



# HIRING TOOLKIT: Interviewing



HIRING TOOLKIT

**PRESENTED BY**  
**Sonya Guggemos**

Senior Staff Counsel for  
Risk Control



## HIRING TOOLKIT

### SERIES WEBINARS REFERENCE CHECKS, BACKGROUND CHECKS AND PRE-EMPLOYMENT TESTING

March 13, 11 a.m.

#### RECORDED SESSIONS

View at

[MCIT.org/resources](https://www.mcit.org/resources)

- Job Applications, Advertising and Job Descriptions
- Veterans Preference Act and Candidate Screening

SLIDE 3



## HIRING TOOLKIT

### TODAY'S TOPICS



- How federal and state laws apply to interviewing job candidates
- Best practices for the interview process, preparing for the interview, conducting the interview and documenting the process
- Practical tips for making legally defensible hiring decisions

SLIDE 4

# LEGAL CONSIDERATIONS

## HIRING TOOLKIT

### STATE AND FEDERAL LAWS

- **Minnesota Human Rights Act**  
*(Min. Stat. Ch. 363A)*
- **Federal laws, including:**
  - Americans with Disabilities Act (ADA)
  - Title VII of the Civil Rights Act of 1964
  - Age Discrimination in Employment Act (ADEA)
  - Genetic Information Nondiscrimination Act (GINA)
  - Uniformed Services Employment and Reemployment Rights Act (USERRA)
  - Immigration Reform and Control Act



SLIDE 6

PROTECTED CLASSES

SLIDE 7

- Race (including traits associated with race)
- Color
- Creed
- Religion
- National origin
- Sex
- Marital status
- Public assistance
- Disability
- Familial status
- Sexual orientation
- Gender identity



- Age
- Local human rights commission activity
- Pregnancy

FURTHER PROTECTIONS

SLIDE 8



- Genetic information
- Military service
- Citizenship or immigration status
- Criminal record or history
- Past workers' compensation claims
- Sick leave use (eg., FMLA)

EXCEPTIONS

- Bona fide occupational qualification (BFOQ)
- As required or allowed by law



SLIDE 9

BEST PRACTICES



BEST  
PRACTICES

SLIDE 11

- Establish interview processes
- Prepare for the interview
- Conduct an effective interview
- Document the process



ESTABLISH INTERVIEW  
PROCESSES

## FIRST STEPS

- Number of interview rounds or phases
- Amount of time between each phase or round
- Method and timing of informing candidates of status



SLIDE 13

## INTERVIEW DETAILS



- Type of interview  
(in-person, video, phone)
- Location of interview
- Length of interview
- Number of interviewers
- Interview structure

SLIDE 14

## EVALUATION OF CANDIDATES

SLIDE 15



- Require written interview questions
- Standard evaluation form for conducting interviews
- Nature and timing of other submissions from candidates

## TRAIN INTERVIEWERS

SLIDE 16



- Entity policies, procedures in hiring
- Avoid exposures in the interview process
  - Drafting questions
  - Conducting the interview
  - Evaluating candidate responses
- Applicant data under the Minnesota Government Data Practices Act

# PREPARE FOR THE INTERVIEW

## HIRING TOOLKIT

AN  
EMPLOYMENT  
INTERVIEW  
IS ...



- Conversation designed to exchange job-related information about
  - Applicant
  - Employer
  - Position
- With objective of determining if applicant is suited for a particular position

SLIDE 18

GATHER INFORMATION

- Review job description
- Consult with supervisor, current employees
  - What are skills, attributes, behaviors of successful employee?
- Create list of important behaviors, attributes, skills, abilities, etc.



CAUTION!



Interviewers and hiring manager should avoid conducting research on a candidate outside of an official background check

PREPARE  
QUESTIONS

SLIDE 21



- Ask questions that are job or business related only
- Use the interview to gather new information



Effective questions are open-ended, job-related and based upon past behavior or experience

## FOCUS ON JOB PERFORMANCE



- Use behavioral and situational questions to determine desired skills, qualities
- Use general questions related to professional attitudes, philosophies, career goals
- Ask yourself: "What are we looking for in an answer?"

SLIDE 23

## SAMPLE QUESTIONS

Desired Skills or Qualities	Questions to Ask
Leadership for a managerial role	<ul style="list-style-type: none"> <li>• Have you ever been in a situation where you had to encourage or persuade someone to do something the person may not have wanted to do? How did you approach it? What was the result?</li> <li>• A new policy is to be implemented organization-wide. You do not agree with the new policy. How do you discuss the policy with your staff?</li> </ul>
Ability to follow procedures	<ul style="list-style-type: none"> <li>• Tell us about a time when you had to make a decision about how to follow procedures.</li> <li>• Under what conditions would it be acceptable to ignore or bend policies or procedures?</li> </ul>
Specific technical skills	A project has been assigned to you. What are your next three steps to complete it?
Ability to work productively in a team	Tell us about a time when you were part of a great team. What was your part in making the team effective?
Organizational match	<ul style="list-style-type: none"> <li>• What are three things most important to you in a position?</li> <li>• Describe the ideal job from your perspective.</li> <li>• Why have you applied for this job?</li> </ul>

SLIDE 24



CAUTION!

SLIDE 25

- Do not ask about protected class status
- Avoid questions that could infer discriminatory purpose



GETTING TO KNOW THE CANDIDATE

SLIDE 26

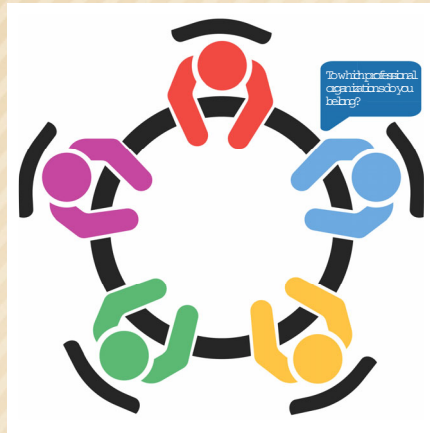


**Avoid**

Tell us about yourself

**Reason/Alternative**

- Could elicit information about protected classes
- Tell us about your work background and how it relates to our current opening

OUTSIDE  
ACTIVITIES**Avoid**

To which clubs or organizations do you belong?

**Reason/Alternative**

- Could elicit information about protected classes
- Do you belong to any professional groups that are relevant to this position?

SLIDE 27

AVAILABILITY  
TO WORK**Avoid**

- Is there any *reason* you can't work:
  - Overtime?
  - After 5:00 p.m.?
  - On Saturdays?
  - On Sundays?
- Is there any *reason* you can't travel for work?

**Reason/Alternative**

- Could be familial status or religious discrimination
- Instead:
  - This job requires working on Sundays. Can you do that?
  - Are there specific days and times you cannot work?
  - What hours and days can you work?

SLIDE 28

## LANGUAGE SKILLS



### Avoid

- Is Spanish (or other language) your first language?
- What language is spoken in your home?

### Reason/Alternative

- Could be national origin discrimination
- If the job requires additional languages: What language(s) do you speak, read or write fluently?

SLIDE 29

## SALARY HISTORY

### Avoid

- What is your current salary?
- What was your starting and ending salary in past positions?

### Reason/Alternative

- Violation of the MHRA (pay history)
- What are your salary expectations for this job?



SLIDE 30

# CONDUCTING THE INTERVIEW

## HIRING TOOLKIT

### STRUCTURE THE INTERVIEW



- Predetermine interviewing roles and format (if needed)
- Develop short descriptions in advance of:
  - Position
  - Department
  - Entity
- Review application materials prior to interview
- Be familiar with interview questions
- Be aware of hiring processes, timelines

SLIDE 32

CONDUCTING  
THE  
INTERVIEW :  
GREETING

SLIDE 33

- Greetings and introductions
  - Be careful of small talk and making personal connections
- Provide overview of interview format to candidate



CONDUCTING  
THE  
INTERVIEW :  
SET THE  
STAGE

SLIDE 34



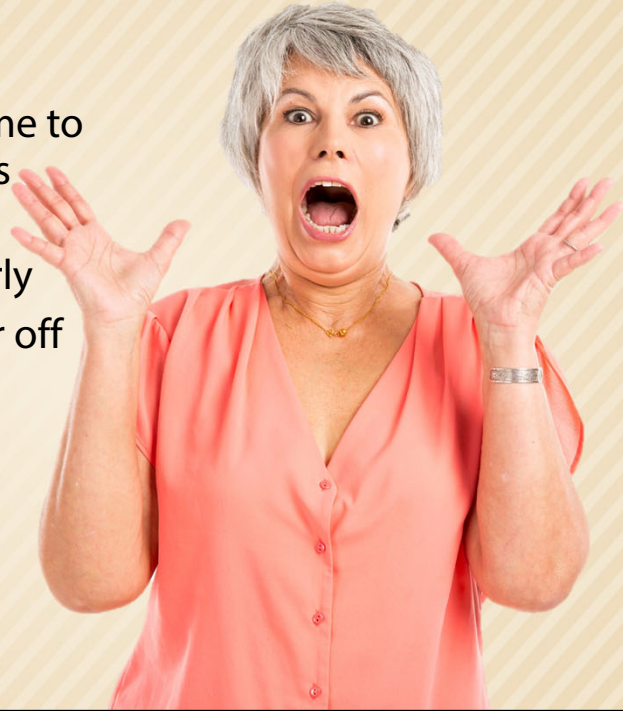
- Advise the candidate that interviewers will be taking notes
- Let candidate know when questions will be appropriate



POTENTIAL EXPOSURES

SLIDE 35

- Not giving candidate time to ask questions
- Stopping interview early
- Going too far off script



FOLLOW UP QUESTIONS

SLIDE 36



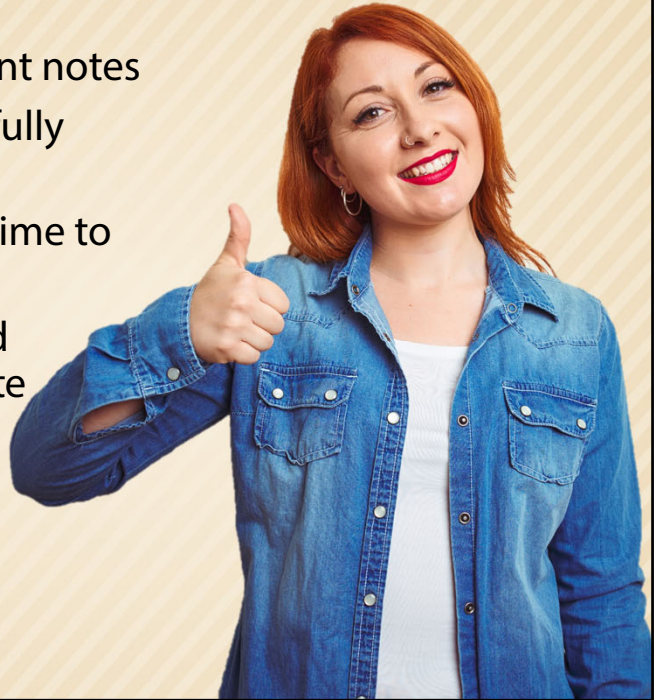
- Can you give us an example?
- Please clarify what you mean by ...?
- Tell us more about the result?
- Did you consider other options at the time?
- How did you react to that situation?
- Describe the steps it took you to get to that point?



## INTERVIEWER TIPS

SLIDE 37

- Take relevant notes
- Listen carefully
- Allow the candidate time to respond
- Be prepared for candidate questions



## POTENTIAL EXPOSURES

SLIDE 38

- Overselling the position or making guarantees
- Candidate volunteers too much information
- MGDPA concerns



## EVALUATING THE CANDIDATES

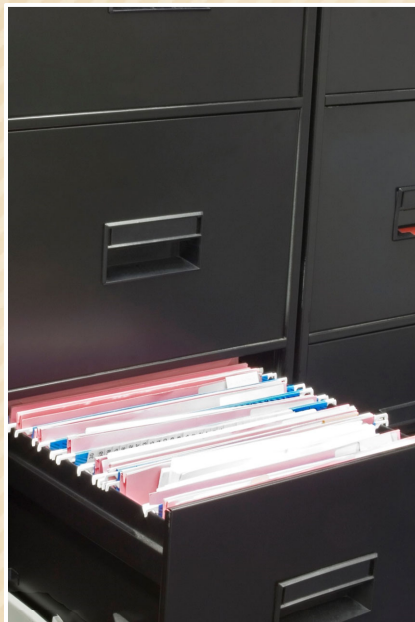
SLIDE 39



- Review interview notes, impressions promptly
  - Did he/she answer questions asked?
  - Did he/she give answer that reflected positively on his/her ability to be successful in the position and at the organization?
  - Were answers reliable?
- Be aware of inherent biases

## DOCUMENT THE PROCESS

SLIDE 40



- Documents include:
  - Interview questions and notes
  - All communications with a candidate
  - Reasons an applicant is selected to advance or not after an interview
  - Any discussion of or efforts to reasonably accommodate an applicant during the interview process
- Maintain pre-employment documents at least 18 months or according to records retention policy