

# Hiring the Right Employee



*Presented by:*

NAME

TITLE

Texas Association of Counties  
Human Resources Assistance Section



## **Hiring the Right Employee**

### **I. Goal**

- A. The primary goal in hiring is to find an employee who can do the job we expect.
- B. Secondary, but equally important, goals are to do so without violating, or appearing to violate, requirements under Equal Employment Opportunity (EEO) legislation and to prevent giving the new employee the feeling that he or she would have a property interest in the job.

### **II. Initial Steps**

- A. The first step in recruiting is to identify the essential job functions and qualifications, and to use this information to prepare job postings.
- B. The next step is to “get the word out” through such recruitment tools as newspaper advertisements, bulletin board postings, and registering with the Texas Workforce Commission.
- C. Prior to starting interviews, applications need to be reviewed to eliminate those applicants who do not meet the minimum qualifications and to select those with the strongest qualifications to be interviewed. (NOTE: It is recommended that a standard application form be used rather than requesting resumes. Resumes often contain information that, according to EEO guidelines, should not be obtained prior to employment. Also, resumes may fail to provide information needed to determine qualifications.)

### **III. Interview Preparation**

- A. Planning and preparation are key elements for effective interviewing.
- B. Steps in preparing for an interview include:
  - 1. Selecting a time and place for the interview that will minimize the possibility of interruptions;
  - 2. Determining how much time to devote to each interview;
  - 3. Knowing the specific requirements, duties and conditions of the job;
  - 4. Reviewing the application prior to the interview; and
  - 5. Determining what questions will be asked.

### **IV. Interview Questions**

- A. All questions should relate to the requirements for the job and the applicant’s ability to perform the essential job functions.
- B. Questions which elicit answers that would directly or indirectly reveal an applicant’s status in a protected category (race, color, national origin, religion, sex, age or disability) under EEO legislation should not be asked unless necessary because of a bona fide occupational qualification (BFOQ). (Examples of

appropriate and inappropriate questions are given beginning on page 4 of this outline.)

#### **IV. - B (continued)**

1. Questions which are asked of one category of applicants (such as women or older individuals), but which are not asked of all other applicants, give the appearance of potential discrimination.
  2. Under the Americans With Disabilities Act (ADA), all inquiries into an applicant's medical background are prohibited. (The ADA also prohibits pre-employment medical examinations. A "post job offer" examination is allowed with the offer being contingent on the individual passing the examination showing he or she can perform the essential job duties.)
- C. Since we want to learn as much as possible about the applicant's qualifications, open ended questions - those which require a detailed answer - should be asked rather than those which only require a "yes" or "no" answer. (Examples of open-ended questions are on page 7)
- D. Leading questions - those which give an individual an indication of the response the employer wants to hear - should not be asked.

#### **V. The Interview**

- A. The steps in beginning an interview normally include:
1. A few minutes of small talk to make the applicant feel comfortable, but it is important to avoid comments or questions that could reveal information not acceptable under EEO standards;
  2. Telling the applicant of the interview procedure;
  3. Telling the applicant something about the employer; and
  4. Describing the job duties.
- B. During the "question and answer" phase of the interview, the interviewer's goals include:
1. Determining if the applicant meets the requirements for the job;
  2. Exploring any significant unaccounted for gaps in the applicant's work history;
  3. Determining the applicant's actual interest in the job; and
  4. Deciding the applicant's overall suitability for the job.
- C. Since we want to get as much information as we can about an applicant, the following tricks can be useful in keeping the applicant talking:
1. Head nodding;
  2. Encouraging words or phrases such as "yes," "that's interesting" and "go on";
  3. Silence - as though you are expecting the applicant to say more; and
  4. Repeating parts of the applicant's answer in a questioning tone indicating that you would like more information.

- D. If specific training, education, experience, certification or other job requirements are necessary, be sure to have evidence that the applicant meets the requirements

**V. – D** (continued)

rather than just accepting the applicant’s word.

- E. During the interview, the interviewer should avoid distracting behaviors such as:
  - 1. Fooling with items on the desk;
  - 2. Looking out the window;
  - 3. Interrupting the applicant;
  - 4. Taking phone calls; or
  - 5. Making the applicant repeat answers because the interviewer was not listening.
- F. Note taking during the interview should be done unobtrusively. If the interview is being recorded, the applicant should be told this.
- G. The interviewer also needs to:
  - 1. Let the applicant do most of the talking;
  - 2. Keep the interview on track; and
  - 3. Avoid making “implied contracts.”
- H. When closing the interview, the interviewer should:
  - 1. Go over the job duties and expectations;
    - a. Avoid overselling the job.
    - b. Tell the applicant negative as well as the positive aspects of the job.
  - 2. Ask if the applicant has any further questions;
  - 3. Thank the applicant for coming in; and
  - 4. Tell the applicant when a selection is expected to be made.

**VI. Evaluating The Interview**

- A. Immediately after the interview, the interviewer should make notes about the applicants strong points, weak points and overall suitability for the job.
- B. In evaluating an applicant, the interviewer should be aware of, and control, feelings which distort the evaluation, such as
  - 1. The “halo” and “horns” effect;
  - 2. Personal biases; and
  - 3. Personality traits not related to the job.

**VII. Document the Selection**

- A. Be specific in listing your reasons for selection.
- B. Remember that the term “best qualified applicant” really doesn’t say anything.

***NOTE:** This paper is provided for informational purposes only. Nothing in this paper is intended to be, nor should it be construed as, legal advice or guidance. Where legal assistance is needed, the services of a qualified attorney should be sought.*

## PRE-EMPLOYMENT QUESTIONS

*(The following are examples of questions that are generally considered to be appropriate and inappropriate to ask during the pre-employment process. This list is only intended to provide guidance in what questions may be asked and should not be viewed as an all inclusive list of such questions. It must also be remembered that, as new legislation is passed and decisions are made in the courts, there may be changes in what questions are considered appropriate.)*

### **National Origin**

Appropriate:

None unless national origin is a bona fide occupational qualification (BFOQ).

Inappropriate:

What is your nationality? Were you born in the United States? What country are your parents from? Where were you born?

### **Race or Color**

Appropriate:

None

Inappropriate:

What is your skin color? What is your race?

### **Religion**

Appropriate:

None unless religion is a BFOQ.

Inappropriate:

Are you a Christian? What is your religious denomination? Do you attend church? What religious holidays do you observe?

### **Age**

Appropriate:

Are you at least 18 years of age? If not what is your age?

Inappropriate:

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

### **Sex**

Appropriate:

None unless sex is a BFOQ.

Inappropriate:

Are you male or female? Do you plan to have children? Do you practice birth control? Do you feel like that a woman can handle this job?

**Disability**Appropriate:

None

Inappropriate:

Are you disabled? Have you ever been treated for any of the following injuries or illness (followed by a list)? Have you ever filed a workers' compensation claim? Have you ever had any mental or psychological problems? How long have you been in a wheelchair?

**Marital Status**Appropriate:

None

Inappropriate:

Are you married? Do you preferred to be called Miss? Mrs? Ms? What is your spouse's name? Have you ever been divorced?

**Arrest Record**Appropriate:

Have you ever been convicted of a felony? (NOTE: In most jobs, a felony conviction cannot be the sole basis for failure to hire.)

Inappropriate:

Have you ever been arrested?

**Driver's License**Appropriate:

Do you have a current driver's license (if driver's license is required for performance of the job)?

Inappropriate:

Do you have a driver's license (where a driver's license is not required for the job)?

**Citizenship**Appropriate:

Are you a citizen of the United States? If not a citizen, are you legally authorized to work in the United States?

Inappropriate:

Of what country are you a citizen? Are you a native born or naturalized U.S. citizen? Are your parents citizens?

**Languages**Appropriate:

Do you speak Spanish (or other language required for the job)?

Inappropriate:

What foreign languages do you speak or write? How did you learn those languages? What is your native tongue?

## **Military Experience**

### Appropriate:

Have you served in the Armed Forces of the United States? If so, what were your duties?

### Inappropriate:

Have you ever served in the Armed Forces of a country other than the United States. Have you ever received a discharge under less than honorable conditions?

## **Education**

### Appropriate:

Any questions pertaining to educational requirements that are truly a requirement for the job.

### Inappropriate:

Any questions about an applicant's educational background that is not a true requirement for the job.

## **Photograph**

### Appropriate:

None

### Inappropriate:

Any requirement that an individual provide a photograph before being hired.

## **Personal Characteristics**

### Appropriate:

None

### Inappropriate:

What color are your eyes? What color is your hair? What is your height and weight?

## **Comments**

Generally, any question that has direct bearing on an applicant's ability to do the job is acceptable. However, questions asked of only certain applicants, and not of all applicants, can make an otherwise valid inquiry appear to be discriminatory. An example would be to ask a person in a wheelchair how he or she would perform the essential duties of the job but not asking the same question of other applicants. The key to staying out of trouble in the interview and selection process is to ask questions that pertain only to the job and avoid any questions that pry into an applicant's personal background.

Once an employee is hired, it may be necessary to obtain information for benefit programs or government reporting that should not be sought during the pre-employment process. This is okay but, before obtaining any such information, be sure that there is truly a need to have it and, once obtained, keep it separate from the employee's personnel file.

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## Examples of Open-Ended Interview Questions

1. Why do you want to work for the county?
2. What hours are you available to work?
3. What are the things you look for in a job?
4. How did your previous jobs prepare you for the position for which you are applying?
5. Describe (or show me) how you would perform the functions of this job.
6. In what areas do you feel that additional training would be beneficial to you in performing the duties of this job?
7. Tell me about your qualifications for this job and how you developed them.
8. What machinery (equipment, tools) do you operate that would be used in this job?
9. How do you keep your knowledge current in your profession?
10. Why do you want to change jobs at this time?
11. Describe your duties in previous jobs.
12. What did you like most and least about your last job?
13. If you could have changed something in your last job, what would it have been?
14. What were you doing from the time before you started your most recent job and the time you left your previous job?
15. Tell me about your level of responsibility in previous jobs.
16. What do you feel are the safety consideration in the job for which you are applying and how would you handle them?
17. What do you feel you accomplished in your previous jobs?
18. Describe your relationship with your supervisors in previous jobs.
19. What makes a job interesting to you?
20. What irritates you in the workplace?
21. What do you expect from your supervisor?
22. What are your long term career goals?
23. What do you think an employer should expect from an employee?
24. Why do you feel you are the best qualified applicant for this job?
25. What information haven't we discussed that would help in considering your application for this job?

