

Southwestern University
Human Resources Department

Staff Search Interviewing Tips

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Staff Search Recruitment and Selection Outline

- I. Labor & Employment Law
 - A. Major Federal Discrimination Laws (table)
 - B. Major Discrimination Theories
 - C. Legal and Discriminatory Employment Interview Questions
 - D. Other Do's and Don'ts

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 - A. Essential and Secondary Functions of Position
 - B. Requirements and Preferred Requirements of Position

- III. Interviewing Basics
 - A. Pre-interview Preparation
 - B. Conducting the Interview
 - C. Post-interview Tasks
 - 1. Notes from Interview
 - 2. Complete Candidate Evaluation Form

- IV. Search Process Once the Position Has Been Approved
 - A. Determine Selection Criteria (refer to job description primary and secondary requirements)
 - B. Develop Interview Format and Candidate Evaluation Form (see examples)
 - C. Review Applications Individually – Rank Order
 - D. Review Applications as a Committee – Rank Order
 - E. Select Candidates to be Interviewed (telephone, on-campus)
 - F. Conduct On-Campus Interviews
 - G. Meet to Review Interview Evaluations, Select Final Candidate
 - H. Conduct Reference Checks
 - I. Make Offer

- V. Additional Materials

MAJOR FEDERAL EMPLOYMENT LAWS

<u>Name of Law</u>	<u>Threshold</u>	<u>What the Law Says</u>	<u>Enforcement</u>	<u>Potential Awards</u>
Civil Rights Act of 1964 (Title VII) and Civil Rights Act of 1991	15 or more employees	Prohibits employment discrimination in all employment actions based on race, sex, color, religion or national origin.	EEOC	Reinstatement, promotion, tenure, lost benefits, and back pay. If victorious, employee may receive attorney's fees and expenses. If intentional, compensatory damages for future monetary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, etc. If with malice or reckless indifference, punitive damages.
Lilly Ledbetter Equal Pay Act of 2009 (Amends the Civil Rights Act of 1964)	15 or more employees	Declares that an unlawful employment practice occurs when: 1) a discriminatory compensation decision or other practice is adopted; 2) an individual becomes subject to the decision or practice; or 3) an individual is affected by application of the decision or practice. Charges can be filed without regard to the normal 180/300 statutory charge filing period.	EEOC	Recovery of back pay, for up to two years preceding the filing of the charge.
Equal Pay Act of 1963 (Part of Fair Labor Standards Act, FLSA)	Any employer engaged in interstate commerce	Prohibits employer from using gender as basis for paying employees. "Equal pay for equal work."	EEOC	Up to double the amount of unpaid wages, attorney's fees, other relief.

MAJOR FEDERAL EMPLOYMENT LAWS

<u>Name of Law</u>	<u>Threshold</u>	<u>What the Law Says</u>	<u>Enforcement</u>	<u>Potential Awards</u>
Americans with Disabilities Act of 1990	Any employer in an industry affecting commerce	Affords disabled equal opportunities.	EEOC	Same as Title VII above.
Age Discrimination in Employment Act of 1967.	Any employer with 20 or more employees	Forbids employers from considering age as a factor in employment decisions of individuals who are at least 40 years old.	EEOC	Back-pay, benefits, reinstatement, retroactive seniority, attorneys fees. If willful, compensatory damages up to double the lost compensation.

Other laws:

Rehabilitation Act of 1973	Family and Medical Leave Act
Vietnam Era Veterans Readjustment Act	ERISA
Drug-Free Workplace Act	Occupational Safety and Health Act
Fair Labor Standards Act	(State) Workers Compensation Law
Immigration Reform and Control Act	Texas Payday Law

Major Discrimination Theories

- 1.) **Disparate Treatment:**
Most common type.
Candidate treated differently due to protected class (i.e. race, sex, etc.)
- 2.) **Disparate Impact:**
Employer makes decision based on something that seems “natural” but actually has a proportional negative effect to a protected class.
- 3.) **Mixed Motives:**
Decisions based on both discriminatory and legitimate factors.

Legal and Discriminatory Employment Interview Questions

Discriminatory Questions

- 1.) Do you have children or have to care for other family members which may require you to be absent from or tardy to work on a regular basis?
- 2.) Do you attend church? If so, which one and how long have you been attending?
- 3.) What is your birthdate?
- 4.) Have you ever been arrested? If so, please tell me what you were arrested for and when.
- 5.) Are you a U.S. citizen?
- 6.) What is the medical prognosis of your disability?

Legal Questions

- 1.) Do you have responsibilities outside of work which may conflict with this position, maintaining regular attendance, or interfere with travel which may be required?
- 2.) Same as question #1 above.
- 3.) If you are hired, can you offer legitimate documents to prove that you are at least 18 years old?
- 4.) Have you ever been convicted of a crime? If so, will this conviction have any affect on your ability to perform the essential functions of the job? Please note that this information will be considered in your recruitment process only as it relates to your fitness to perform the job being considered.
- 5.) If you are hired, can you show proof of your eligibility to work in the United States?
- 6.) If hired, would you be able to perform the essential functions of the position with or without accommodation?

Other Do's and Don'ts Regarding the Interview

DO...	DON'T...
Ask all candidates a consistent set of "base" job-related questions.	Ask questions about any "protected" category as described in Title VII (sex, race, color, religion, age, disability, national or ethnic origin, veteran status), or prohibited by Southwestern's internal policies (i.e. sexual orientation).
Ask questions regarding the candidate's specific education and work experience and how it may be directly related to the position.	Ask questions about marital status or family planning topics.
Inform each candidate about the recruitment and selection process.	Ask questions regarding health status or disability status.
Answer questions the candidate has in a candid and forthright manner.	Ask questions about birthplace, family history, native language.
Provide each candidate who is selected for on-campus interviews a packet of materials containing items such as the catalog, faculty handbook, benefits information, University publications, etc.	Ask questions about criminal arrests, financial status, prior civil or criminal suits, etc.
Ask a variety of questions: situational, behavioral, yes/no, open-ended.	Ask questions about prior discrimination law suits against prior employers, workers compensation claims, other work-related legal actions.
Ask questions about areas the candidate feels he/she needs improvement.	Ask specifically about a candidate's U.S. Citizenship or VISA status.

Update Job Description

1st : Prepare the Job Analysis

2nd : Prepare the Job Description

- Define purpose of position (1-2 sentences)
- Identify Duties and Responsibilities:
 - Primary or Essential Duties
 - Secondary Duties
- Identify Job Qualifications:
 - Required Qualifications (Bona Fide Occupational Qualification “BFOQ”)
 - Preferred Qualifications

The Hiring Manager/Search Chair should complete a Request To Fill form and send it to the HR office, which will route the request for approval and then prepare the job posting. The salary range is determined at this time (if the position is grant-related, the Business Office accounting staff will review and approve the targeted salary; otherwise, the AVP for HR will determine the salary range for regular staff positions).

Interviewing Basics

Pre-Interview Preparation:

Schedule a time and location

Choose a quiet area (no interruptions)

Set a time-frame

Let others know that you are interviewing (no interruptions)

Clear the table/desk

Present a relaxed setting

Study the materials

Make notes

Review the job description

Develop a list of interview questions (for consistency, use same questions for each interview)

Interviewing Basics

Conducting the Interview:

Develop a rapport and set the tone

Tell the person about:

- the position (review primary duties of the job from job description)
- the interview process
- when a decision is likely to be made
- process after an offer has been made (appointment letter, background check, etc.)
- organizational structure of the university

Gather information: Use a variety of questions

- legal and discriminatory questions
- informational questions
- situational questions
- behavioral-based questions
- open-ended questions

Close the Interview – ask candidate if they have any questions, review next-steps

Interviewing Basics

Post-Interview Tasks:

Review your notes from the interview and fill-in any gaps

Complete an Interview Evaluation Form

Compile/Compare Evaluations (Committee)

Discuss/Determine Final Candidate (Committee)

Conduct Reference Checks (Normally done by Search Chair)

Make Offer

The Search Chair will collect all Search materials and return them to the HR office; prepare Personnel Action Form (PAR) and send to HR; once approved, HR will send appointment letter and if offer is accepted, will conduct the background check.

Additional Materials Located on the [HR Website Page for Supervisors](#):

Interview Guide by the College and University Professional Association for Human Resources (“CUPA-HR).

Sample Interview Questions and Interview Do’s and Don’ts by the Society for Human Resources Management.