

HR TOOLKIT

Interviewing

Provided by Corporate Risk Management, Inc.

Table of Contents

- Introduction4

- Legal Considerations.....5
 - Federal and State Laws5
 - Bona Fide Occupational Qualifications (BFOQs)7
 - Protected Information and Classes7
 - Background Checks.....8
 - Other Legal Missteps8

- General Overview of the Interview Process9

- Interview Preparation.....11
 - Job Descriptions.....11
 - Communication11

- Interview Best Practices13
 - Before the Interview.....13
 - During the Interview.....13
 - After the Interview14

- Pre-employment Testing.....15

- Types of Interviews16
 - Screening Interviews16
 - Selection Interviews17

- Interview Channels17
- Interview Structure18
- Interview Format and Organization.....18

- Interview Questions.....20**
 - Types of Questions20
 - Questionable Questions21
 - Follow-up Questions.....21
 - Questions from the Candidate22

- Evaluating and Making a Hiring Decision24**
 - Interview Checklist25
 - Evaluation Checklist.....26

- Ready to Interview26**

- Appendix A: Legal Resources27**

- Appendix B: Legal and Illegal Questions28**

- Appendix C: Sample Interview Questions.....32**

- Appendix D: Interview Preparation Action Items35**

- Appendix E: Job Description Checklist.....36**

Introduction

Interviewing and hiring a new employee can be a daunting process. As the interviewer or hiring manager, you are responsible for finding and hiring an individual who will be a productive member of the team.

A bad hire can negatively affect his or her team and the overall company. Not only is there a financial cost to the hiring process, but a bad hire can also contribute to a dip in staff morale and productivity. From a financial perspective, a bad hire can cost, on average, at least one-third of that position's first-year wages, increasing for positions higher in the company, such as a vice president or CEO, according to the U.S. Department of Labor.

In addition to the responsibility of choosing the right candidate, many hiring managers are stressed by the actual process of chatting with strangers to evaluate their skills and abilities. If you're new to the interviewer's side of the table or have had prior bad experiences, the interview process may seem like a complicated and difficult maze to navigate. This toolkit is designed to guide you step by step through the interview process and help you find the right people for your organization.

Legal Considerations

Employment practices, including the hiring and interview process, are subject to numerous laws, many of which protect against various types of discrimination. Noncompliance, whether accidental or intentional, can have serious consequences, including a drain on your time and finances, as well as hurting your company's reputation. The first step in your hiring process should be to develop a solid understanding of applicable laws.

Federal and State Laws

Before beginning your interviews, you should gain a basic understanding of the federal and state laws that affect the hiring process. Employers should be able to avoid the major legal pitfalls by understanding nondiscrimination laws and by ensuring that all hiring and interview activities are kept strictly job-related.

The purpose of these laws is to prevent an employer from making employment or hiring decisions based on factors that are not job-related. They do not require that preference be given to an individual who is protected by one or more of the federal discrimination laws.

Documentation of hiring decisions is key for an employer to show that decisions were based on job qualifications and not on a protected characteristic(s). Without detailed documentation, it will be difficult for an employer to defend itself against litigation brought by a disgruntled candidate.

While these laws generally pertain to employers with more than a certain number of employees, adhering to them is good business sense for most employers. For example, the courts may throw out an age discrimination suit if the employer has fewer than 20 employees. However, the adverse effect on the company reputation and the financial costs can be devastating. You should be familiar with the following federal employment laws:

- Title VII of the Civil Rights Act of 1964
 - Prohibits employers from discriminating against employees or applicants on the basis of sex, race, color, national origin and religion
 - Covers employers with 15 or more employees
- The Americans with Disabilities Act (ADA)
 - Prohibits discrimination against an otherwise qualified individual on the basis of his or her disability or perceived disability, as defined by the ADA
 - Requires covered employers to provide reasonable accommodation(s) to qualified individuals—both candidates and employees—in order for them to perform the essential

Interviewing | Provided by Corporate Risk Management, Inc.

- job functions, unless such an accommodation would impose an undue hardship on the employer, as defined by the ADA
- Prohibits employers from making disability-related inquiries and from requiring medical examinations prior to making an offer
- Covers employers with 15 or more employees
- The Age Discrimination in Employment Act (ADEA)
 - Prohibits an employer from failing or refusing to hire, discharging or otherwise discriminating against any individual based on age (40 years and older)
 - Covers employers with 20 or more employees
- Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)
 - Prohibits discrimination against employees or applicants because of genetic information
 - Covers employers with 15 or more employees
- The Immigration Reform and Control Act (IRCA)
 - Prohibits discrimination based on national origin or citizenship
 - NOTE: Employers should simply ask applicants whether they are lawfully able to work in the United States and if they will be able to submit the necessary documentation to complete the Form I-9.
 - Covers employers with four or more employees
- The Fair Credit Reporting Act (FCRA)
 - Requires strict notice and authorization provisions. For example, the written release and disclosure form, which the employer must obtain prior to running a consumer report, must be provided to the applicant as a stand-alone document and not attached to any other documents, such as an employment application.
 - Covers employers that use a third-party agency to conduct background checks or consumer reports, but does not cover employers that conduct background checks in-house
- Pregnancy Discrimination Act of 1978 (PDA)
 - Prohibits sex discrimination on the basis of pregnancy, childbirth or related medical conditions

As you review the legal aspects of the hiring and interview process, keep in mind that the above list is neither an all-inclusive list nor a full discussion of employment discrimination issues. In addition to federal law, you should have a basic knowledge of any state-specific laws that affect hiring. It is a good idea to consult legal counsel for any questions regarding employment compliance.

Bona Fide Occupational Qualifications (BFOQs)

BFOQs are the qualifications necessary to meet the essential requirements of the job. Title VII of the Civil Rights Act allows an employer to discriminate on the basis of religion, sex, national origin or age in instances where religion, sex, national origin or age is a BFOQ. However, you need to be very careful when making a hiring decision based on BFOQs that could be deemed discriminatory.

The U.S. Supreme Court has interpreted BFOQ narrowly. For example, rationalizing a sex-based BFOQ on gender stereotypes or customer preferences for one gender over another is not a legitimate BFOQ. In addition, there is no BFOQ for race or color discrimination.

Protected Information and Classes

Information you can't use to make a hiring decision includes race, sex, age and disability. According to a [CareerBuilder survey](#), 1 in 5 employers has inadvertently asked an illegal interview question. In order to stay on the right side of the law and avoid discrimination, you need to know how to navigate these topics, and what questions must be avoided.

Any question that directly or indirectly inquires about an individual's protected class status or a factor that is not job-related should not be asked. You should avoid inquiring about a candidate's age, gender, disability, race, sexual orientation, marital status, national origin, religion, finances, military discharge, union involvement, worker's comp claims and arrests. Consult [Appendix B](#) for examples of questions you can and cannot ask regarding these topics.

If candidates offer private or protected information voluntarily, you should direct the conversation away from these topics and make sure that the information is not recorded or used as a factor for consideration.

If a candidate has an obvious disability, however, you can and should discuss with the candidate whether he or she would be able to perform the essential functions of the position with or without any reasonable accommodations. It would not be permissible, however, to begin to inquire about the candidate's **specific** disability or medical condition.

Regarding religion, employers must accommodate an employee's sincerely held religious beliefs or practices unless the accommodation would impose an undue hardship, which is defined as more than a minimal burden on the operation of the business. A religious practice may be sincerely held by an individual even if it is newly adopted, not consistently observed or different from the commonly followed tenets of the individual's religion.

Background Checks

A background check may seem like a natural part of the hiring process, but be careful about treading on shaky legal ground. “Ban-the-box” legislation is rapidly spreading, and new legislation is being passed in cities, municipalities and states across the nation.

Specific laws vary, but ban-the-box laws generally require removing any inquiry into past conviction records from the employment application. Employers with multiple locations in varying states or cities may want to adapt a universal application or include a disclaimer on the application for job candidates in jurisdictions with ban-the-box.

Many laws limit when an employer may conduct background checks, such as restricting a background check until after an offer has been made. Regardless of the legislation where you are located, this is generally a good practice to follow.

Other Legal Missteps

Some states have passed laws prohibiting employers from requesting or requiring access to employees’ social media login information. During the interview and hiring process, using social media can be risky as the employer may obtain unverified information about a candidate that is protected, such as his or her age, race or disability. In addition, before deciding to review social media, evaluate whether you will gain necessary and relevant information by doing so. If you do not need to view candidates’ social media accounts, it is better to not do so.

A couple key things to consider if you do choose to use social media in recruiting or screening efforts:

- You should draft a formal policy stating what information the employer looks for on a social media site and how the information is used in the hiring process.
- You should review all candidates’ social media consistently; avoid “cherry-picking” candidates that you will search on social media.
- You should know that the FCRA may be applicable if you use a third party to screen social media as part of a background check.
- Do not request or require the login credentials for the social media accounts of applicants.
- You should designate someone who is not directly involved in hiring decisions to review social media. This person can filter out information related to protected statuses, such as disability, race or age, when reporting relevant findings.
- You should consult legal counsel before using social media for screening and background checks.

For more information on legal considerations, see [Appendix A](#).

General Overview of the Interview Process

The interview process is not the same for every company or even for every position within a given company. However, following a general, overarching timeline will streamline the hiring and interviewing process.

The steps listed below are a basic outline of the hiring process and show where interviews fall within that timeline. Steps may overlap in actual implementation, or you may need to add or skip steps as you see fit. Information on these steps will be covered in greater detail throughout this toolkit.

- Define the role. The job opening may be a new position, or you may have to adjust a role that was vacated; either way, do not assume that the role needs to look exactly like it did with a previous employee. Define the role for what your current business needs are.
- Write (or revise) a job description.
- Determine salary range and the basic benefits package.
- Choose who will be part of the hiring team. Likely HR, the hiring manager and possibly other members of the team, department or board will need to be involved. Decide who has the hiring decision responsibility—will it be a group consensus, or will HR or the hiring manager have the final say?
- Post the job opening to job boards or otherwise announce that it is open. Clearly state where (and to whom) resumes should be sent and any other information about how applications should be received or what should be included.
- Accept resumes and job applications. Decide who will review resumes to choose candidates for interviews.
- Determine who will conduct the interview(s). You will likely involve more people for jobs with more responsibility (e.g., someone applying for a position on the executive team would likely have more interviews than someone applying for an entry-level position).
- Draft a list of questions for the interview(s).
- Decide if you will use any type of pre-interview testing to help screen candidates.
- Choose your top candidates for initial screening interviews. As you eliminate candidates, let them know that they are no longer in consideration. This can be as simple as adding their names to a form email. For candidates that have interviewed, you should send a more personalized rejection notice. However, make sure you do not send rejection notices too early in the process—if your

Interviewing | Provided by Corporate Risk Management, Inc.

top choice does not accept an offer, it might be difficult to try to reach out to an already rejected candidate.

- Bring in your top few candidates for interviews.
- Decide which candidate will be offered the position. Have a consistent evaluation process, and include all individuals who interviewed the candidates in the discussion, as appropriate.
- Complete any pre-employment testing or reference checks.
- Extend the offer. If accepted, begin the onboarding process for your new employee. If your offer is rejected, stay in contact with your second and third choices so you don't have to start the process completely over.

Interview Preparation

Before you actually sit down for an interview, you need to prepare. This includes writing a solid job description and communicating clearly with applicants.

Job Descriptions

Have a solid job description written before posting a job ad or recruiting for an opening. Here are a few things to keep in mind while writing the job description:

- BFOQs (bona fide occupational qualifications) – Make sure that you can justify your job qualifications, especially when they address otherwise-protected classes, such as age, sex or disability. Essential job functions should be accurately described, which will help you avoid problems under the ADA.
- Accurate – If you want to attract the right candidates and assess candidates according to the appropriate standards, you need to have an accurate job description. Focus on the key components of the role, separating must-have qualifications from want-to-have qualifications.
- Detailed – Vague, jargon-laden descriptions don't help potential candidates, and they are counterproductive for HR and the hiring manager when they are trying to determine who best fits the job opening.

See [Appendix E](#) for more information on creating job descriptions.

Communication

After receiving an application or resume, you should respond promptly to the candidate, indicating that it was received and that you will contact him or her about the possibility of an interview. At this point, an auto-response is acceptable. Acknowledging receipt of the application and the intention to follow up reduces the number of follow-up calls and emails you might otherwise receive from candidates.

After scheduling an interview, tell the interviewee what to expect, including important but easily overlooked details:

- Where to go
- Where to park
- Who to ask for

Interviewing | Provided by Corporate Risk Management, Inc.

- How long the interview will last
- How many interviews (if meeting with multiple interviewers)
- Whether he or she will have to fill out an application or take a test on-site
- Level of dress, if your company deviates from the industry standard for apparel (e.g., casual dress when the norm is business or business casual)

Following each interview, tell the interviewee when he or she will hear from you next. Indicate what the next step will be (e.g., another interview, a decision to hire or not).

Interview Best Practices

Many factors influence what your hiring and interview process will look like, including your company type and size, your personal interviewing style and the position in question. Regardless, there are some best practices that generally apply to most interviews. Below are suggestions to help facilitate an efficient interview process.

Before the Interview

Preparation is key:

- Review the job description and the candidate's resume, application and any other pertinent information before the interview.
- Have a standard list of questions and method of evaluation.
- If you're the hiring manager but don't work closely with the job or aren't familiar with the skills required for the open position, talk to others on the team who understand the day-to-day process and needs for the role to gain better insight before interviewing.

During the Interview

Don't let nerves take over the interview; plan how you will conduct the interview and be aware of your own role in the interview conversation:

- Start with small talk, but don't let chattiness (especially nervous chatter) distract from the goal of the interview.
- Have an awareness of your own body language. If you're new to interviewing, you're probably nervous about the interview, too. Make sure you don't inadvertently send nonverbal messages that you're angry or closed down during the interview conversation.
- Take notes; writing notes verbatim can help you remember better later. However, do not mark down the race, gender, etc., of a candidate, as these notes could be used against you in the event that you don't hire a candidate and are later charged with discrimination.
- Make sure to listen to the interviewee's full answer, without interrupting. Use [follow-up questions](#) and silence to get more information from candidates.

Interviewing | Provided by Corporate Risk Management, Inc.

- Consider touring the work area with the candidate. You can observe the interviewee's reaction to the workplace (e.g., a disappointed look at your open office space), and a tour helps the candidate assess how well he or she sees himself working for your company.
- Close the interview by asking for questions, then asking the candidate if he or she is interested in the position now that he or she has learned more about the job and company during the interview. You may learn even more about a candidate and his or her fit for the role based on the questions he or she asks of you.

After the Interview

You likely won't have an instant answer—and certainly shouldn't give one—when you part ways with the interviewee. Good follow-up practices will help you make the best hiring decision and keep the candidate informed of what is happening:

- Ask the receptionist and others who interacted with the candidate “unofficially” for their opinions—some individuals act very differently when they don't think they're being watched or evaluated.
- Follow up with your top candidates by conducting reference checks. Although references will often only confirm employment or the completion of a degree, sometimes you can gain good insight about a candidate.
- Follow up with the candidate, whether or not you decide to hire him or her.

Pre-employment Testing

Pre-interview or pre-employment testing is used to help narrow a field of candidates. These assessments can take many forms and have various purposes, but they are typically implemented to help quantifiably determine candidate qualifications and “fit.” Tests may be designed to assess skills, knowledge, cognitive and physical abilities, personality and emotional intelligence, language proficiency and even characteristics such as integrity. Tests can be administered in many ways, such as in person, on paper, online or over the phone or video communication.

Before adopting pre-employment testing, you need to consider exactly what you want to test, how you will carry out the testing, and whether the tests you use have reasonable validity and comply with applicable legal regulations.

When creating or choosing a pre-employment test, whether for skills or for personality traits, ensure that it meets the following characteristics:

- Validity – A test should measure what it says it measures.
- Reliability – A test should produce consistent results (i.e., a candidate who took the same test a few days apart would produce the same, or very similar, results).
- Relevant – A test should specifically test something directly related to job duties.
- Compliant – Federal, state and local equal employment opportunity (EEO) laws may apply to testing.

Making sure that your testing is valid, reliable and legally compliant can be difficult, but the time it takes to ensure the test is helpful will be worthwhile. Well-constructed tests will help you accurately assess candidates and avoid lawsuits that could result from dubious testing practices. Before implementing any type of pre-employment test, do the research to make sure it will be a helpful tool and not a liability.

Types of Interviews

No two interview processes will look exactly alike. You can use different interview types, channels and structures to achieve the results you want. Once you decide the type of interview you will use, be consistent with each candidate for the same position.

Screening Interviews

Depending on how large your company is and how it is structured, the screening interview may be conducted by HR, an internal recruiter, a third-party recruiter or, if you are a small company, the hiring manager. The purpose of the screening interview is to narrow down your field of candidates to those who have the basic skills and qualifications you are looking for. When conducting a screening interview, focus on facts, such as, “Does the candidate have X skill?”

Performing screening interviews over the phone with candidates can save a lot of time because you can quickly weed out candidates who do not have the necessary qualifications before you bring them in for face-to-face interviews. Also, if the position requires phone skills or good verbal communication skills, a screening interview via the phone can be an easy way to determine whether the candidate has those skills.

Preparing properly for a phone interview will ensure that it is a helpful tool rather than something you just check off your to-do list.

- Prepare before the interview by reviewing the candidate’s resume, cover letter and other application materials. Have the job description and any other information you might need on your desk or pulled up on your computer screen.
- Find a quiet place so that you can avoid distractions and minimize noise that might make it difficult for the interviewee to hear or understand you.
- Don’t talk too much. You should be asking questions and then listening to the candidate’s answers.
- Have a list of questions prepared. In this initial screening interview, you will likely want to stick with questions that verify that the candidate meets basic qualifications. For example:
 - “Do you know how to use/have you used ____ software product?”
 - “How many years of experience in this field do you have?”
 - “From your resume, I see _____. Tell me more.”

Selection Interviews

After reviewing resumes and written applications and conducting screening interviews, you will be ready to bring in your top candidates for selection interviews.

Each interview should be a conversation, guided by a list of questions that are intended to help you gather the information you need to make a hiring decision. You may have one selection interview per candidate, or you may have multiple interviews for each candidate; this will likely depend on the type of position and how many people are involved in the hiring decision. An entry-level position is more likely to have a single interview, whereas a potential vice president will probably go through multiple rounds of interviews with different people before a hiring decision is made.

Interview Channels

While selection interviews typically occur face to face, one on one in the office, there are other options:

- Phone – Although a screening interview was likely conducted over the phone, a hiring manager may choose to conduct another phone interview for long-distance candidates, or if phone skills are a crucial job requirement.
- Video/Skype – A video interview may replace or follow a phone interview, and video interviews are a good way to interview long-distance or remote candidates if the position doesn't warrant paying for the candidate's travel expenses.
- Lunch interviews – Some interviewers like to take a job candidate to lunch for the interview. This is most often used for executive-level positions or for positions where “wining and dining” clients is part of the job. You can assess how the candidate handles him- or herself outside an office environment, and you can easily observe how he or she conducts him- or herself with restaurant staff, etc. You can pick up on many personality cues in addition to the information you gather from interview questions and a more casual conversation.
- Group interviews – A group interview can be conducted with either a group of interviewers or candidates, or both.
 - Group of candidates – This can be used for efficiency or to assess how candidates interact in a group setting.
 - Panel of interviewers – You can use time more effectively by having multiple decision-makers in on the same interview, and you can gain multiple perspectives by having the interviewers who are not currently asking a question observe and take notes.

As you prepare for a selection interview, you should already know from the resume, cover letter, application and/or phone screening interview whether the candidate has the basic background qualifications and skills for the job. Then, in the selection interview(s), you are seeking information regarding the candidate's abilities and capabilities, personality, motivation, etc., to determine how well

Interviewing | Provided by Corporate Risk Management, Inc.

he or she would contribute to the team or company and how well he or she would “fit” with your organizational culture and work processes.

Interview Structure

You can structure your interview in several different ways. Remember that how you interview will not only influence the information you gather from the candidate, but the type of interview you conduct will be one of the candidate’s only impressions of your company.

- **Structured** – You prepare a list of questions in the order you will ask them of each candidate. You stick to your list, possibly with follow-up questions, and you take notes. This enables you to make a very specific, point-by-point comparison between candidates since you have gathered the same information in the same way from each individual.
- **Unstructured** – You will have a list of questions but do not feel obliged to ask them in a given manner or order. This turns into more of a relaxed conversation, but you still get through your list of questions, one way or another.
- **Informal** – You have a general idea of the questions and information you need, but you allow this interview to turn into a wandering conversation. It is easy to get side-tracked with this type of interview and not gain the necessary information to make a good decision. You may also be more likely to make a hiring decision based on whether or not you personally liked the person, rather than whether he or she is actually qualified and a good fit for the team. These interviews can be useful, but be careful that personal impressions don’t overshadow qualifications.

How you structure an interview will likely be affected by the type of interview. For example, an unstructured or informal interview will pair well with a lunch interview, whereas a group or panel interview will benefit from a structured interview.

Interview Format and Organization

Generally, there are several parts to an interview, regardless of the type or structure. With some interviews, these will be clearly defined; in others, they will flow more naturally or even overlap.

1. An interview will begin with an introduction in which you introduce yourselves, and you will typically give an overview of the company, position and any other relevant introductory information you wish to share.
2. The second section of an interview is the heart of the interview in which you ask questions and engage in conversation to gather the information you know you need.
3. Near the end, you should give the interviewee a formal opportunity to ask any questions of you. A candidate may have prepared questions for you prior to the interview, or he or she may have questions based on the information that has been exchanged during the interview thus far. This is

Interviewing | Provided by Corporate Risk Management, Inc.

also the time for the candidate to interview you to some degree so that he or she can determine whether the job will be a good fit.

4. Close the interview by telling the candidate what the next step(s) of the hiring process will be and when he or she can expect to hear from you. Even if you will not be moving forward in the hiring process, let the candidate know, either at this point or in a follow-up call or email.

Interview Questions

When asking questions, always make sure that they tie back to the job responsibilities. Beware of questions that are illegal or solicit discriminatory information (See [Appendix B](#)). In addition to choosing how to structure your interview, there are many types of questions you can use. As the interviewer, you have the flexibility to determine whether you will use only one type of question, or whether you will employ a mix of question types.

Some interviewers prefer to stick to one type of question—for example, behavioral questions—throughout the entire interview. Others like to use many different types. Many human resource experts will swear by certain tips or tricks regarding special questions or questioning techniques that they like. Some interviewers will only ask one or a few questions, whereas others have seemingly endless lists of questions. Contradictory advice can be confusing, especially if you are new to interviewing job candidates.

The bottom line is that you need to find and use the questions that best enable **you** to gather the information you need about a candidate in order to make a sound hiring decision, regardless of what various experts say. Each person and company is different, and what works for someone else may not be helpful for you. Below are general types of questions and reasons why you may want to use them.

Types of Questions

Although questions can be categorized in many different ways, there are three types of questions that interviewers will typically consider using.

- **Straightforward** – Typically an open-ended question (i.e., not a question that solicits a yes/no or one-word answer), these questions directly ask about skills, competencies, background or experience.
 - Examples:
 - “Tell me about your last job.”
 - “What skills do you have that you think make you a good fit for this position?”
- **Behavioral** – With these questions, you are targeting a specific competency, such as communication, time management, collaboration, prioritizing, etc.
 - Examples:
 - “Describe a time you had to switch priorities in the middle of a large project.”
 - “Tell me about a time you led a team project.”

Interviewing | Provided by Corporate Risk Management, Inc.

- Situational/hypothetical – Similar to behavioral questions, you’re looking for how a candidate responds in a specific situation. The main difference is that instead of asking for a past example, you pose a situation and ask how the candidate would respond.
 - Examples:
 - “What would you do if you couldn’t meet a project deadline?”
 - “How would you organize a ___ type of project?”

See [Appendix C](#) for sample questions to get you started when writing your list of questions.

Questionable Questions

Not all questions are created equally. Don’t waste your time with questions that you think you “should” ask or that seem “fun” but don’t have value. Here are a few types of questions to consider avoiding:

- “What color/animal/candy are you?”– These types of questions are usually asked to help assess creativity and personality, but there are far more effective ways of doing so. How much can you actually learn by asking a candidate what candy he or she thinks he or she is?
- Brainteasers – These include such questions as the classic, “Why are manhole covers round?” Brainteasers are typically asked in order to observe how a candidate thinks when posed a challenging question under pressure, but often this will give you no real insight into the candidate’s ability to do the job. Instead, ask questions relevant to the job, or ask for an example in the past when the candidate had to resolve a job-related problem.

Remember, regardless of what types of questions you ask, they need to be relevant to the job. Be cautious when any information is offered that could be grounds for an EEOC discrimination suit if you don’t hire the person. Avoid asking any questions regarding age, race, ethnicity, color, gender, sex, country of national origin or birthplace, religion, disability, military status, marital or family status, or pregnancy (See [Legal Considerations](#) and [Appendix B](#)).

Follow-up Questions

Even with an ideal list of questions, you may struggle to get the information you need. Perhaps the interviewee is nervous or quiet and didn’t fully answer the question, or maybe he or she misunderstood and didn’t provide the information you were looking for. Regardless, you will likely need to use follow-up questions throughout the interview.

If you need more information after the initial answer, try these techniques:

- Ask the same question again, slightly reworded. This is best used if the candidate didn’t address your actual question.

Interviewing | Provided by Corporate Risk Management, Inc.

- Ask directly for clarification. “So, you said *this*. What do you mean by that?” or even, “Could you clarify that statement/answer?”
- Ask, “Tell me more.”
- Ask for an example. If the candidate simply states he or she has good time management skills, ask for an example of a project that demonstrates this skill.
- Be silent. Give the interviewee space to add another comment to his or her answer.

As you ask follow-up questions, keep two things in mind:

- Try to ask follow-up questions in a non-confrontational manner. Both the phrasing of the question and the tone of your voice can affect whether your questions are perceived as friendly and interested or argumentative.
- Make sure that you don’t pursue comments that reveal information about a protected class. For example, if the candidate volunteers information such as age or marital status, do not comment on or ask follow-up questions regarding the topic.

Questions from the Candidate

An interview should be a two-sided conversation and investigation regarding whether the job and the candidate are a good match. Specifically allowing time for the interviewee to ask questions of you is an important component of that conversation. At some point in the interview, typically after you have gone through your list of questions but before you close the interview, you should ask the candidate if he or she has any questions for you.

While interviewers may generally think they don’t have to prepare to answer questions, you should be ready to answer basic questions:

- “What do you like about your job/the company?”
- “What is a typical day/week for this position?”
- “What kind of training do you provide?”
- “What is the company culture?”
- “How does this position contribute to the team/department/company mission or goals?”
- “What is the managerial style of the person I will be reporting to?”
- “What are the key characteristics you’re looking for in a candidate for this position?”

Interviewing | Provided by Corporate Risk Management, Inc.

- “What is the next step in the interview/hiring process?”

As you answer questions, remember that the candidate is using these questions to learn more about your company and the open position. He or she is likely to use this information to make a decision whether or not to accept the job offer, if you extend one. A few guidelines for answering questions from a job candidate:

- Be honest. If you lie or cloud the truth, you might end up with a new hire that ends up leaving shortly because the job or company was not what he or she expected.
- Most candidates will not broach salary or benefits at this point, but be prepared with an answer if the candidate does ask. It’s your choice whether you want to open the discussion or simply let the candidate know that compensation will be discussed if and when a job offer is made.
- Some interviewees will ask if you have hesitations about hiring them or doubts regarding their qualifications. As you go through the interview, you will likely be forming an opinion of the candidate. Be prepared to honestly tell the candidate if you see shortcomings. This allows the candidate to address those points if he or she asks about them.

Evaluating and Making a Hiring Decision

After interviewing several candidates, you will have formed impressions of each one and (hopefully) have good notes to review. As you assess the candidates to make your decision, you need to consider how each matches up with the education, technical skills, characteristics and cultural fit needed to succeed in the open position.

Education and experience – Often you will be looking for a candidate with a certain educational background or with a certain number of years of experience in a related position. Unless truly necessary, be careful about being too rigid with this requirement. Often education and experience can be replaced with one another or a combination can give a candidate the necessary background to be successful in a new job.

Reviewing the applicant’s resume and asking appropriate questions will help you determine if the candidate has the necessary education and experience for the role.

Technical skills or abilities – The importance of a solid job description is especially relevant when determining whether the candidate has the necessary basic skills and abilities to perform a job. For a position such as a software developer, certain technical skills are non-negotiable must-haves. For other roles, your list of skills may include certain software products, but, if you have an otherwise qualified candidate who has never worked with a certain tool, you may want to consider hiring the candidate and simply providing training for that software. It is highly unlikely that you will find a “perfect” candidate, so prioritize which skills are central to the job and which skills are nice to have, but can be taught on the job.

Again, reviewing the resume or application, as well as asking questions or administering a skills-based test, will help you assess and then compare candidates’ skills and abilities.

Characteristics and soft skills – Characteristics are traits in a candidate that are necessary for success in the role, but they are things that are not easy—or are impossible—to teach. For example, this might include looking for an energetic, outgoing candidate for a customer-facing position, or flexibility for a job that requires constant reprioritization of tasks. Soft skills, such as good verbal communication skills, are also important to consider when choosing a candidate.

A face-to-face interview is often the best way to assess whether the candidate possesses the characteristics and soft skills necessary. A cover letter, writing samples and the candidate’s presentation of him- or herself can tell you a lot about personal characteristics and how they affect the candidate’s work. Behavioral interview questions will also help you assess past performance and how well the candidate used various skills to achieve work goals.

Cultural fit – The most subjective of all requirements, cultural fit considers how well the candidate will work with others on the team and in the company. Know what values are central to your organization,

and determine how well the candidate's values align with them. Remember that cultural fit is not about liking the person, but about him or her having the values and characteristics that would help him or her work well on the team. You should also be cautious about inadvertently considering a protected status as part of fit (e.g., don't allow race or sex bias to incorrectly become part of your cultural fit criteria).

Cultural fit can be assessed throughout the interviewing process. Questions that solicit information about the candidate's opinion of previous experience with key company values may give you the most objective perspective on the candidate's fit.

Interview Checklist

Consider the items on this checklist when interviewing:

- ❑ Look for detailed, specific answers that support the qualifications you're looking for in a candidate. Be wary of general answers; if the candidate cannot produce details upon follow-up questions, this could be cause for concern.
- ❑ Watch body language; understand the candidate is likely nervous, but he or she should still at least maintain basic eye contact.
- ❑ Gather multiple opinions. Especially if only one person interviews the candidate, find other ways of gathering information. For example, ask for the opinion of the receptionist or anyone else the candidate interacted with. You can learn a lot about someone by the consistency of his or her behavior when he thinks he's not being evaluated.
- ❑ Ask questions about what the candidate enjoyed and didn't enjoy at previous jobs. Some candidates will "spill all" and complain about a former boss or co-worker. Be wary of these candidates; even if it is all true, it shows poor judgment to complain about co-workers in an interview.
- ❑ Ask about the candidate's preferred work style and compare that to the job requirements. For example, does the candidate prefer solo work but the job requires a lot of collaboration?
- ❑ Conduct the "airport" test. This is especially important for teams that work closely with each other or with customers. If you wouldn't want to be stuck in an airport with *this particular person*, he or she might not be a good fit for the team.
- ❑ Gut instinct. While your gut instinct is obviously a subjective thing, if everyone who met the candidate has the gut instinct to not hire him or her, don't necessarily discount that. However, be careful that you're not allowing any type of prejudice based on protected characteristics influence this (e.g., race, sex, age, marital status).

Evaluation Checklist

When you actually sit down to discuss and choose your top candidate, you should have an evaluation process that takes a fair look at each individual. This can be done in many ways; below are some suggestions for evaluation methods or techniques.

- Ask the same questions of each candidate in the interviews so you can make a direct comparison.
- Take equal amounts of time to discuss each candidate.
- Have a checklist of requirements, and compare candidates side by side on paper.
- Develop a grading system for candidates. Each interviewer, for example, can choose a number on a scale of 1 to 4 for each qualification.

Ready to Interview

Check out [Appendix D](#) for Interview Preparation Action Items to help you get started.

Appendix A: Legal Resources

For further information regarding interviewing and employment legal considerations, check out these government resources:

- Title VII of the Civil Rights Act of 1964, EEOC – www.eeoc.gov/laws/statutes/titlevii.cfm
- Americans with Disabilities Act (ADA) and employer responsibilities, DOL – www.dol.gov/dol/topic/disability/employersresponsibilities.htm
- The Age Discrimination in Employment Act of 1967 (ADEA), EEOC – www.eeoc.gov/laws/statutes/adea.cfm
- Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), EEOC – www.eeoc.gov/laws/statutes/gina.cfm
- Immigration and Nationality Act, U.S. Citizenship and Immigration Services – www.uscis.gov/i-9-central/employee-rights-discrimination/preventing-discrimination
- Fair Credit Reporting Act (FCRA), Federal Trade Commission – www.consumer.ftc.gov/sites/default/files/articles/pdf/pdf-0111-fair-credit-reporting-act.pdf
- Pregnancy Discrimination Act of 1978 (PDA), EEOC – www.eeoc.gov/laws/statutes/pregnancy.cfm
- BFOQ informal guidance, EEOC – http://www.eeoc.gov/eeoc/foia/letters/2002/titlevii_bfoq.html
- Prohibited job discrimination, EEOC – www.eeoc.gov/facts/qanda.html
- Discrimination and pre-employment inquiries, EEOC – www.eeoc.gov/laws/practices/
- Background checks, EEOC – www.eeoc.gov/eeoc/publications/background_checks_employees.cfm
- Religious discrimination, EEOC – www.eeoc.gov/laws/types/religion.cfm
- Employee social media use, National Labor Relations Board – www.nlrb.gov/news-outreach/fact-sheets/nlrb-and-social-media

Appendix B: Legal and Illegal Questions

There is some information that you need to know, such as whether a candidate can legally work in the United States, but **how** you ask questions regarding citizenship and similarly sensitive topics will determine whether you are asking legally allowed questions. The following is a list of topics and related questions that you should either avoid or that are allowable.

Age

Avoid:

- “How old are you?”
- “What year did you finish school?”
- “How do you feel about working with people younger than you?”
- “You must be getting close to retirement age...”

Allowable:

- “Are you 18 years or older?”

Gender

Avoid:

- “Do you plan on having children?”
- “Child care is so hard to find. Do you have any babysitting problems?”
- “What is your maiden name?”

Allowable:

- “Is there any reason that will prevent you from performing specific job requirements such as traveling?”
- “What hours and days can you work?”
- “Have you ever worked under a different name?”

Interviewing | Provided by Corporate Risk Management, Inc.

Disability

Avoid:

- “Do you have any disabilities?”
- “How would you rate your health?”

Allowable:

- “Are you able to perform the duties of the job with or without accommodation?”
- If the applicant indicates that he or she can perform the tasks with an accommodation, you may ask: “What accommodation would you need in order to perform the tasks?”

Race

Avoid:

- “You would be the only African American/Asian/etc. in the department, how does that make you feel? Could that be an issue? Do you think you would fit in?”
- “What race are you?”

Allowable:

- None

Sexual orientation or marital status

Avoid:

- “Are you married?”
- “What is your marital status?”

Allowable:

- Emergency contact information should be requested only after employment.

National origin

Avoid:

- “Where were you born? Of what country are you a citizen?”
- “You have a unique name. What nationality is it?”
- “Is English your first language or did you learn it in school?”

Interviewing | Provided by Corporate Risk Management, Inc.

Allowable:

- “Are you legally eligible to work in the United States?”
- After making a conditional offer, the employee should be informed that he or she would be required to complete a Form I-9 and produce documents proving eligibility to work in the United States.
- If it is a requirement of the job, an employer may ask about an applicant’s foreign language skills.

Religion

Avoid:

- “What church do you attend?”
- “Will you need to take time off from work to observe any religious holidays? Which ones?”

Allowable:

- “Will you be available to work the required schedule?”

Education

Avoid:

- “What year did you graduate from high school or college?”

Allowable:

- “Do you have a high school diploma or equivalent?”
- “Do you have a college degree?”

Finances

Avoid:

- “Do you rent or own your own home?”
- “How long have you lived at your present address? Please list every address you have lived at in the last 10 years.”
- “Have you ever filed bankruptcy or had your wages garnished?”

Allowable:

- None

Interviewing | Provided by Corporate Risk Management, Inc.

Military

Avoid:

- “What type of discharge did you receive? When?”

Allowable:

- “What type of education, training and experience did you receive in the military?”

Arrests

Avoid:

- “Have you ever been arrested? If so, for what and when?”

Allowable:

- An employer may ask about convictions directly related to the position. Many states have laws limiting what may be asked about an individual’s criminal background, and at what point in the hiring process information may be requested. Typically, it is best to only inquire about job-related convictions and to do so after a conditional offer has been made; consult legal counsel for specific recommendations.

Worker’s compensation

Avoid:

- “Have you ever suffered a work-related injury? If so, what and when?”
- “Have you ever filed for worker's compensation?”

Allowable:

- None

Unions

Avoid:

- “List all clubs, societies, lodges and unions you have belonged to in the last 10 years.”

Allowable:

- Inquiry into membership in organizations the applicant considers relevant to the job.

Appendix C: Sample Interview Questions

The questions you ask an interviewee will vary depending on the position you are interviewing to fill. Following is a list of sample questions to help get you started writing your interview questions.

General

“Tell me about yourself.”

“Walk me through your resume.”

“Do you have a personal mission statement or words to live by? What are they?”

“Why did you choose your major? How does your education prepare you for this position?”

“What are your strengths/weaknesses?”

“What specific skills do you have that equip you for this position?”

“Can you describe your experience with _____ software/tool/skillset?”

“How would you describe yourself in one word/three words/a sentence?”

“How do you think your co-workers/manager/direct reports would describe you?”

“Do you work better alone or on a team? Why?”

“Describe your favorite/least favorite co-worker/manager?”

“What management style best suits you?”

“How has your education/work experience prepared you for this position?”

“You’re given a _____ project/goal. What are your first steps?”

“What is your ideal job?”

“Why are you leaving/did you leave your current/recent job?”

“What motivates you? Do you need external motivation?”

“Can you meet deadlines?”

Interviewing | Provided by Corporate Risk Management, Inc.

“What do you do if you can’t meet a deadline?”

“How do you handle criticism?”

“How do you deliver feedback/criticism? Do you have an example?”

“How would you describe your work style?”

“What are your long-term goals?”

“What have you done to further your education/career development?”

“What type of educational/career development would you like to see in this position?”

“What do you like most about your current/recent job?”

“What do you like least about your current/recent job?”

“Describe a recent example of _____ skill/characteristic.”

“What would you do if you discovered your company was purposely involved in illegal activity?”

“What was your greatest challenge in the last several years? How did you deal with it?”

“What do you consider your greatest achievement at work/in life?”

“What is your favorite project in the last several years? Why?”

“Would you consider yourself a leader? Why? Explain/Do you have an example?”

“What is your leadership/management style?”

“Do you consider yourself a risk taker?”

“How do you deal with conflict? Do you have an example of a conflict with a co-worker/manager/direct report/customer that was successfully/unsuccessfully resolved?”

“How do you stay current with changing technology/industry trends/etc.?”

“What are the top two issues you see facing our industry/company/field?”

“What was the last book you read? Do you read the newspaper/online news? What was the last movie you saw?”

“What is your favorite movie/book/magazine/newspaper? Why?”

“Why/How did you become interested in this industry/field/type of work?”

Interviewing | Provided by Corporate Risk Management, Inc.

“If hired, what would be your first actions in this role?”

“What do you do for fun? What do you do in your free time?”

“Who do you admire? Who has influenced you, in your personal life or career, and how?”

“Do you set daily/weekly goals for yourself?”

“If you won the lottery/unexpectedly received a lot of money, would you keep working?”

Practical/Administrative

“Are you legally able to work in the United States?”

“Are you 18 years or older?”

“Can you work the required schedule?”

“Can you work overtime?”

“Are you willing/able to travel?”

“Are you able to lift 50 pounds/stand all day/etc.?”

“Are you willing to relocate?”

“When can you start? Can you start on _____?”

“Do you have ____ certification, which is legally required for this job? Are you willing to take the class/certification course/etc.?”

Closing

“Is there anything else I should ask you? Is there anything else you’d like me to know that we haven’t covered?”

“Why should we hire you?”

“Why do you want this job?”

“Why are you the right person for the job?”

“After hearing more about this position, are you still interested in this job?”

Appendix D: Interview Preparation Action Items

Use this checklist to help you prepare for the hiring and interview process for an open position.

- Review federal, state and local laws related to employment and hiring practices.
- Write the job description and decide on any other necessary details, such as salary range and hiring manager.
- Decide who will conduct the screening interview and what basic qualifications must be met by candidates.
- Choose what type of interview you will conduct (e.g., in the office, over the phone, at lunch).
- Decide how structured your interview will be. Do you want to work through a list of questions, or are you comfortable with a more casual, conversational approach?
- Write your interview questions. Decide if you will use one type (e.g., behavioral), or a mix of different types of questions.
- Know what questions are illegal.
- Establish a method of evaluation so you can fairly compare candidates.

Appendix E: Job Description Checklist

An accurate, current and thorough job description is an important tool for the interview process, as well as during employment. The job description is key when establishing essential job functions in regards to the ADA, and it will help a new employee gain a proper understanding of his or her role and responsibilities.

Job descriptions should be created or updated whenever hiring for a position, and they should be reviewed at least once every other year or so, as well as when the jobholders' responsibilities change.

The job description should include these components:

- The overall purpose of the position
- The responsibilities of the position with the essential functions clearly defined
- The knowledge, skills and abilities necessary for the position

Beyond the basics of the job, the job description should include the following details:

- Job Title
- Department
- FLSA Status
- Job Type (e.g., full time, part time, permanent, temporary, seasonal)
- Who the position reports to
- Grade Level