to the applicant.

C. Beginning The Interview Session

When beginning the interview session, again, a few simple rules should be followed:

1. Escort applicants to the office where they will be interviewing. Do not make them wander around the building alone.

2. Offer a drink of water and a chance to use the restroom before beginning. (It is no fun to watch an applicant choke and squirm throughout the interview.)
3. Give permission to take notes and ask permission to take them yourself.
4. Put applicant at ease. Explain interviewing process you will be following. This sets the agenda for the interview. (Helps interviewer retain control.)
5. Break the ice. Develop a rapport. Get the applicant used to talking. (i.e., closed ended questions, discuss familiar topics, get applicant to talk about his/her work history, etc.)
6. Probe into deeper topics from your interview questions.
 - **Briefly** record answers on interview sheet. Interviewers should not spend all of their time writing down answers. It is awkward and has an adverse affect on the interviewer's ability to truly listen to the applicant's answers. Interviewers should jot down short notes, then fill in the details after the interview is over, which is part of the "Post-Interview" process.
7. Explain the position and the company to the applicant, both the good and bad.
 - Give applicants a **Realistic Job Preview, or RJP**. Tell them the good points as well as the bad points of the job. They will find out soon enough anyway. The secret to recruitment is retention...not attraction alone.

The RJP strategy for interviewing was developed for the Sears and Roebuck Corporation as a result of their tremendous turnover in their management trainee recruits. Within the first six months of employment, a ridiculous number of management trainees were leaving, which was costing Sears a literal fortune. The reason for this high turnover had to be discovered and corrected.

Upon investigation, it was discovered that Sears' recruiters were given very strict recruitment quotas to meet. Their success in these jobs was based on their level of recruitment, not the retention, of these new recruits. Therefore, to meet these strict quotas, it was discovered that Sears' recruiters were painting a very flowery, yet unrealistic picture, of what life as a management trainee was like at Sears, all in an effort to simply fill the available positions.

In essence, these recruiters were actually lying to their applicants in an effort to meet their recruitment quotas. As a result, when these new employees later discovered the truth, they felt tricked so they quit. Such practices were costing Sears millions of dollars in turnover costs.

Sears' solution: Eliminate the recruiters' quotas and force the recruiters to tell the applicants exactly what the job is really like -- give them a realistic

job preview (RJP). As a result, the number of recruits dropped, but the retention of recruits increased greatly, which in turn reduced the number of recruits needed in the first place.

Overall, turnover dropped tremendously since the applicants knew what to expect from their new positions. They knew what they were "getting into." The RJP program saved Sears a fortune.

The bottom line of any manager's recruitment efforts is to make a good match between the vacant position and the person to fill the position. This can only be done by including an RJP in the hiring process and thus effectively controlling expectations.

NOTE: **In order to increase the realism of the job for the applicant, it may be a good idea to have the applicant come into the worksite for a morning or a few hours to observe. Applicants can then get a real picture of what it is like to work in this environment.**

Also, since the applicant is not yet an employee, the employer can make such observation time a part of the application process. The employer is therefore not required to pay the applicant for his/her time.

8. Allow all applicants an opportunity to ask questions. Remember: they are looking at you as well as you looking at them.
9. Inform applicant of the hiring procedure to be used, give them a business card, thank them for their time, and send them on their way.

NEW EMPLOYEE ORIENTATION BEGINS AT THE INTERVIEW!

INTERVIEWING & ORIENTATION

Employee Orientation Begins At The INTERVIEW!

Ask Questions Regarding Emotional Intelligence

Describe The Culture: "SAFE"

How Flexible Is The Organization?

Use RFP: Realistic Job Preview

Take On Tour

V. THE POST-INTERVIEW PROCESS

A. Filling In The Details And Due Diligence

After the interview session is over, it is important for the interviewer to take a few minutes and do the following:

1. Write down impressions of applicant. Fill in the details of the answers the applicant gave by referring to the brief notes that were taken in the interview itself.

2. Perform background checks, as determined appropriate. (Make sure Fair Credit Reporting Act requirements are met.)
 - a) Check references. (See previous discussion.) Do not forget to use "secondary references," which occur when an interviewer asks the reference if anyone else knows the applicant and would be willing to provide information.
 - b) Drug testing.
 - c) Credit checks.
 - d) Criminal checks.
 - e) Bureau of Motor Vehicles report.
 - f) Other background checks as deemed appropriate.

B. The Need For References

The Society for Human Resource Management asked employers what were the types of information they most often discovered as being falsified on job application materials. Those employers who responded to the survey indicated that the following areas were most commonly falsified on application materials:

- Length of Employment 53%
- Past Salary 51%
- Criminal Records 45%
- Former Job Titles 44%
- Former Employers 35%
- Driving Records 33%
- Degrees 30%
- Credit 24%
- Schools Attended 22%
- Social Security Number 14%

Therefore, considering the frequency in which such falsifications occur, it would certainly be wise for employers to conduct background and reference checks on their job applicants before hire.

C. Using A Proper Release

Due to ease by which employers may attempt to check their potential employees' references, failure to do so will almost certainly be seen as being "inappropriate" should a negligent hiring suit ever arise. In order to afford the best chance of obtaining references, it is important to have a proper release in place. A "proper release" will":

1. Grant permission to the prospective employee's references to release information and
2. Release those providing this information from all liability.

SAMPLE

"I authorize investigation of any and all of my background, qualifications and/or any other information from whomever the Company deems appropriate or desires, as I also authorize the release of any and all information by whomever the Company deems appropriate or desires. I also release all parties from all liability for any damage that may result from furnishing this information to the Company. This release extends to all information deemed appropriate by any requesting and/or releasing party, personal or otherwise, as well as to the Company itself."

D. Questions Commonly Asked When Obtaining References

1. Dates of employment/reason(s) for leaving?
2. Ending wage?
3. Position(s) held with the company and dates?
4. Duties?
5. Accomplishments?
6. Supervision of other employees?
7. How well applicant worked with others?
8. Applicant's strengths?
9. Weaknesses or disciplinary problems?
10. How the reference sees the applicant "fitting into" this vacant position.
11. Would the reference hire/rehire this person?
12. "Can you think of anyone else who might be familiar with his/her skills or who might have worked with him/her in the past?" (These are called "Secondary References" since the applicant is unaware that the employer might be speaking with these people.)

Of course, these same types of questions can be placed on a written form with a proper release signed by the prospective employee and mailed or faxed to the reference.

It is also a good idea to thank the reference for his/her time and ask permission to call back if further information is needed.

E. Getting Reference Information

1. Personal References

If a reference is particularly reluctant in giving information on a former employee, it is sometimes quite effective to ask the person if it would be all right to call him/her at home and get a “personal” reference. Many times, people feel much more comfortable talking to reference checkers from their homes in a personal manner than they do from work.

If the person is reluctant to give out his/her number, it may then be a good idea to give the person a number he/she can call after hours to give a personal reference.

2. Remind the person of the protections they have under the law.

It may also be a good idea to remind the person giving the reference that the applicant has not only signed a permission to release information and a release of all liability, but state law gives tremendous protections to employers when giving reference information on previous employees. It may then be quite effective to fax or e-mail to the reference a copy of the law. The reference may then feel more comfortable in giving the reference information.

3. Ask to get reference from the employer’s employment attorney

Employment attorneys are usually more comfortable in giving reference information to prospective employers since they understand the many protections employers in most states enjoy. (Do not assume that all attorneys are familiar with this area of the law if it is not an area in which they normally practice. Many times, attorney’s who practice in other area need to be educated in this area of the law.)

Ask to speak with the company’s employment law counsel and inquire if he/she might be able to communicate information regarding the applicant.

F. Choosing A Candidate

1. Once the best applicant is chosen...ACT!

- Procrastination is the kiss of death in recruitment. The best applicants go first.

2. Once the applicant accepts the position, send all of the rejected applicants “thanks...but no thanks” letters. This is merely the professional thing to

do. It reflects **VERY** poorly on those companies that never contact their interviewees again.

Interviewers should then place all of their interview notes regarding these rejected applicants, along with their other applications materials, such as reference notes, applications, and so on, into storage. This way, if a disgruntled applicant claims he/she was rejected by the company for an illegal reason, these materials will prove invaluable in showing that no illegal activity occurred.

3. Many times a hiring decision comes down to two final candidates where the difference lies in one person having a higher level of technical knowledge while the other seems to have a higher level of motivation or better personality traits (values). Both qualities are important since **"ABILITY X MOTIVATION = PERFORMANCE."**
4. However, bright people can learn. Technical knowledge can be acquired, whereas high motivation and positive personality traits cannot. A company who tries to "give" employees different personality traits through training is wasting its time. Therefore, good recruiters give a great deal of weight to the level of motivation they see in job candidates, even at the expense of technical expertise.

Of course, ability (skills and knowledge) and motivation (attitude) are important qualities for employees to possess. To have all of one and none of the other is worthless. If an employee is a "10" on ability but a "0" on motivation, 10 times 0 is still zero, and vice versa. Therefore, both traits should be valued by managers, especially when they are interviewing.

Still, no one can "give" another person personality traits (i.e., intelligence, drive, sense of humor, etc.). Such an attempt is an exercise in futility. These basic characteristics must already exist within the employee, which can then only be "molded" or "polished" by the manager.

It is upon this reasoning that the old adage is based which says:

**"Never try to teach a pig to sing.
It wastes your time and it irritates the pig."**

The moral: Managers should not waste their time on trying to teach someone something that they have neither the ability nor the motivation to learn.

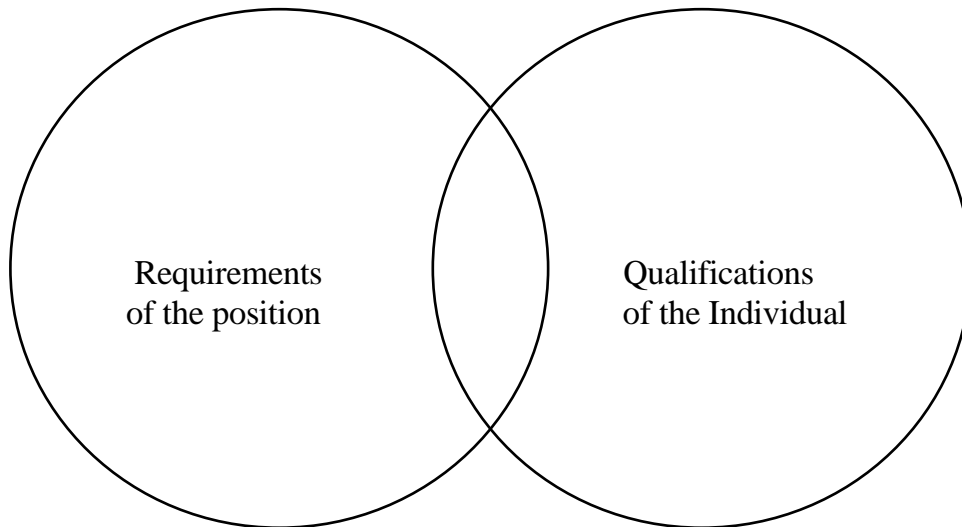
The secret to avoiding such problems as having unqualified employees who cannot be trained is to never hire them in the first place. Managers should try to discover who those individuals are with the positive personality traits and qualities in the hiring process. If managers can make such choices, their jobs will be much easier ones to perform. This is why managers must get to know their candidates.

5. A concentrated, concerted effort must be made along with human resources to find these "good people." It takes a great deal of time and effort, but it is

all well spent when the right candidate is found and hired, especially when a manager considers the fact that it takes at least ten times as much time and effort to "correct" or "remove" a problem employee once they have "taken root" in the organization than it does to follow a proper hiring procedure in the first place. Therefore, it is far better to take the steps necessary to avoid the problem entirely.

6. Also, it is very rare for recruiters to find an applicant with exactly the skills that they need for a particular position. In reality, good recruiters look for applicants whose strongest qualifications overlap with the more important requirements of the available position.

When such an individual is found, the recruiter knows he has found a "winner," which can be diagrammed as follows:



7. Another important point many smart recruiters realize as being true is that studies reveal that hiring **disabled individuals** often results in acquiring an individual who is more dependable, has superior attendance habits, is more loyal, is more highly motivated, is more intelligent, is better qualified, and exhibits a longer retention period than non-handicapped employees. Therefore, smart recruiters give such people a chance to prove themselves, which they usually do.

These materials are not intended to act as legal advice but are instead for informational purposes only. The facts of each instance vary to the point that such a brief overview cannot be used in place of the advice of legal counsel. Therefore, whenever such issues arise, the advice of an attorney should be sought.

SHRM Activity 22-9G7AZ

Conducting A Legal & Effective Interview

Start Date: 3/23/2022

End Date: 12/31/2022

1.5 Recertification Credit Hours: General



SHRM Activity 22-9G7AZ

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1.5 Recertification Credit Hours



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Scott combines the areas of law and human resources to help organizations in “Solving Employee Problems **BEFORE** They Start.” Scott’s goal is **NOT** to win lawsuits. Instead, Scott’s goal is to **PREVENT THEM** while improving **EMPLOYEE MORALE**.

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Scott has been named one of Business First’s 20 People To Know In HR, CEO Magazine’s 2008 Human Resources “Superstar,” a Nationally Certified Emotional Quotient Counsellor (CEQC) and a SHRM National Diversity Conference Presenter in 2003, 2006, 2007, 2008, 2010 and 2012. Scott has also received the Human Resource Association of Central Ohio’s Linda Kerns Award for Outstanding Creativity in the Field of HR Management and the Ohio State Human Resource Council’s David Prize for Creativity in HR Management.

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