FAQ's for *Hire Power*

Recruiting:

1. Where should my unit advertise other than the Penn State website?
NAS Recruitment Services handles some of our advertising. Affirmative Action guidelines dictate that the reach of the advertisement should reflect the normal recruitment area for the position. In other words, if we regularly recruit for custodians locally, our advertisement should appear in local media. The logic here is that most candidates interested in a custodial position are not reasonably likely to relocate for such an entry-level position. However, if the nature of the position is such that the employer would reasonably expect to attract candidates regionally (e.g., statewide) the position calls for broader recruitment (e.g., Philadelphia, Pittsburgh or Harrisburg). This is typically the case for specialized positions. For highly specialized positions, the standard of the industry would dictate a national search. This is the case for most faculty positions and executive level administrative positions. The best course answer is that if the job group (not merely the immediate unit) is underrepresented for women or minorities, positions above entry level should be advertised in newspapers or regional distribution. Consult with your HR Rep to determine if the job group is underrepresented.

2. Do you have more information on NAS Recruitment Services?
Please see attached info.

3. How do I ensure diversity in the applicant pool?
Your HR Rep has affirmative action statistics and access to diversity information if candidates have identified race and gender. The HR Rep can review your candidate "short list" to see if it is reflective of availability and can refer qualified applicants from underrepresented groups. Keep in mind that all candidates must meet the minimum qualifications and that it is usually better for searches to be conducted externally to have an adequate ***and diverse*** *pool.*

4. I have an employee who is retiring from many years of service and it will be difficult to replace him/her. How can this training help?
Think strategically. Review the position for competencies, with an emphasis on the position, not the person.

5. Should we interview internal candidates before we go external? Sometimes internal candidates consider it an affront if we do not. What determines when to go external with the search?
Consider the diversity of your internal applicant pool and confer with your HR Rep on whether you should increase the diversity of the pool by going external. It is not required to interview internal candidates before considering external. If you have a couple of internal candidates that you are considering but want a bigger pool, it is better to carry them forward and then interview chosen internal and external candidates together, using the same questions.

Interviewing:

1. Why is it recommended that I do not write notes on the resume?
The distinguishing factor is not in whether the notes are written on the resume or on separate paper, but that the notes themselves are not written so that they could be interpreted as discriminatory, even though they are not, or are not meant to be. Some type of interview evaluation sheet could be helpful in prompting the interviewer to make more objective, structured notes, related to the job.

Regardless of where the notes are recorded, you should be mindful of the language and also the fact that subjective reasons are more likely to be challenged, because they could mask discrimination. (Remember: an inference of discrimination can occur on any of a number of protected class categories – age, race, ethnicity, gender, disability, veteran status, color, national origin, religion, etc. In addition, remember that some categories cut both ways – comments that can be interpreted to unreasonably favor a female over a male could support a claim of gender discrimination. All of this supports the value of behavior-based questions, and making notes on specifically how a competency was demonstrated. If you do use some subjective reasons for not hiring someone, case law suggests that you use "a clear and reasonably specific factual basis," or evidence. (e.g., instead of stating "poor appearance," state that "candidate arrived in t-shirt and shorts")

2. How long should I keep interview notes?
Penn State policy is three years, however the safest practice is four years. By the time a lawsuit gets to court, it could be more than three years and it is better to go to court with your notes – especially since we know that you will follow our guidance and not include any discriminatory comments in your notes.

3. Why can't I have a more informal conversation with the candidate, just to get a "sense of fit?"
We are not totally restricting conversational type interviewing, but are suggesting that using behavior-based type interviewing will produce more useful information. Also, keep in mind that any informal conversation is part of the interview and in a tactful manner, should be kept job-related. Be careful that extraneous information that may come up in conversation does not influence your hiring decision. Also, be conscious that cultural differences may unintentionally affect an "informal" conversation.

4. Why do we think that behavior-based questions will elicit answers that are more honest?
There is no guarantee that answers to behavior-based questions are honest, but more, probing follow-up questions will allow you to better see through inconsistencies. Be careful of asking questions based on a hypothetical situation which will give you future-oriented answers. Reference checking also can validate responses.

5. What if the candidate does not have directly related experience, but has transferable skills? How can a behavior-based question help?
Design your questions so that it is not too specific, but will allow you to assess the behavior that you desire the candidate to have.

6. What if I instinctively know in the first few minutes that the candidate is not right for the job? Do I need to continue to ask the same questions?
Yes, we recommend that you ask the same questions of each candidate. Remember that your "instincts" are not necessarily job related and could be related to gender or cultural differences. Further, your instincts may be influenced by an invisible physical or mental disability that may have been misinterpreted. By the end of the interview, your opinion or others' may have changed; or if not, everyone has been given the opportunity to demonstrate their competencies. In addition, there is always a chance that the candidate would challenge an abbreviated interview.

7. What if the candidate begins to discuss personal problems or issues like childcare arrangements?
Steer the discussion back to the job; do not write down what the candidate has discussed and do not use it in the hiring decision. Keep the discussion job-related. This also applies to more informal environments, e.g. dinner conversations. If questions about child care, medical insurance or such issues come up, it is best to put the candidate in touch with your HR Rep. Your HR Rep can knowledgably answer these questions and it is not a part of the hiring decision.

8. Is it ok to test candidates; e.g. testing on use of a certain software, asking candidate to make presentation?
Yes, pre-employment testing can be used as a selection tool as long as the test is job-related, and if all candidates are tested, under the same conditions.

9. Is it legal to ask the following questions regarding attendance?
How important is a good attendance record to you and why?
If you were rated on a scale from 1-10 for reliability and dependability, where would you fall and why?
How would you feel about covering a late shift, weekend shift or delayed start?
All are legal; however, it is best to phrase the question around whether candidates can meet the time requirements rather than opinions on their own attendance. For instance, indicate that the position requires covering a later shift, weekend shift or delayed start, and ask the candidate whether he/she could meet this requirement and ask the question of all candidates.

10. If attendance is crucial (i.e. for a 24-hour operation), can't we make a better hiring decision by knowing how much time the person has missed, for any reason, including medical leave, etc?
The Americans with Disabilities Act prohibits you from inquiring about medical leave or disabilities. Instead, you should ask if there is anything that would preclude the candidate from performing the essential functions of the job or being able to meet the time requirements. You also may be able to uncover attendance problems through the reference checking process.

11. Can I ask if the candidate is authorized to work in the US?
Yes. However, you should not ask if the applicant is a citizen of a country other than the US or the date of citizenship.

12. What if a candidate states that she is pregnant and will need FMLA after 2 months?
The Pregnancy Discrimination Act prohibits discrimination in employment of pregnant women. When interviewing, you should never inquire about pregnancy or intentions to have a family because it is not job related. It is realistic though to focus on and consider ability to perform the essential functions and availability dates for work. Remember the goal is to hire the most qualified person and that you are hiring for the long-term. It may be worth making temporary arrangements to get the right person.

13. Can I introduce the interviewee to the staff with whom he or she would be working?
Yes, that is your option. This would also give the candidate a better picture of the environment and co-workers in making the decision to accept or reject an offer.

Reference Checking:

1. Can I check references not provided by the candidate?
Yes, you may go outside the list without the candidate's permission, except for the current supervisor. In fact, it is recommended to check references other than those provided. As a prospective employer, we have the right (and a limited duty) to gather job related information about prospective employees. If you are concerned that the candidate may not want his/her current supervisor to know s/he is an applicant for another position, inform the candidate that you will wait as long as you can before contacting the current supervisor, but that you will have to do so before you can make a final decision regarding the candidate. As a courtesy, you may want to inform the candidate shortly before contacting a reference not on the list in order to allow the candidate to inform the reference (or withdraw their candidacy for the position).

2. Can I check references before the interview?
This is not a common practice, but yes, if it is your preference. (See above)

3. If I am called for a reference for a former employee, how should I respond? Should I refer the caller to the HR Rep?
It is acceptable to provide reference information if it is an honest evaluation, without malice and in good faith. Generally, employers are immune from liability if reference information is disclosed in such a fashion. Recognizing the reluctance of previous employers to disclose what could be valuable information for the hiring employer, some states, including Pennsylvania, have passed immunity laws to protect employers who give good faith references. References on internal applicants should be shared freely with other units within Penn State. If you are uncomfortable providing a reference, you may refer the potential employer to the HR Rep.

6. How much should I consider "goggled" and other online information on the candidate, such as blogs, Face book and MySpace?
It has become more commonplace for employers to use the internet to research the background of a candidate. There are advantages to conducting thorough checks, such as finding negatives not disclosed by the candidate or contradictory resumes; however, we need to consider the relevance and credibility of the information gathered, particularly from blogs and personal websites. When accessing such information, consider the relevance in the context of the job, as well as the reliability of the content, and use discretion when considering it in your hiring decisions. Also, be cautious of any potential discrimination. The most relevant information would likely appear in the form of press releases and other media, rather than on social sites.

4. Can I use Goggle or some of the social networking websites such as Face book to find out additional information about final candidates?

*We have sought advice on this from our Affirmative Action Office more recently and have been advised **not** to use these sites for several reasons: They can be fraught with danger in terms of finding out information not at all relevant to the job. Many of these sites contain both unreliable and inconsistent information; currently there is no mechanism in place on many of these sites to prevent other acquaintances of job candidates from putting false information on a site about an individual. Therefore we **do not recommend** using these sites for hiring decisions. **Reminder:** Penn State **does** do a criminal background check on all full-full time employees before they are hired. Job offers are contingent on the conclusion of the successful background check.*
(UPDATED OCTOBER 2009)

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Selection:

1. What if a search committee chair or Dean/Department Head wants to select someone who I know is not a good fit? I do not feel comfortable pushing my vote.
The reason we are conducting this training is to avoid poor hiring decisions and all search committee members should be aware that this training initiative has come down from the Provost. To avoid lack of consensus and problems when making the hiring decision, the first meeting of the search committee should include training and some ground rule setting. Also, keep in mind that what the unit director generally wants is the best candidate for the position. If you believe another candidate is better qualified, you should articulate your reasons objectively and dispassionately. If the unit director disagrees with your assessment, that is their prerogative. Remember, in the end search committees are merely advisory. If you sincerely believe that a personal relationship or discrimination is inappropriately influencing the search process, you should contact the Office of Affirmative Action for a confidential consultation.

2. Should we score the candidate individually or as a group?
To avoid potential of strong opinions swaying the scores, we recommend that you score individually at first and then come together as a group to review.

3. What if a candidate has all the right behaviors, but is not the right fit? How do you document?
First, be conscious of any cultural and gender differences that may be causing subconscious, but potentially discriminatory judgments of the candidate. Any documentation should be objective, specific and job-related, and we should avoid phrases such as "not a good fit."

4. Is there any time that you could reject an applicant due to being over-qualified?
It is best not to jump to conclusions, but to do a careful assessment on the reason for interest in the position from a seemingly overqualified applicant. Determine the definition of overqualified and if there is an opportunity to close any gaps on compensation or job responsibilities to take advantage of the applicant's experience. It is again important to use behavior-based questions as well as to present a realistic job preview to the candidate to assess fit and motivation, critical to engagement and retention of a seemingly overqualified employee.

5. Can we get performance evaluations for internal applicants for a position within the university?
Normally performance evaluations are not shared with the search committee. However, the search committee can ask candidates if they would be willing to share their most recent or last two performance evaluations. The same question must be asked of all candidates. We should not rely on the overall evaluation, but other descriptive information included in the SRDP, such as strengths and areas for development. As an alternative, consult with your HR Rep to gather SRDP information on internal candidates.

Miscellaneous:

1. Could we require a supervisor to be able to communicate in languages other than English, that is native to most of the employees in the work unit?
Yes, if you can demonstrate that it is a business necessity. In this case, the need to communicate with a large number of employees, who do not speak English, would be a business necessity.

2. What is the definition of diversity? What is the difference between diversity and affirmative action?
Diversity is a broad concept that implies inclusion of virtually all characteristics including age, disability, sexual orientation, gender identity, cultural differences, foreign nationals, etc. Affirmative action is a narrower term that emphasizes the inclusion of women and minority group members who are citizens of the U.S. Affirmative action contributes to diversity, but it is narrower than diversity itself. Further, we must distinguish affirmative action (proactive steps for the inclusion of women and minority group members) from non-discrimination on the basis of protected class characteristics (age, disability, etc.)

3. What if the candidate asks me for the interview notes? Am I required to give a copy?
No. The interview notes are property of Penn State and should not be given to the candidate.

4. If candidate calls and asks, "why didn't I get hired," what do you recommend?
Tell the candidate that he or she was not the most qualified and/or refer to Employment & Compensation. If there are neutral reasons (e.g. selected candidate had additional certifications, experience) tell candidates so they understand. If requested, we could assist with reviewing resumes and making suggestions.