

TO: Selection Committee Members

FROM: Sonja Wease, Assistant Director of HR, Employee Achievement

SUBJECT: Hiring Process

The role of the Selection Committee in the hiring process is to review applications, conduct interviews and reference checks, and recommend a candidate or a list of evaluated candidates for a particular position. The Chairperson of the committee shall ensure that all applicants receive due consideration for the position. The Chairperson shall request any required and additional application information not provided by candidates for the committee to complete a thorough evaluation.

Committee members and anyone else having access to applicant files and/or participating in the interview process should be aware that applicant information is confidential. Information obtained from applicant files and from the interview process should not be distributed or discussed with other employees or anyone else not involved in the hiring process.

Illinois Eastern Community Colleges complies with federal and state disability laws and makes reasonable accommodations for applicants and employees with disabilities. If a reasonable accommodation is needed to participate in the job application or interview process, to perform essential job functions, and/or to receive other benefits and privileges of employment please contact Human Resources at (618) 395-5299, extension 5522.

Practices inconsistent with the published hiring process and procedures should be reported to the appropriate College President or the Chancellor.

Attachments

ILLINOIS EASTERN COMMUNITY COLLEGES

Hiring Guidelines

Job Requisition Form

Hiring managers should complete and submit the job requisition form to Human Resources for replacement and new positions.

Position Announcement

Position announcement language should describe the position and any qualifications needed for the job but should never include anything that might be discriminatory. For example, advertisements should not include statements such as “the employer is seeking someone young and energetic”.

Application and Interview Process

Pre-employment applications and personal interviews are utilized to evaluate applicants and to select the best qualified candidates for employment. Federal and state statutes prohibit discrimination in any phase of employment on the basis of race, color, creed, religion, age, sex, national origin, ancestry, disability or any other legally protected status.

The law presumes that all questions asked on an application or during an interview will be used in the hiring decision. Therefore, any inquiry that is not essential to effectively evaluate an applicant’s qualifications for the particular position should be avoided. For example, questions that identify an applicant’s age, sex, disability, or membership in a minority group should be avoided. The use of pre-employment inquiries which disproportionately screen out females or members of minority groups and are not valid predictors of successful job performance or are not justified by business necessity are prohibited. (See attachment on pre-employment inquiries.)

Initial Considerations

The grounding focal point of any employer’s hiring process should be “job relatedness.” By checking intended questions and actions against these considerations, employers can potentially limit exposure to legal liability: **“Is this question or action going to reveal information that is related to the job we are seeking to fill?”** and **“How is the information we might learn through this question or action related to the job we are seeking to fill?”**

Employers should design the interview process so that applicants are asked only those questions that are legitimately job-related. Many questions that an employer could ask of its applicants may unintentionally become evidence of discrimination by the employer.

Job Descriptions

Job descriptions establish objective qualifications for the job that can be used to screen applicants and avoid unintended or perceived discrimination. In addition, a well-written job description will give applicants a clear understanding of the nature of the position and its requirements. **Providing a job description to the applicant during the interview will clarify duties of the job. The job description may be used as an interview tool in order to determine**

if the applicant can perform the functions of the position. Contact Human Resources for the most up to date job description.

Conducting the Interview

Suggested Approach to the Interview:

An employer should generally ask only job-related questions and should not unnecessarily delve into questions about an applicant's private life.

Ask questions that help determine who the most qualified candidate is.

Probe for information and clarification by asking either open-ended or who, what, where, when, why, and how-oriented questions.

Evaluate the applicant's responses substantively; that is, do the answers clearly convey relevant information about the applicant; do the answers provide adequate information upon which to assess the applicant's skills and ability; do the answers indicate that the applicant is aware of the positions essential functions?

Basic Cautions

The interviewer should not:

Ask questions that are per se unlawful or suspect or might be misconstrued or misinterpreted as such, meaning that the questions sends a message that an employer is evaluating applicants based on discriminatory grounds.

Make promises or give guarantees. Salary/wages should not be discussed unless this information is included in the position announcement. Interviewers may be found to have contractually bound the employer based on promises made in an interview.

Interview Documentation (Interviewer Notes)

Notes should serve to refresh or prompt the interviewer's memory. Interviewers often forget what occurred during a particular interview; applicants, on the other hand, have long memories. Notes should *never* indicate an applicant's race, age, national origin, sex or disability (and interviewers should not use a code or symbol for these categories).

Reasonable Accommodations

The Americans with Disabilities Act (ADA) requires that an employer make reasonable accommodations in the hiring process. For example, if an applicant's sight is impaired, an employer may need to provide oral questions for the written application questions. The ADA requires that an employer provide such reasonable accommodation only if the applicant informs the employer that he/she is disabled and needs alternative methods. **Reasonable accommodation is not required if a skill required to perform an essential function of the job is being measured.**

The Pregnancy Discrimination Act (PDA) – prohibits employers from excluding pregnant women from employment. Accordingly, questions about pregnancy, family and children should be avoided before an employment offer has been made. To go along with this, the Illinois Human Rights Act was recently amended to include the Pregnancy Protections Amendment. With this

new amendment, employers must provide “reasonable accommodations” to an employee OR APPLICANT based on conditions related to becoming pregnant, pregnancy or childbirth. This reach of this amendment is VERY broad and should be handled carefully if a request for accommodations is made by an employee or applicant.

Testing

Performance and aptitude tests measure an applicant’s skill level for a particular job. Some tests have the potential for adversely impacting certain protected groups. Adverse impact means that the test screens out individuals in protected groups such as females, minorities, or the disabled in greater proportion than for example white males. If a test adversely impacts any protected group, an employer must validate the results of the test by establishing that the test is a neutral predictor of job performance and that the criteria used in the test are related to the qualifications for the job.

Background Reference Checks

Careful screening is essential to hiring qualified and competent employees. **The candidate’s work and personal references should be checked prior to making a job offer.** Employers who do not perform a complete investigation of applicants risk either hiring employees who are not able to perform the job or hiring employees who perform “bad acts” and subject the employer to liability to third parties. Recent court cases have found an employer liable for problems caused by employees negligent driving records, or even current drug and alcohol dependency problems. While employers have a need to investigate the qualifications, job abilities, and trustworthiness of potential employees, the extensiveness of pre-employment screening should be evaluated in balance with a candidate’s right to privacy in the workplace. If an employer determines that an extensive background and credit check is required due to the requirements of the position, the Fair Credit and Reporting Act may apply. **An employer cannot require more references or different references based on a protected characteristic of an applicant.** Employers must be careful not to interfere with the applicant’s current employment. Our application form indicates whether it is permissible to contact the applicant’s current employer.

Preventing Liability

Employers can reduce exposure to potential legal liability arising from a reference check by **obtaining written consent from an applicant to contact references**, including the applicant’s current employer. The written consent form included in the hiring packet broadly authorizes the prospective employer to check the applicant’s references and should affirm that the applicant releases the prospective employer from any liability in connection therewith.

Medical Examinations

In accordance with the Americans with Disabilities Act (ADA), medical examinations are only required after an offer of employment is made. Legal restrictions exist on the types of medical screening procedures that can be used in making hiring decisions. For example, discrimination on the basis of a disability is prohibited.

Pre-Employment Inquiry Guidelines

SUBJECT	PERMISSIBLE INQUIRIES	UNACCEPTABLE INQUIRIES
NAME	"Is additional information, such as a different name or nickname, necessary in order to check job references?"	"What is your maiden name?"
RESIDENCE	Address	"Do you own or rent your home?" "Do you have any foreign residences?" "How long have you lived at your present address?"
AGE	"Can you show proof of age upon hire?" "Are you over 18 years of age? If you are under 18 years of age, can you produce a work permit upon hire?"	Age Birth date Dates of attendance at elementary or high school (or college) Dates of military service
BIRTHPLACE OR CITIZENSHIP	Statement that proof of the applicant's legal right to work in the U.S. will be required after hiring decision.	"Are you a U.S. citizen?" Birthplace of applicant (or applicant's parents or family).
NATIONAL ORIGIN	Where languages other than English are relevant to the job applied for: "What languages, other than English, do you read or write?"	Questions requiring applicant to identify national origin, ancestry or nationality. "What is your first/native language?"
RACE	Statement that a photograph may be required after hiring decision. Note: Data for OFCCP, affirmative action compliance or EEO record keeping requirements should be recorded and maintained <i>separately</i> from the application.	Questions requiring applicant to identify race, complexion, color of skin, hair or eyes. Questions requiring applicant to identify attitudes about working with, supervising or being supervised by, a person of another race.
NOTICE IN CASE OF EMERGENCY	Statements that the name and address of an individual to be notified in case of accident or emergency will be required upon hire.	"Name, address and <i>relationship</i> of relative or other individual to be notified in case of accident or emergency."
HEIGHT OR WEIGHT	Questions may be asked about an applicant's height or weight but only if height or weight is a bona fide occupational qualification (demonstrably related to safe and efficient job performance).	Height Weight

SUBJECT	PERMISSIBLE INQUIRIES	UNACCEPTABLE INQUIRIES
SEX/GENDER	<p>Applicant's sex but only if sex is a bona fide occupational qualification (demonstrably related to job performance).</p> <p>Note: This is a very narrow defense.</p>	<p>Sex/Gender of applicant.</p> <p>Questions regarding pregnancy, birth control, children, child bearing or child care plans.</p> <p>Questions inquiring whether an applicant's spouse will allow him or her to travel.</p>
PHYSICAL OR MENTAL DISABILITY	<p>Describe the various functions of the job and ask "Can you perform the job with or without a reasonable accommodation?"</p> <p>Describe your experience in performing certain functions.</p>	<p>"Do you have any physical or mental condition/disability which may affect your ability to perform the functions of the job applied for?"</p> <p>Questions regarding an applicant's general health, medical conditions, illnesses, disabilities or workers' compensation history.</p>
QUALIFICATIONS/PREVIOUS WORK	<p>Questions related to previous experience and skills that are pertinent to the job applied for, names and addresses of former employers, dates of prior employment and reason(s) for leaving previous employers.</p>	<p>Inflated experience requirements which are not job-related.</p>
RELIGION	<p>Statements of the employer's regular working hours, days or shifts and whether the applicant can work that schedule.</p>	<p>Religion of applicant.</p> <p>Any questions which tend to elicit information about an applicant's religious affiliation, e.g., involvement in church groups.</p>
EDUCATION	<p>Questions regarding extent of education/degree(s) received, names of schools attended but only where such requirements are demonstrably related to the job.</p>	<p>Questions regarding dates of attendance at elementary or high school (or college).</p> <p>Questions regarding ethnic, social or religious affiliation of schools attended, sororities/fraternities, etc.</p>
ARREST OR CRIMINAL RECORD	<p>Questions regarding convictions where accompanied by a statement that convictions will not absolutely bar employment, but will only be considered in relation to specific job requirements.</p>	<p>"Have you ever been arrested?"</p>
MILITARY SERVICE	<p>Questions regarding relevant experience gained during military service.</p>	<p>General questions regarding military experience, e.g., dates of service and type of discharge (except dishonorable), reserve duty.</p> <p>Questions regarding service in foreign military.</p>

SUBJECT	PERMISSIBLE INQUIRIES	UNACCEPTABLE INQUIRIES
FIDELITY BONDING	Statement that fidelity bonding is a requirement of employment.	"Have you ever been denied a fidelity bond or has one ever been cancelled?"
ORGANIZATIONS/ACTIVITIES	"List all job-related organizations, clubs or professional societies to which you belong – you should omit those which would identify your race, color, religion, sex, age, national origin, or disability."	<p>"List all organizations, clubs, societies, etc. to which you belong."</p> <p>Questions related to political affiliation or union membership.</p>
APPLICANT REFERRAL	"How were you referred to this position? i.e., current employee, newspaper advertisement."	Questions inquiring as to the name of the person who referred the applicant.
REFERENCES	"List those persons willing to provide personal or professional references."	<p>Requirement that applicants include a member of the clergy as a personal reference.</p> <p>Questions directed to applicant's former employer(s) or personal references which elicit information regarding applicant's race, color, religion, sex, age, national origin, or disability.</p>