“3.006 Personnel Policies”

Ms. Michele Arsenaeu, Human Resources Consultant, Texas Association of Counties
Hiring and Interviewing Policies
Michele Arseneau, SHRM-CP, PHR
2018

Disclaimer

This training is designed to provide general information about the subject matter covered. Neither TAC nor the trainers are engaged in rendering legal advice. If you need legal advice, TAC recommends that you seek the services of a competent attorney who is familiar with your specific situation.

Objectives

• Learn about hiring processes
• Discuss the importance of job descriptions
• Gain knowledge about discrimination and biases
• Discuss interview goals and steps
• Review interview questions to avoid
• Understand reference and background checks methods
Prepare to Hire
• Identify the vacancy and evaluate the need for position
• Review your budget
• Follow Your Policies

The Hiring Process: Major Exposure Areas

<table>
<thead>
<tr>
<th>Job descriptions</th>
<th>Job postings and advertisements</th>
<th>Application forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interview questions and statements</td>
<td>Job offer</td>
<td></td>
</tr>
</tbody>
</table>

Steps to Hiring
- Identify the essential job functions.
- Identify the qualifications desired.
- Post your positions.
- "Get the word out!"
- Screen applications to weed out the unqualified applicants.
Steps to Hiring

Work with your internal experts to help eliminate “potential” problems

Use standardized applications vs. resumes

Applications must be retained at least 2 years unless hired, then must be retained for 5 years after separation.

What Does Discrimination Mean?

Unfair treatment based on protected class
✓ Applicants
✓ Applying unfair standards
✓ Discipline
✓ Pay or Benefits
✓ Terminations
✓ Harassment
✓ Retaliation

What are Your “Hang-Ups”?

• Perceptions
• Communication Style
• Bias towards...
• Attitude towards...
• More attention toward unfavorable issues than favorable
• Lack of training
Prepare to Interview
• Select from qualified candidates.
• Determine if phone screening is warranted.
• Select a time and place.
• Determine who will participate.
• Know the job specifics.
• Determine how to rank each applicant.
• Provide a job description to the applicants.

Prepare to Interview
• Review the application and resume BEFORE the interview.
• Determine what questions to ask and a rating system to use BEFORE the interview.
• Ask all applicants the same questions and spend equal time with each applicant.

Interview Goals
What are you looking for?
• Does applicant meet job requirements?
• Any gaps in work history. Why?
• Is applicant interested in the job?
• Is applicant suitable for the job?
Beginning the Interview

• Make the applicant comfortable.
• Explain the interview procedure.
• Give some information about your County and department.
• Describe the job duties to the applicant.
• Ask them if they have any questions.

Interview Questions

• Must relate to the job requirements and the applicants ability to perform the essential functions.

• Steer clear from “protected status” types of questions.

• Ask “Open-Ended”, not Yes-No.

Interview Questions

• Do not ask questions about applicants personal life.

• Document strengths to justify selection of final candidate.
Interview Questions

**Sex**

Appropriate = **NONE** unless BFOQ

Inappropriate = “Do you plan to have children?” “Do you think a woman can do this job?”

**Religion**

Appropriate = **NONE**

Inappropriate = “What is your religion?” “What church do you belong to?”

**Race**

Appropriate = **NONE**

Inappropriate = “What is your race?” “What is your color?”
Interview Questions

National Origin
Appropriate = NONE
Inappropriate = “Were you born in the US?” “What is your nationality?”

Interview Questions

Age
Appropriate = Are you at least 18 years old?
Inappropriate = “How old are you?” “What is your birth date?”

Interview Questions

Disability
Appropriate = “Can you do the essential job functions with or without an accommodation?”
Inappropriate = “Are you disabled?”
Interview Questions

Arrest Record

Appropriate = Have you ever been convicted of a felony?

Inappropriate = “Have you ever been arrested?”

Interview Questions

Drivers’ License

Appropriate = Do you have a current drivers’ license?

Inappropriate = “Let me see your current drivers’ license.”

Interview Questions

Marital Status

Appropriate = NONE

Inappropriate = “Are you married?”
Interview Questions

**Citizenship**

*Appropriate = “Are you legally authorized to work in the United States?”*

*Inappropriate = “Are you a U.S. Citizen?”*

**Languages**

*Appropriate = “Do you speak English? or “Do you speak Spanish?” - only if necessary for the position*

*Inappropriate = “What is your native language?”*

**Military Experience**

*Appropriate = “Have you served in the United States Armed Forces?”*

*Inappropriate = “Were you dishonorably discharged?”*
Interview Questions

**Education**

Appropriate = Anything pertaining to the educational requirements of the job

“What degree, certification or training do you have?”

**Photograph**

Appropriate = NONE

Inappropriate = Requiring a picture

**Personal Characteristics**

Appropriate = NONE

Inappropriate = "What color are your eyes or hair?" "What do you weigh?" "What is your height?"
Creating Questions to Determine Attitude

1. Determine the characteristics of high performers (Deals with stress well; good communicator; team player; positive).

2. Determine the characteristics of low performers (Not a team player; can not deal with stress; does not like to talk to people at counter; dramatic; negative).

Creating Questions to Determine Attitude

3. Find a situation to elicit the characteristic you want to discover.

4. Question opening: “Tell me about a time you ______” (Be very specific and don’t lead them on.)
   Example: “Tell me about a time you dealt with a difficult customer” or “Tell me about a time you made a mistake.”

5. Grade/evaluate interview immediately when it is over (the 50 minute hour...)

Interview Tricks of the Trade

• Head-nodding
• Encouraging words – “yes”, “go on”, “that’s interesting”
• SILENCE...
• Repeating the answer with a questioning tone
• Verbal test questions if specific training, education or experience is required
Interview Tricks of the Trade
• Avoid distracting behavior
• Do not take phone calls
• LISTEN...don’t interrupt
• Keep interview on track
• Avoid making “implied contracts”

Interview Closing
• Repeat job duties and expectations.
• Do not oversell the job.
• State the negative and positive of job.
• Ask if they have any questions.
• State when you plan to make a decision and thank them.

Checking References
• Ensures accuracy of information in all phases of the process (interview, resume and application)

FACTUAL
• Past Employment Information
• Professional References
• Educational/Certifications Information
Past Employment History
• Dates of employment
• Reasons for leaving a job
• Salary/position held
• Job duties/responsibilities
• Strengths/weaknesses
• Attitude/motivation
• Ability to work with others

Reference Verification Methods
• Telephone Calls
  • Drawbacks: Restrictive policies
  • Benefits: Quick – saves time and money
• Written Correspondence
  • Drawbacks: Time-consuming
  • Benefits: Used for factual information
  • Release forms are required

Reference Verification Methods
Investigative Services – 3rd Party
• Used for specific types of jobs
• Fee-based
• Verifies education, work experience, credit history, criminal records, and certifications

Drawbacks: Fair Credit Reporting Act compliance – release forms
Fair Credit Reporting Act
Three separate authorizations/notifications required:

Before obtaining a report — written release required
Before taking adverse action — provide a copy and list of applicants rights
Upon rejection, inform of right to obtain a free report

Free Electronic Services
• Social Security Number Electronic Verification Service
  (verify up to 10 names): 1-800-772-6270
• Department of Homeland Security E-Verify: provides
  an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers
  http://www.uscis.gov/e-verify

Criminal History Checks
DPS crime records division website:
• Only eligible entities: Secure site for employment and licensing verifications is secure.txdps.state.tx.us/ 512-424-2474
• Public site: records.txdps.state.tx.us
• Cost: $3.00 + fee
• Purchase “credits” and sign-in — easy!
Personnel Policy Items

- Release forms (employment history, certificates/licenses, references, transcripts)
- Verification methods
- Information sources pre-defined
- Uniform references and background checking format/forms
- Disclosure/confidentiality procedures

Ready to Hire

- Make the offer – use the smallest amount of salary – hourly or weekly
- Provide information if requiring pre-employment physicals – these must be made post offer
- Be ready for your new hire

New Hire Policy Manual

- A valuable communication tool
- Pre-determined and defined decisions
- Promotes legal compliance with federal and state employment laws
- Promotes consistent treatment for all county employees
Hiring Policies

• Social Media—Twitter, Facebook
• Cell Phones Usage at Work
• Tattoos and Dress Codes
• Internet Use

Personnel Policies

• Can establish dress code requirements that prohibit tattoos and body piercings that are not consistent with an employer’s branding, image, values, or missions.
• Can ban tattoos that are demeaning or feature profanity.

Personnel Policies Updates

• What’s changed in your county?
• Updated laws, for example;
  ➢ New Family Medical Leave Act regulations
  ➢ New Military Family Leave Act regulations
  ➢ COBRA
  ➢ Americans with Disabilities Amendments Act
  ➢ GINA
Personnel Policies
- Each employee should receive a copy of the manual
- Each employee should sign an acknowledgement
- Each employee should sign for receipt of new and revised policies

Any Questions?

Northwest
- Michele Arseneau
  - 512-461-1667
  - michelea@county.org

Northeast
- Diana Cecil
  - 512-824-6360
  - danac@county.org

Southeast
- Mary Ann Saenz-Thompson
  - 512-821-9096
  - maryanns@county.org

Southwest
- Rollie Ford
  - 512-880-1994
  - rollief@county.org