

## **Interviewing and Application Procedures For Employers**

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Significant restrictions have been placed upon the application/interviewing process for employment. Pre-employment inquiries must take into full consideration the impact of anti-discriminatory practices laws. Thus, the following should be the starting point for any hiring process:

**Information should not be sought, either directly or indirectly, if the employer may not lawfully rely on that information in making its decision to employ or not to employ that individual. It may be presumed that the employer would have asked the question only if the answer affects its decision to offer or withhold employment.**

In other words, if there is an investigation of charges of discrimination, the burden of proof is upon the employer to show that answers to all questions on an application or in an oral interview are not used for a discriminatory purpose.

Each question asked on either an application or in an oral interview should be scrutinized with the following two questions:

- 1. Will the answers to this question, if used in making a selection, have a disparate effect in screening out minorities and/or members of one sex?**
- 2. Is this information truly needed to determine an applicant's competence or qualification for the position?**

Therefore, a structured interview format is advisable to minimize the interviewer's own personal biases and subjective impressions and to maximize the amount of lawful job-related information which can be received and imparted.

The following areas are particularly sensitive:

- A. Race**
- B. Color**
- C. Religion**
- D. Gender**
- E. National Origin**
- F. Handicap**
- G. Age**
- H. Ancestry**

Idle "chit-chat" regarding an applicant's family or background even if intended by the interviewer to merely "break the ice" can easily backfire against the employer and should be avoided. Questions about marital status, plans for a family, etc. which are frequently asked of female applicants should be strictly avoided.