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## Interviewing Procedures

### Overview

Interviewing and selecting new employees presents employers with one of their biggest challenges as well as one of their greatest opportunities. Skillfully conducted interviews can assist an employer in identifying individuals who will be successful in the position and can contribute to the organization's success. Poorly conducted interviews waste the time of supervisors and human resource staff and often result in an ill fit between the selected employee and the job.

Interviews also pose legal risks. Failure to conduct interviews in a careful and consistent manner can subject an employer to liability under federal and state employment discrimination laws. For instance, an interviewer's questions about an applicant's marital status, religion, or health could imply a discriminatory basis for the employer's hiring decisions.

### Scope and Purpose

Many employers rely on interviews as the primary selection tool for hiring new employees. However, the usefulness of the information gained through interviews can be highly dependent on the skills of the interviewer. Interview outcomes also can be tainted by the interviewer's pre-existing biases or by other factors that are unrelated to the applicant's ability to perform the job.

Because of these potential pitfalls, many employers develop written interview procedures. Interview procedures, together with supervisor training, can help an employer ensure that interviews are conducted fairly and consistently and yield substantive information relevant to the applicant's ability to perform the job. Interview procedures also frequently clarify the role of human resource personnel in facilitating interviews.

### Issues Covered by Interview Procedures

Some of the issues employers commonly address in interview procedures are discussed below.

#### **Resume screening.**

Effective screening of resumes is important, since interviewing is a time-consuming activity. A single advertisement of an open position can generate dozens of resumes. Interview procedures can specify that human resource specialists or contract recruiters conduct an initial review of resumes to determine which applicants have the minimum qualifications for the job. This type of resume screening can help expedite the hiring process, ensure impartiality in the selection of individuals to be interviewed, and identify qualified candidates the supervisor might overlook.



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## **ASCOT Interview sites.**

Interview procedures usually specify that supervisors hold interviews in private and quiet locations where applicants are likely to feel at ease. If interviews are conducted off site, the procedures might set out guidelines regarding appropriate locations—for example, hotel conference rooms or airport meeting rooms.

### **Accommodating disabled applicants.**

Employers are required to make reasonable accommodations to allow individual's with disabilities to interview for open positions. Interview procedures generally require supervisors to conduct interviews in easily accessible locations. The procedures also might set out contingency plans on how the employer accommodates applicants with motor, vision, or hearing, or other limitations.

### **Appropriate and inappropriate questions.**

Interview procedures should give supervisors guidelines on formulating effective interview questions and avoiding questions that illegally discriminate against applicants. The procedures should require supervisors to prepare questions in advance and ask the same set of questions to all applicants for the same position.

### **Evaluating interview results.**

Interview procedures often require supervisors to complete a standardized applicant evaluation form after each interview. Standardized evaluation forms can help ensure that supervisors take a uniform approach to rating applicants and are able to substantiate their reasons for selecting a particular individual for the job.

### **Legal Pointers**

Careless or poorly conceived interview questions can imply that an employer bases its hiring decisions on discriminatory factors. If supervisors or other employer representatives ask interview questions that indicate possible bias, a rejected candidate might have grounds to file a lawsuit. Consequently, all interview questions should be carefully formulated and strictly job-related.

Federal civil rights laws prohibit employers from basing hiring decisions on race, color, religion, gender, age, national origin, citizenship status, disability, or veteran's status. Some state and local laws provide applicants with additional discrimination protections. For example, the District of Columbia, prohibits employers from basing hiring decisions on personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, source of income, and place of residence

To avoid the appearance of discrimination, the same set of job-related questions should be asked of all candidates for the same job. Most state EEO enforcement agencies provide sample lists of proper and improper pre-employment inquiries.



Note: Under federal civil rights law, employers are required to keep resumes and other records concerning hiring decisions for a period of at least one year from the date of the hiring decision or the date the record was created, whichever is later.

### **Questions About Citizenship**

The Immigration Reform and Control Act prohibits employers from hiring illegal immigrants. IRCA also prohibits employers from discriminating against job applicants on the basis of national origin or citizenship status. Interviewers can ask job applicants if they are eligible to work in the United States, but not where they were born or if they are citizens, unless citizenship is a bona fide job qualification.

### **Questions About Arrest and Conviction Records**

Some state laws prohibit employers from asking questions about applicants' arrest records, since basing hiring decisions on such questions can have a disparate impact on minorities. Questions about criminal convictions are permitted, although some courts have held that employers cannot automatically disqualify a candidate on the basis of a conviction. Instead, the employer must demonstrate that conviction for a particular crime would prevent the applicant from performing the job successfully. For example, it would be negligent to hire a known pedophile to work in a daycare center.

Employers should advise interviewers to tell candidates that conviction of a crime is not an absolute bar to employment, but is considered in relation to the requirements of the particular job.

### **Interviewing Individuals With Disabilities**

The federal Americans with Disabilities Act and similar state laws prohibit employers from asking job applicants questions about their health or disabilities until after a job offer is made. ADA regulations provide detailed information about the types of questions employers can ask during pre-employment interviews.

Essentially, the regulations prohibit interviewers from asking questions about disabilities that are not obvious or that the applicant does not voluntarily disclose.

If an applicant's disability is evident, the interviewer can ask whether the candidate needs a reasonable accommodation to perform the essential job functions. If the answer is yes, the interviewer can inquire what type of accommodation is needed.

Example: An applicant with a severe vision impairment applying for a job involving computer work can be asked whether he or she needs reasonable accommodations to perform the job and, if so, what kind of accommodation is required. For example, if the applicant needs software that increases the size of the text on the computer screen, the interviewer can ask



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**ASCOT** the name and vendor of the software and whether it is compatible with the employer's computer system.

*Note: Some questions that are illegal for an employer to ask during pre-offer interviews can be asked after an offer of employment has been made. For instance, an employer cannot ask a job applicant about his or her prescription drug use. However, once an offer is made, an employer can ask about prescription drug use that might affect the individual's job performance or on-the-job safety.*

### **Accommodations during interviews.**

Individuals with disabilities must be given the same opportunity to interview for jobs as anyone else. Consequently, employers must make reasonable accommodations necessary for an applicant with a disability to access to the place where interviews are held. In the case of a hearing-impaired individual, an employer might have to arrange for an interpreter. If pre-employment skills tests are required, the employer must make reasonable accommodations so an individual with a disability can take the tests.

Applicants must request reasonable accommodations necessary for an interview. However, an employer should anticipate the need to accommodate applicants' disabilities and should have tentative plans regarding how it will accommodate individuals with motor, vision, or hearing, or other limitations.

### **Questions About Drug and Alcohol Use**

Interviewers can ask job candidates whether they drink alcohol and whether they ever have been arrested for driving under the influence of alcohol. However, compliance with the ADA requires employers to refrain from asking questions designed to determine whether an applicant is or was an alcoholic.

Employers are free to ask applicants whether they currently use illegal drugs, but are prohibited from asking about an applicant's legal use of prescription medications until after a job offer has been made.

### **Questions About Workplace Injuries**

Questions about workers' compensation claims and workplace injuries are prohibited at the pre-offer stage of interviewing. Likewise, an employer cannot ask general questions about an applicant's health or how many sick days they took during any previous employment.

### **Pre-Employment Medical and Drug Testing**

The pre-employment interview process can include skills tests, such as typing tests, but cannot include medical examinations. Nevertheless, an employer can offer an applicant a job, but condition the offer on the satisfactory results of a physical examination. All employees in the same job category must be subject to the same post-offer physical examinations. If a candidate is rejected on the basis of a post-offer medical exam, the employer must show that the refusal to hire is job-related, consistent with business necessity, and that no reasonable accommodation would enable the candidate to perform the job's essential functions.



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Tests for illegal drugs are not considered medical examinations under the ADA. Thus, an employer can require individuals to submit to pre-offer drug tests .

Note: Medical and drug testing pose complex legal issues and, thus, should be covered in separate policies. However, interviewing guidelines should instruct supervisors about any information they need to communicate to job applicants about medical and drug testing requirements.

## **Policy Pointers**

Items an employer should consider in developing interviewing procedures include:

### **•Interview preparation.**

Proper preparation for interviews can help minimize legal risks, make the interviewing process less time consuming, and result in the selection of higher-quality employees. A hiring supervisor's should first ensure that a job description exists that accurately and completely describes the job's essential functions and required skill levels and qualifications. From the job description, classified advertisements can be written and recruiting efforts begun that target qualified candidates.

To expedite the hiring process, some employers have human resource specialists or contract recruiters initially review resumes and conduct screening interviews to narrow the pool of job candidates to those who meet all required job qualifications. After such screening, the narrowed range of resumes is turned over to the hiring supervisor to select individuals to be interviewed for the job. Based on the job description, the hiring supervisor should draft a basic set of interview questions that all applicants are asked.

### **•Supervisor training.**

Supervisors need training so they are effective interviewers. Supervisors should be trained to formulate open-ended questions that focus on applicants' job-related qualifications. Questions that can be answered with a yes or no seldom elicit useful information. Ideally, questions should be designed to elicit specific examples of the job candidate's past job performance that are relevant to the position in question. Questions that focus on general personality traits or other nonjob related personal characteristics should be avoided. Supervisors also must be provided with guidance on avoiding interview questions that could imply a discriminatory basis for job decisions. Supervisors also need training to recognize red flags that indicate possible deception by applicants.



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## **ASCOT Interview settings.**

Interviews should be held in private and quiet locations where applicants are likely to feel at ease. Interview policies should outline appropriate on-site and off-site locations, such as supervisors' offices or airport meeting rooms. Interview sites also should be easily accessible to disabled applicants.

### **•Other employees.**

Hiring supervisors might want to arrange for another employee to be present during interviews. The second employee can be an assistant manager, another supervisor within the same department, or a human resource specialist. Having a second employee present gives the hiring supervisor a second perspective on a job candidate's strengths and weaknesses and can be important in substantiating the basis for selection decisions that are challenged as discriminatory.

### **•Interview records.**

Hiring supervisors should be required to make a contemporaneous record of the results of each interview. Most supervisors take notes during interviews. However, employers also should require supervisors to record interview results on a standardized rating form to help ensure that applicants are rated in a fair and consistent manner. Under federal civil rights laws, employers are required to keep records concerning hiring decisions for a period of at least one year from the date of the hiring decision or the date the record was created, whichever is later.

## **Interviewing Procedures**

Ascot Enterprises, Inc. is committed to hiring the most qualified employees without regard to race, color, age, religion, national origin, gender, or disability. Accordingly managers, supervisors, contract recruiters, and any other personnel involved in interviewing or communicating with job applicants must avoid any form of discrimination, intentional or unintentional.

### **2. Preliminary Activities**

A supervisor or other designated office personnel generally conducts an initial review of all resumes and, if necessary, initial screening interviews on site or over the telephone. The purpose of this initial screening is to select individuals with at least the minimum qualifications for the job. The resumes of those individuals are forwarded to the hiring supervisor who selects individuals for interviews. The designated management/office personnel contacts individuals selected by the hiring supervisor and schedule interviews at a mutually convenient time. Applicants should never be asked to provide photographs.



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In preparation for an interview, the hiring supervisor should assemble:

- The candidate's resume and any references the candidate has provided;
  - The current job description for the position being filled (NOTE: Job descriptions must be in writing and up-to-date before a job is posted or advertised and before any interviewing can begin);
- A list of job-related questions that all applicants are asked.

### 3. Accommodating Disabilities

Ascot Enterprises, Inc. provides individuals with disabilities the reasonable accommodations they need to interview. Reasonable accommodations might include a sign language interpreter, written rather than oral responses, large print or Braille material, or an accessible location. Interviews should be held in offices or conference rooms that are private and easily accessible to individuals with disabilities.

### 4. Conducting the Interview

Applicants are told to report to the office at the time of their scheduled interview. A designated company representative will have the applicant complete an employment application and will then escort the applicant to the hiring supervisor's office or the conference room where the interview will be held.

The hiring supervisor should observe the following guidelines when conducting an interview:

- Welcome the applicant. Put the applicant at ease. While some interviews might begin with small talk—for example, the weather or traffic—supervisors must avoid straying into subjects such as marital or family status, religion, or the state of the applicant's health.
- Outline the interview. Let the applicant know how the interview will be structured and any time limits.
- Describe the job clearly. Go over the job description. Give details about job duties, required skills, working conditions, hours, and compensation and benefits. Do not hesitate to politely bring the interview to a close if the applicant is not willing to accept the salary or if he or she clearly and admittedly does not have the minimum qualifications needed to perform the job.
- Ask questions. All questions asked during the interview must be relevant to the performance of the job. Keep questions focused on the job description and the skill sets necessary to perform essential job functions.
- Listen. A common mistake made by interviewers is to dominate the discussion. Let the applicant talk.
- Answer the applicant's questions. Applicants should be invited to ask any questions they have about the position..



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**ASCOT** •Close the interview properly. Thank the applicant. Do not make any representations or promises. You may give a conservative estimate as to when a hiring decision will be made, since hiring decisions sometimes take longer than initially anticipated.

•Record information contemporaneously. Write down the specific facts learned about the applicant's qualifications. For each applicant, complete an Applicant Evaluation Form, attach it to the individual's application, and return both to the office manager.

### **Policy Support Documents**

This section includes the following policy support documents:

•Pre-Employment Inquiry Guidelines

—These guidelines are designed to help hiring supervisors formulate appropriate questions for job applicants. Advanced preparation of interview questions can help keep interviews on track and avoid potential liability for discrimination caused by careless questioning that strays into illegal areas.

•Applicant Evaluation Form

—This is an example of a form supervisors can use to document and substantiate the reasons applicants were or were not selected for employment. While some supervisors might want to avoid extensive note taking during an interview, they should always record information regarding the applicant's qualifications immediately after the interview.

Federal and state law prohibits discrimination on the basis of race, color, religion, gender, age, national origin, and citizenship status. The following guidelines address the types of questions you should avoid asking job applicants because they might imply Ascot Enterprise Inc's selection decisions are made on a discriminatory basis.

All supervisors must familiarize themselves with these guidelines before conducting an interview with a job applicant. Note that these guidelines apply whether an interview is conducted over the telephone or in person and whether the interview is for an open position or for informational purposes only.



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## **Prohibited Questions**

Personal questions usually are inappropriate and are the ones most likely to indicate potential bias. Even the most basic personal questions, such as asking about an applicant's name, can lead to bias charges.

For instance, asking for a maiden name, whether an applicant has legally changed his or her name, or the history of a name might imply gender and national origin bias.

Questions about a job applicant's age, birthplace, height, weight, marital status, child care arrangements, religion, financial status, salary history, and the like almost never have a specific bearing on the individual's ability to perform a job and should be strictly avoided. Interviewers also must avoid asking questions about health, medical conditions, workers' compensation claims, and military discharge.

Indirect questions about personal characteristics are just as improper as direct ones. "What religious holidays do you observe?" is no better than directly asking a candidate to identify his or her religion. "How many years before you plan to retire?" is no different than asking the candidate's age.



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## Examples of Appropriate Questions

### Work Eligibility

With careful wording, the following questions can be asked:

- Are you eligible to work in the United States?
- Where do you reside?
- Can you submit a birth certificate or other proof of age if you are hired? Are you over 18?

### Reasonable Accommodations

Interviewers cannot directly or indirectly ask questions related to an individual's disabilities. If an applicant's disability is evident, the interviewer can ask whether the candidate will need a reasonable accommodation to perform essential job functions. If the answer is yes, the interviewer can ask about the type of accommodation that the individual would need. A carefully worded question, such as the one below, focusing on the individual's ability to perform essential job functions also is permissible.

- Do you know of anything that would limit your ability to perform the essential functions of the job as described to you? If so, what accommodation can be made that would enable you to perform those functions?

### Criminal Records

Interviewers should never ask applicants if they ever have been arrested. However, the following question is permissible:

- Have you ever been convicted of a crime?

Interviewers should always tell the applicant that a criminal conviction does not bar employment, but can be considered in relation to job requirements.

### Qualification Questions

The best questions to ask are those directly related to job qualifications. The following are examples:

- Do you have a NAME OF LICENSE license?(Ask only if the license is relevant to the position in question.)
- What projects did you work on in your last job?
- What tools did you use to complete those projects?
- What computer software have you used?
- How many workers did you supervise in your last job?



## Personality Questions

Hiring decisions are based not only on specific job skills, but on personality attributes that are required for success in the particular job. Interviewers must be careful to keep personality questions job related and free of bias. The following are examples of these types of questions:

- What did you enjoy most about your last job?
- What did you enjoy least?
- What were the circumstances surrounding your leaving your last job?
- What would your last supervisor say your three weaknesses are?
- What are your major strengths?
- What are your career goals?
- What are some of the things about which you and your supervisor disagreed?
- Do you prefer working alone or as part of a team?

NOTE: Open-ended questions—that is, questions requiring more than a yes or no answer generally elicit the most useful information.



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## Examples of Inappropriate Questions

The following are all examples of inappropriate questions. Interviewers must never ask these types of questions:

- What is your maiden name? Have you ever legally changed your name?
- How old are you? How many years before you plan to retire?
- Where were you born? Where were your parents born?
- Do you hold citizenship in any country other than the United States?
- How tall are you? How much do you weigh? What color are your eyes or hair?

What is your race?

- What is your medical history? Do you have any disabilities? What are your disabilities? How will your disabilities affect your performance? Have you ever filed a workers' compensation claim against a former employer?
  - Are you married, single, divorced, separated, widowed? Are you living with anyone?
  - Where does your spouse work? Are you the primary wage earner for your family? Do you have children? What are your child care arrangements?
  - What are the names of your closest relatives or friends?
  - What is your lineage, ancestry, national origin, descent, parentage, nationality, or the nationality of your parents or spouse?
  - What is your religious affiliation? What holidays do you observe?
  - What is your native language? What language do you speak at home?
  - How is your credit history? Have you ever declared bankruptcy? Have your wages ever been garnished?
  - Was your military discharge honorable or dishonorable? Why did you serve with a foreign military?
  - Are you a member of any social clubs, fraternities, sororities, lodges, teams, or religious organizations?
  - Have you ever been arrested?
  - Do you have a history of alcohol or drug addiction?
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- What medications are you taking?
  - What is the name of your pastor or religious leader?



# INTERVIEW SUMMARY

Applicant: \_\_\_\_\_ Interview Date: \_\_\_\_\_

Position: \_\_\_\_\_ Salary Requested: \_\_\_\_\_

Interviewer: \_\_\_\_\_ Date Available: \_\_\_\_\_

EVALUATION	EXCELLENT	GOOD	FAIR	POOR
Enthusiasm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Experience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Required Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attitude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Appearance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:				
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments: \_\_\_\_\_  
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Recommendation: \_\_\_\_\_  
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Interviewer's Signature: \_\_\_\_\_