



Interviewing_ Hiring the Best and Weeding Out the Rest.mp4

January 6, 2021 / 54:15:00

Emmet Ore Hello and welcome, everyone. Thanks for joining us. My name is Emmet, I'm the marketing coordinator for Avitus Group, a division partner of Vensure. And I'll be your host for the next hour. Today, our panelists will be talking all about interviewing and finding the best candidates for your company. As always, there will be a Q&A session at the end. We're going to do our best to answer all the questions today, but if we run out of time, we'll respond to those on an individual basis after the session.

Emmet Ore This webinar is brought to you, as always, by Vensure Employer Services. Vensure is the leader of 20-plus PEO partners with clients in all 50 states.

Emmet Ore Today's agenda includes laws pertaining to interviewing, what you should do before the interview, types of interviews, guidelines for interviews, assessment tests, and biases. And lastly, we'll have a Q&A session after the webinar. So if you hear a topic that you need more clarity on, feel free to submit a follow-up in the Q&A box.

Emmet Ore We're thrilled, as always, to have Robin Paggi here as our panelist for the series this month. She's a seasoned human resource practitioner specializing in training on topics such as communication, team building, and supervisory skills. I'd also like to introduce a very special guest today, Walter Sabrin. Walter is the Senior Vice President of Recruiting Services at Vensure with over 20 years of recruiting experience in both the agency side as well as the corporate side.

Emmet Ore So, with that, I'll hand it over to Walter and Robin.

800.409.8958 / info@vensure.com / vensure.com



V-INTERVIEWING HIRING THE BEST AND WEEDING OUT THE REST ©2022 Vensure



Robin Paggi Thank you. Because of the pandemic, as we know, many employers had to reduce their staffs. But there will come a day when we'll be hiring again and there will be many applicants from which to choose. A friend of mine recently filled five open positions. She had over one hundred applicants for those five positions. And you might find yourself in a similar situation soon. That's why we want to tell you about some techniques that can help you hire the best and weed out the rest.

Robin Paggi As always, there are laws pertaining to whatever topic we talk about. And the laws pertaining to interviewing include Title Seven of the Civil Rights Act of 1964, which makes it illegal for employers to make employment decisions about applicants and employees based upon, upon five protected classes: race, color, religion, sex, and national origin. And those were the original five protected classes when it comes to discrimination in employment. Last year, sexual orientation and gender identity were added to that list.

Robin Paggi Then there's the Age Discrimination and Employment Act of 1967, which makes it illegal for employers to make employment decisions about applicants and employees who are 40 and older. However, I need to tell you, in one state that I know of, and I'm talking about you, Oregon. Employers may not make employment decisions about anyone based upon any age that they are. So, one of the things to be careful about is we need to know what the federal laws are, but we also need to know what our state laws are.

Robin Paggi The Americans with Disabilities Act of 1990 made it illegal for employers to make employment decisions based upon mental and physical disabilities and also to provide reasonable accommodations for applicants and employees. And those are just some of the federal laws that have been enacted over the years pertaining to discrimination in employment.

Robin Paggi I suggest that you go to the Equal Employment Opportunity Commission website to get more information about the federal-protected classes. But as I said earlier, your state laws are also important because, for many of us, our state adds more protected classes. For example, in California where I reside, we have 17 protected classes. So, you might go to your state government website to see what protected classes are there.

Robin Paggi Now before we move on, I want to talk about what do these laws and protected classes have to do with interviewing. Interview questions cannot be based upon any of the protected classes. And you probably know you shouldn't ask questions like, what kind of mental disabilities do you have? However, sometimes interviewers accidentally ask questions pertaining to the protected classes. For example, I used to work with an attorney who is of mixed race, and she told me that at one interview - and she was being interviewed by another attorney - the interviewer said to her, "You're a very interesting color. What are you?" Well color is one of the original protected classes. You can't ask questions about someone's color, and why they're the color they are. Now the primary reason for that is that if you don't hire that person, they might file a discrimination claim that you didn't hire them because of their "interesting" color.

Robin Paggi My last name is Paggi. And so, for example, if somebody said to me in an interview, "Paggi, that's a really interesting name. Is that Italian?" Well, that's a question about ancestry. Ancestry is a protected class. Or if somebody said to me, "I see on your resume that you graduated from South High School, so did I. When did you graduate?" Well, that's a question about my age. What was your name when you were there? And that's a question about my marital status, which is also protected. So you can see that when we just chit chat with people, that can be problematic for us. And Walt is going to tell you more about interviewing techniques and building rapport with applicants. Just remember, when you're trying to build rapport with them, that chit-chat can get you into trouble. And one more thing, I always like to give examples of lawsuits that illustrate my points. So, here's a lawsuit. A female sales manager applied for a promotion and she didn't get

it, although she was qualified for it. When she asked her supervisor why she wasn't chosen, he said, "Because you have kids." that explanation ended up costing the company over \$300,000, plus attorney fees.

Robin Paggi All right. Before the interview. the first step in the hiring process is to create or update the job description. And, generally job descriptions are not required by law. I've had several jobs where I didn't have a job description. But they are a very useful tool and I recommend them as, in the interviewing process. First, job descriptions tell applicants about the requirements and responsibilities of the job. And hopefully applicants will review the job description and if they think they're not qualified, they will not apply. They probably will anyway, but we can help.

Robin Paggi Second, job descriptions should identify the essential duties of the job. Applicants must be able to perform the essential duties, with or without a reasonable accommodation, according to the ADA. For example, an essential job duty for me is to be able to operate a computer well enough to provide weekly webinars. It would not be reasonable for my employer to have to hire somebody to come to my house to help me get logged in and to participate. Also, being technologically inept is not a disability, so wouldn't have to anyway.

Robin Paggi Job descriptions can help create the interview questions. Now Walter is going to talk to you more about this, in just a moment, but here's a preview. If an essential job duty is conducting weekly webinars, then your interview question is "Tell me about your experience in conducting webinars." Job descriptions can also guide those who are making hiring decisions by highlighting the knowledge, skills, and abilities you seek in a new employee, which comes in handy for panel interviews. Example: I once worked in the HR department for the city where I reside and I was on panel interviews for positions in solid waste, animal control, parks and recreation, and other departments that I had no experience in. How did I know what questions to ask in the interview? You guessed it, from the job descriptions. And job descriptions help protect you legally should you need to defend your hiring practices. Now, why would you need to defend your hiring practices? Applicants you do not hire might file a discrimination claim against your company, saying you didn't hire them based upon their race, religion, age, or some other protected class. And the job description, along with their application, or your notes from the interview, can help demonstrate they didn't get the job because they weren't qualified for it, not because of discriminatory reasons.

Robin Paggi Strategically advertise the position. Of course, you want to advertise open positions on your company website and places like LinkedIn and Monster.com. However, remember that not everyone has computer skills or access to a computer, and you want to cast the widest net possible. So consider other alternatives like print media, television commercials, billboards, and partnering with government agencies such as America's Job Center. And they can help you recruit people as well.

Robin Paggi Review your job application to ensure it doesn't have any illegal questions on it. You can't ask things like birth dates, gender, race, or anything about protected classes. A guy in a workshop I conducted yesterday said that he recently completed an application that asked people to list their mental disabilities. And this is my cue to warn you about downloading applications from the internet. New laws are occasionally created that affect questions that employers are allowed to ask. For example, in California, a couple of laws were passed a couple of years ago that prohibit employers from asking about the applicant's previous pay and convictions. And they can't ask this on the application or during the interview. Now if you're thinking employers don't have the right to know about whether applicants have criminal records? That's not the case. It's just that employers can't ask about the criminal record during the job interview. And I'll explain a little bit more, a little bit later.

Robin Paggi Have every applicant complete an application. Now, for some positions that might seem a little elementary. You're not going to have a doctor or a lawyer completing an application, probably. But let me tell you the difference between applications and resumes. People can hide things in resumes that they can't hide in applications. For example, employment dates. On a resume someone might put that they worked at a job from 2000 through 2001. So it looks like they worked there for a year. Applications ask for more specific dates, and it might reveal that the applicant worked at that job from December 29th of 2000 through January 3rd of 2001. And that's quite a different story. And according to MarketWatch, 85% of job applicants lie on resumes. 76% lie about their job experience. 55% lie about their job duties. 33% lie about their education. And 26% lie about employment dates.

Robin Paggi And deceit isn't limited to just entry-level positions. I could give you lots of examples of people applying for jobs at the top of the food chain who lied about the things I just listed. Here's a good one. Marilee Jones was the Dean of Admissions at MIT. And she lied about the degrees that she had, which is ironic. Applications are legal documents signed by the applicant verifying that the information provided is true, and that doesn't mean it's true, however, it does make terminating someone for lying much easier when they've signed that document. And when you're verifying employment with previous employers, be sure to pay close attention to matching the candidate's information about their job duties and employment dates with what the employer says, to see if the applicant told the truth about these things or not.

Robin Paggi And then finally on screening applicants. You probably don't want to interview everyone who applies. So the first step in weeding out applications is if they're incomplete, if they have typos and grammatical errors. And now Walter is going to tell you about some other screening techniques.

Walter Sabrin Good, good, good stuff, Robin. Yup, crazy to hear about all the lying being done, but using LinkedIn and social media is a good way, you know, to get some interview preparation and some, you know, additional screening. Using LinkedIn to see, you know, the number of contacts and as well as to see if their profile matches their resume, you know, is a nice way to use that. And certainly the obvious is to the schools they went to, where they live, what groups they're a member of on LinkedIn, or do they have a lot or a few recommendations, give you a little more insight into the candidate. But it's not only LinkedIn that's the only platform out there to help you prepare to meet your candidate. There's Google, Facebook, Instagram, certainly lots others. Depending upon the type of role that you're hiring for, there may be some standards you're looking to uphold. You want to get a feel for the possible judgment and character of your candidates. Checking out their online profile could give you additional insight into who they are off the pages of their resume.

Walter Sabrin So the types of interviews. You know, first you start off with a telephone pre-screen or a video conference interview can be very useful for assessing whether an applicant's qualifications, experience, skills, and salary needs are compatible with the position in the organization. Telephone interviews are often used to narrow the field of applicants who would be invited for an in-person interview. During the pre-screen stage, the interviewer, well, they could ask the applicant enough carefully prepared questions to determine whether he or she is, you know, in fact a viable candidate for the position. It can certainly help the employer by assessing the applicant's general communication skills, clarifying unclear items on the resume, maybe asking about frequent job changes or gaps in employment. Having a candid conversation with the applicant about salary requirements sometimes, you know, certainly can weed out candidates in the beginning.

Walter Sabrin Another one is an unstructured interview. And, one of the most important aspects of giving a good interview is the "speak less and listen more" approach. I've witnessed countless interviews where the interviewer went on and on about the job, him or herself, and the company, but they didn't learn about the candidate. This is an unstructured interview and we don't recommend it.

Walter Sabrin So make sure you have at least 10 pre-prepared questions ready to go. Have them written down on a pad before the interview starts and make sure to get through them. Try not to ask yes or no questions. Instead, ask questions with, that start with “Tell me a time when...” or “What would you do if this or that happened?” Open-ended questions. Now you certainly want to give the candidate ample time to ask their questions, too. However, just make sure to ask your questions first, then ask the candidate if they have any questions before you part company.

Walter Sabrin The three most common approaches to one-on-one employment interviews are behavioral, competency-based, and situational. Behavioral and competency-based interviews both aim to discover how the interviewee performed in specific situations. The logic is based on the principle that the past performance of the candidate can predict their future behavior. How the applicant behaved in the past can indicate how he or she will behave in the future.

Walter Sabrin Here are some examples of behavioral questions. Describe a situation in which you were able to use persuasion to successfully convince someone to see things your way, or describe a time when you were faced with a stressful situation that demonstrated your coping skills.

Walter Sabrin Now competency-based interviewing can give the interviewer a sense of an applicant’s job performance and attitude toward work. Following are some examples of competency-based questions. Tell me about a time when you had to encourage others to contribute ideas or opinions. How did you get everyone to contribute? What was the end result? Or, tell me about a situation in which your communication skills made a difference in the outcome. How did you feel? And what did you learn?

Walter Sabrin Now, the situational approach is an interview technique that gives the candidate a hypothetical scenario or an event and focuses on his or her past experiences, behaviors, knowledge, skills, and abilities, by asking them to provide specific examples of how they responded, given a particular situation. Such as, you’ve been hired as the HR director in a 300-employee company and are struggling to perform the necessary HR administrative work by yourself. Your manager, the CFO tell you that you need to be more strategic. How would you handle this situation? Another example is, you learn that a former coworker at your last company is applying for an accounting position with your company. You’ve heard that this person was terminated after admitting to embezzling funds from the company, but then no criminal charge was made. You’re not in HR. What, if anything, would you do?

Walter Sabrin Now, in a panel meeting, a panel group is where we can interview a candidate by a panel of two or more people. This type of interview is usually a question and answer group. But a candidate may also be asked to participate in an exercise or test. Panel interviews can either be structured or unstructured. When organized properly, a panel interview can create a broader picture of the candidate than a one-on-one interview would produce. Even weaker interviewers can learn by observing. Also, less experienced employees can get involved in the hiring process. The panel should include no more than four or five people. A larger panel could be intimidating and unwieldy. One interviewer also should serve as the leader and other participants should serve in support roles. While all the interviewers need to be involved throughout the interview, the difference in the two roles needs to be very clear. Robin, back to you.

Robin Paggi All right. I get to talk about stress interviews, which is fun for me. Stress interviews can be all sorts of things. And what they mainly want to do is put the candidate under stress. And so, what people do who normally work in stressful situations such as law enforcement, or airlines, or sales, they do these stress interviews to see how the candidate will respond under stress, because they’re going to be working under stress. So there are various ways that they can do it. One is by intimidating questions. Asking why were you fired from your last job? Or, was your previous job too much for you

to handle? So the aggressive questions are intended to put the applicant on the spot and they are potentially offensive and difficult to answer.

Robin Paggi There's aggressive behavior. An example is if an applicant walks into the room and the interviewer is sitting with his feet up on the desk, reading a newspaper obscuring his face, and then the interviewer says, "Get my attention." and other aggressive things to see how the applicant will respond.

Robin Paggi Unexpected responses. The interviewer may ask the same question multiple times, pretending that he or she forgot or didn't understand the applicant's answers.

Robin Paggi And then there are brainteasers such as how many rats are there in New York City and how much of New York's garbage do they consume? So, just all sorts of things that various companies do in order to see how people will react to stress.

Robin Paggi Now, you've got to be careful about this, especially if you don't work in that stressful of a situation. I have a friend who said that she applied for a job in Hollywood. And unbeknownst to her, she walked into a stress interview. And so she was applying for a job as a receptionist and she walked in and the interviewer was just sitting there, and all of a sudden a phone in the corner started ringing. And so, the interviewer just stared at her and then finally said, "Aren't you going to answer it?" Well, my friend didn't think that she was going to walk into a room and answer a ringing phone. So she went over to answer it and said, "Hello." and so then she turned to the interviewer and said, "It's Fred.", and the interviewer said, "Fred who?", and so it went from there. Now, she didn't get the job, but nor did she want the job after that interview. So, that's one of the things to be careful about is that, you might have a great candidate who turns down a job offer because of the kind of interview that they had to go through. We're going to go forward and Walter is going to tell us about some guidelines for interviews.

Walter Sabrin Thanks, Robin. "How many rats in New York City?", I'm going to look that up.

Robin Paggi There's a lot of them.

Walter Sabrin For sure. For sure. So, right, back to best practices and guidelines for interviews. Establishing rapport is, you know, so important. To gain as much possible information, you know, from an applicant, the interviewer should create an atmosphere that promotes communication. Here are some suggestions for building rapport and fostering discussion. Make sure to set aside a quiet place for the interview. Schedule enough time so that the interview itself won't be rushed. Inform the candidate well in advance about the location and time of the interview. Greet the candidate with a pleasant smile, a firm handshake. Introduce yourself and anyone else who will be involved in the interview. Start in a manner that provides a comfortable atmosphere for the candidate. Outline the interview objectives and structure. Start with easier questions and gradually build to more difficult or searching questions. Only ask one question at a time. Try not to lead, or prompt, or interrupt, or help the candidate find the answer. Avoid facial expressions that could lead to an answer. Make sure to listen carefully to the candidate's answers. Probe for the applicant's ability to manage and work in teams. Assess whether the candidate would fit within your culture. And watch the interviewee's facial expressions and body language. Make sure to listen carefully.

Walter Sabrin For an interview to be as useful as possible in an employment decision process, the interviewer has to maintain complete control over the interview at all times; establishing and maintaining control, you know, it requires good questioning techniques and effective listening skills. Effective listening is very difficult, challenging, partly because people

are often more focused on what they're saying rather than on what they're hearing. The key for the interviewer is to speak as little as possible. Here are some tips for listening effectively. Minimize internal and external distractions. Focus on what the applicant is saying; in other words, put your phone down for the period of the interview. Listen to the full answer that the candidate gives before asking the next question. Clarify the candidate's answers if necessary, and ask if more information is needed. Occasionally, it may be useful for the interviewer to restate an applicant's reply in their own words.

Walter Sabrin I want to tell you about the importance of a realistic job preview. Now is not the time to sell the job. Now's the time to probe, ask open-ended questions, listen carefully and see if the person sitting in front of you matches mostly who you see. When the candidate asks you what is a typical life in the day of or the skill sets needed, tell them the truth; the good, the bad, and the ugly. You'll be happy in the long run. You may not have as many people interested in the job, but you will have an increased retention rate with less turnover. Being transparent and realistic in the interview room starts the working relationship off in the right direction. Some companies come to the interview with an unrealistic description of the role, and they make it seem like a fairy tale job just to attract more interested candidates. Don't fall into that trap. You'll make the hire, but your shiny new employee would be quickly disenfranchised in that case.

Walter Sabrin And as far as closing the interview, a popular method of closing an interview is to say that the interview is ending and to offer the candidate the opportunity to ask questions. This would enable the candidate to gain clarification on aspects of the position and on employment conditions like hours, salary, benefits. The interviewer should ask, answer the candidate's questions as frankly as possible. If it's not an appropriate time to discuss compensation - maybe other people are present - the interviewer can certainly suggest a follow-up discussion. When you close an interview, you may want to ask if the candidate's interested in the job, based on the information that you provided during the interview. Ask about their availability. Ask for a list of people who could be contacted for references. Explain the time frame for the rest of the interviews, the subsequent steps in the process, and when a decision is likely to be made. Explain how to get in touch with the interviewer and when to expect to hear from him or her. This is very important and rarely done these days. Most organizations get very upset when a candidate "ghosts" them. You know, in my opinion, let's have that same respect for the candidate as well. When the interview is over, make sure to walk the candidate to the door and thank them in person for the interview. These steps can really ensure that the applicant is left with a positive impression of the interviewer and the organization. After interviews, the interviewer should update the asset, your assessment grids for all active candidates. Robin?

Robin Paggi Yeah, one more thing is it's important to take notes. And I'm going to talk about biases in just a moment, and this is one of the reasons that you want to take notes during the interview. And you want to try to maintain as much eye contact as you possibly can with the candidate. But you want to write down what they say to the questions that you asked. So as Walt said, you want to have your questions all listed, typed up, or written up, or whatever on a piece of paper. And then as you're asking the questions, write down what the candidate said, not how you feel about what they said, because you want to be able to remember how they answered the question. And then also, this is going to help you defend not hiring somebody based upon being able to relay how they answered the question. So, that's an important aspect.

Robin Paggi And before we move on, I do want to talk about realistic job previews, echoing what Walt said. I have a client who was complaining about the high turnover of new hires. And one of the reasons is, she said that it's a dirty job. And when we interview the candidates, we tell them that it's a dirty job. They're going to get dirty on the job. But she didn't show them. And so the candidates would hear, okay, it's a dirty job and then they go and they get in the job and then they would actually find out, yes, you were covered in dirt by the end of the day. And so, I suggested to her that she take them out to the site where they're actually going to be working, and she have them talk to the people who are actually doing the job and that might cut down on the high turnover. And that was a good technique.

Robin Paggi Talking about different assessment tests. The interview alone is probably not going to provide you with all the information that you need to make a good decision about a candidate, and there are a variety of tests that you can also do with the interview, and you can even do some of these tests beforehand - before you even interview people - that can reduce the interviewing time. So here are a few. First is the cognitive ability test. And this assesses the skills that the candidate already has. Now, I used to be the HR manager at a law firm and I was interviewing people for legal secretary positions. I had never been a legal secretary and I made some bad hires as a result. One of the things that I did is have an experienced legal secretary join me in the interviews and that helped, but then the other thing is that we learned that we needed to have our candidates take a cognitive ability test, because one of the things that we would ask them is, "How good are your computer skills?" And people would say, "they're great!" And then they'd get on the job and they did not have great computer skills. So, kind of tests that we would give is typing test and a legal vocabulary test to make sure they understood legal terms, a transcribing test, because sometimes attorneys would still dictate and they, the secretaries would have to transcribe what they had said. And so we made much better hiring decisions after we actually had people prove what they knew and what they could do, as opposed to just taking their word for it.

Robin Paggi Next is a personality test. Now I love working with personality styles and information, and we don't call them a test because a test has right answers and wrong answers and, in personalities, you don't have right answers and wrong answers when it comes to personalities. But I do not like using them for pre-employment. As a matter of fact, I will not. I have had clients who asked me to administer the Myers-Briggs personality profile for job candidates and I won't do it. And part of the reason is because the Myers-Briggs people don't want practitioners to do it. But another reason that I don't is because of this. People are answering questions and sometimes they're answering questions the way they think you want them to answer the questions. And so the results of the questionnaire is inaccurate. And the other thing that I know is, is that sometimes how people see themselves, is not how other people see them. And so the results of an assessment would not provide accurate information. So I really like using personality profiles after somebody has been hired, in coaching with them, or in team building, conflict resolution. There's just a variety of reasons that you can use personality profiles for development. But in pre-employment testing, I don't like it, however, it is legal. So if you want to do it, it is legal.

Robin Paggi An aptitude test measures the general ability of a person to learn a new skill. For example, logical reasoning, numerical reasoning, math, that kind of thing. Now, whatever kind of test you do, it's got to be job-related. And the aptitude test and talking about math reminds me of a client one time who would have people applying for a secretarial position complete a math test. And I asked her, do they have to do math? And she said, "No." And I said, "Then why are you having them complete a math test?" And she said, "I don't know. That's just what we've always done." All right, well, that's one of the reasons we don't always do what we've always done. So anything has to be job-related. And I will tell you, I am lousy at math. So if I had to pass a math test for any job, I wouldn't get that job.

Robin Paggi There are psychomotor skills. This is people's physical ability to do the job. If they have to lift, pull, push, squat, all of those types of things, you send them to make sure that they can do those things. A medical exam. Some employers do have people take medical exams. Something important to know: you've got to ensure that you offer them a conditional job offer before you send anyone off for a medical exam. So that is unique to this and also with background checks. So with background checks, please check with previous employers. And a lot of times people say, well previous employers won't tell you anything. One of the things that they are allowed to say without being threatened of a defamation suit is dates of employment. Remember, what do people usually lie about? Dates of employment. They're allowed to say what the position was, what do people lie about? What the job duties were. And so, really employers are allowed to say all sorts of things about the job candidate, they're just afraid to because of being sued. But even if they only provide those two pieces of information, that can help you determine whether the candidate was true or not about those two pieces of information.

Robin Paggi And then, criminal background checks. And so as I said, in California, you cannot ask a candidate about their criminal background until a conditional job offer. And that is because of the Fair Chance Act, and a client recently demonstrated to me why that is so important. The client called me and was kind of in a frenzy, very upset because she had offered internship positions, paid internship positions, to a variety of people. They did a criminal background check for the very first time on paid interns, and one revealed that one of the candidates had committed a felony, and the felony was that he killed somebody while he was driving drunk. And so she did not want to hire him. And I said, “Well, is he going to be driving as part of the job?” “No, he won’t be driving.” “So, what are you afraid of?” “Well, how he’ll represent the company.” I said, “Because he drove drunk when he was five years younger, and as a result ended up killing somebody, he won’t represent the company well?” And she said, “No.” And I said, “Well, you might want to think more about this.” And this is exactly why we call it the Fair Chance Act. Previously on employment applications, it would ask, what convictions have you had? And if somebody listed that, then most employers would not even want to interview that person. But lots of people commit crimes and the Fair Chance Act gives them the opportunity to be employed after that crime as part of their rehabilitation. And so, that’s what all that’s about.

Robin Paggi Now, one of the things to consider, I know some employers who do not even call previous employers because they think there’s no reason to. They don’t do any kind of background check and they hire people. And there’s a problem with that. If you hire someone who was violent at a previous job and you could have found that out if you had made a phone call and you didn’t, and if that person becomes violent at your workplace, that could end up for a lawsuit for you in negligent hiring. Even if you made a call and the previous employer didn’t tell you anything, you still made the call. And by the way, when you make those calls, document that you’ve made the calls just to demonstrate that.

Robin Paggi All right. Let’s go on to Biases. I think we’re all aware that biases are conscious and unconscious, and they are preconceived judgments about people, usually based upon protected classes. They cloud our evaluation of the candidate and they can do so both negatively and positively. And when our judgment is clouded, then we are less objective and we’re less fair to the candidate as a result. So it’s important for us to be aware of our biases. And so here are a few: stereotyping. I’m sure that you are familiar with what stereotyping is, but this occurs when the interviewer assumes the candidate has certain traits or abilities because they’re a member of a certain group. Now, when we’re thinking about stereotyping, a lot of times we think about race or religion. But I had an incident when I was working with an agriculture client - and we’re talking about interviewing - and one of the supervisors said that a person had applied for a job as a fruit picker and he only had one arm. So, he just sent him away. And I said, “You didn’t interview him?” “No, why would I interview him? He only has one arm. He can’t be a fruit picker with only one arm.” Well, you know, there are athletes, professional athletes that only have one hand, and yet they are still able to be pro athletes. So, this person stereotyped people with disabilities and automatically assumed that this person would not be able to do the job. And that is problematic. And it’s also discriminatory.

Robin Paggi Next is generalization. And this occurs when interviewers assume candidates’ mannerisms during the interview are actually what they are like. And so if a candidate is nervous, then the interviewer might think that this person is a nervous person. Candidates are usually nervous during interviews, no matter how much rapport you establish with them. So, we need to remember that.

Robin Paggi Now the “halo and horn bias”. This is the most common bias that interviews demonstrate. And it’s based upon whether the interviewer has a positive or “halo view” or a negative or “horn view” of the candidate based upon what the candidate said or how they look. And so one thing, an example would be if the candidate being interviewed doesn’t speak English very well. And if the interviewer automatically has a negative bias against someone who doesn’t speak English well, when speaking English is not an essential job duty. So, that would be a “horn effect”. A “halo effect” is when, for

example, you're chit-chatting and person reveals what church they go to, or what religion they are, or what political affiliation they have, which, by the way, you shouldn't talk about at all, but sometimes applicants provide information that they shouldn't provide. And then the interviewer goes to the same church, or has the same political affiliation, or whatever, and so then they like this person as a result of that.

Robin Paggi So, one of the things that we need to remember is we tend to like people who are like us and we hire them. And we don't want a whole bunch of people who are just like us working with us, because then we get into things like groupthink. And so, we want to hire people who are different from us and that's a bias we have to overcome in interviewing.

Robin Paggi Recency is when the interviewer recalls the most recently interviewed candidates more clearly than the previous candidates, because our brains are hard-wired to remember what just happened to us as opposed to a while ago.

Robin Paggi And then contrast effect is when you're comparing candidates against each other, which you do to a certain degree, but if you are talking to a candidate who just seems okay, but then the next candidate is even worse, then that first candidate all of a sudden seems much better than they actually are.

Robin Paggi And so, how can we minimize these biases? Well, one we'd already talked about, have the same interview questions for every candidate applying for the same job, keeping notes to make sure that you remember what everybody said. You might have some numerical ratings. And so people earn a certain amount of points, and then you just add up the points, and whoever has the most points is the one who gets the job offer. Certainly, training anybody who is interviewing. Becoming more aware of your biases and unconscious biases, which is difficult to become aware of your unconscious biases if you're not conscious of them, but there are ways to make that happen. And having multiple interviewers. And maybe you don't have a panel interview where you've got five people interviewing a candidate, but maybe you've got the candidate interviews with one person and then they interview with another person separately, et cetera. So one of the things with one of my clients, is the job interview takes up about half the day during normal regular times, because they do that. They meet with one person, and then they go on to a different person, and then they go on to a different person, and then all of those people go out to lunch together. And then they talk about their differences of opinion of those candidates. So, there is a variety of things that you can do in order to help minimize your biases and help increase your ability to hire people who are the right people and not just people who fill a job.

Robin Paggi All right. That's all of the information we have for you. What questions do you have for us?

Emmet Ore Excellent. And once again, the instructions are here for submitting questions if you need them. Looks like we've got a couple good questions here right off the bat. The first one here is for you, Robin. Wouldn't a failed psychomotor test cross over to not hiring someone on the basis of physical disability, i.e., not hiring a gymnastics instructor due to the fact that a bad back prohibits them from spotting gymnasts?

Robin Paggi Right, and so that is a great question because you have to be careful about disabilities. But remember, that people have to be able to perform the essential job duties with or without a reasonable accommodation, so that holds true. And so if somebody does a physical test and some kind of disability prevents them from being able to complete the physical test, then they're, the employer has to determine whether a reasonable accommodation can be made. And so for a gym instructor who has a bad back and therefore cannot spot the gymnast, that might be a problem. And what would a reasonable accommodation be to hire that person, a spotter that might not be reasonable. So, yes, those are all things that

people need to be concerned about. And so that's one of the reasons that you want to have someone who is skilled and knowledgeable in handling those types of situations at your beck and call.

Emmet Ore Excellent. Thank you. Here's another one. Can you refuse to hire someone that has a history of theft? Does the answer change whether or not the candidate has been prosecuted or not prosecuted?

Robin Paggi Well, one of the things that you look at, and again the EEOC has information on all of this, and so it would be a good idea for you to look at that. I mentioned California quite a bit about criminal convictions, but the EEOC has standards for the entire nation on hiring people with criminal convictions. So, the things that they say is that, first of all, the crime has to be related to the job that they are applying for, if you're not going to hire them for committing a crime, and that is being convicted of a crime. And so, if theft is the answer, so what job might they apply for that you could say, no, this isn't going to work, well retail. And so that could be a clear connection between the crime that was committed and the job they're applying for.

Robin Paggi The other thing is how long ago the crime or the conviction happened. And so if it was 20 years ago then that makes a difference rather than somebody just got out of jail for committing that crime. So those are things that the EEOC says that employers have to look at. Now you said, does it make a difference whether they were convicted or not? Yes, absolutely. It makes a difference. So, one of the things you can't look at arrest, what people were arrested for. You can only look at what they were convicted of.

Emmet Ore All right. Can you ask them if there's anything they want to mention before we do their background like disclosing their criminal history?

Robin Paggi Yes, after a conditional job offer.

Emmet Ore All right. Can you speak more to what questions are allowable when calling a candidate's references?

Robin Paggi Yeah really, you can ask any question as long as it's not pertaining to the protected classes. So you can ask about their promptness, their ability to complete the jobs, how they got along with their coworkers, anything that is job-related. But you can't ask them, for example, if they were frequently late to work, you can't ask them, "Well, do they have kids? Is that why they're dropping off at school?" You can't ask them about illnesses. And so, anything that has to do with protected classes or protected activities is off-limits. And that's one of the things that I wanted to mention, also. Walter had talked about the fact that you can look at people's LinkedIn sites, and even their Facebook page, and all of that. When an applicant applies for a job, you can put them into a Google search, or Firefox, or whatever you're searching with and whatever pops up is pretty much fair game as long as it doesn't pertain to the protected classes. So for example, if somebody posts a picture of their same-sex marriage and you decide you don't want to hire them because of that, well, that's against the law, you can't do that. Or if they post pictures of their gender reveal party and you just found out that they're pregnant, well you can't refuse to hire them because they're pregnant. So, that's one of the things, too, is that it's perfectly legal to look at all of that information and to refuse to hire people because of some of the information that they post, but you cannot refuse to hire them because of the protected classes you discover that they're in by looking at that information.

Emmet Ore Okay. So how do we handle a situation where a candidate requests that we don't contact their former employer?

Robin Paggi Well, that's one of the things on employment applications for former employers. I wouldn't ask whether somebody, whether I can contact them or not. I would just tell them, "I am contacting your previous employers." If they would tell me you, "You should not. I do not want you to.", I would certainly ask, "Why?" And if I can't contact any of their previous employers, then that's not a good candidate. Now, their current employer, I understand. Please do not contact my current employer. And, if somebody said I can't contact their current employer, I would not have a problem with that, because often when you contact a current employer and they find out that, that their employee is looking for a job, they terminate them, which is perfectly legal to do. So, at least in California, it is, I'm assuming it is for the rest of the nation, because most of the rest of the nation is at-will employment - you can fire for any reason or no reason. So, that's one of the things I'm going to contact the previous employers. But if somebody tells me that I can't, then they're not a good candidate.

Emmet Ore Excellent. Okay, so what do you do if an applicant provides information that you're not supposed to ask about, such as their age?

Robin Paggi Yeah, and that happens sometimes - you have people who just start chatting away and they start revealing all sorts of information. And so one of the things is, as Walt said before, you need to control the interview, and then somebody starts revealing information that they shouldn't, you should just very nicely say, "Okay, well, let's move on to the next question." or "That's nice, but that doesn't have anything to do with the job or our hiring decisions, and so let's move on." So you want to shut it down in a nice as way as you possibly can, letting them know that information that they reveal is not pertaining to your decisions. And one of the reasons for that is that there are people who go on interviews and apply for jobs and they really don't want those jobs. They just want a good reason to file a claim against the company. And we like to call those people "benefit specialist." And no offense to those of you who are actually benefit specialists, but, again, we've come across enough people who, they just want to be able to file a claim of discrimination and the employer gives them a quick five hundred bucks to make them go away, and that's really what their job is. And so that's one of the reasons it's really important for everyone who is conducting interviews to know what the laws are, to be able to practice so that they can control the interviews, because every once in a while you'll come across somebody who is just trying to make a quick buck.

Emmet Ore Okay. Do you have to tell an applicant why you didn't hire them?

Robin Paggi No, you do not, and a lot of times it's better that you shouldn't, because they then will argue with you. And so if you say something like, "Well, you did not meet the qualifications," "Well, yes, I did meet the qualifications.", and they'll tell you a variety of reasons. So, usually you should not. But again, a case-by-case situation. And so, I don't want to have a blanket statement that you never should, just depending upon who the applicant is, and if telling them would help them in some way. But, be really careful about that, because people try to trip you up, and argue with you, or again try to find something discriminatory in your reasoning.

Emmet Ore And lastly, here. Do you have to continue with the interview if you can tell within a few minutes that you're not going to hire an applicant.

Robin Paggi You should. Yes, all interviews should be conducted consistently. And so, sure, there are times when you start interviewing somebody and it's obvious that you're not going to go on with the interview. I'll give you an example. I interviewed someone for a training position. And one of the questions or a couple of questions that I like to ask straight off is, "What do you know about the company? and Why do you want to work here?" And so, that was the first question that I asked the candidate and the candidate didn't know anything about the company, other that we were a human resources company. And so, then I said, "Well, why do you want to work here?" And, it just, it was downhill from there, as you can

imagine, and we both knew it. But, I continued with the interview because, one thing people can recover and maybe, okay, they didn't do their homework like they should have, but they might be able to recover and end up being a good candidate. But the other thing is that if you aren't consistent, again, that can lead to claims of discrimination. And so you want to be able to demonstrate through your documentation. And that's one of the reasons that you want to have job descriptions, and applications, and interview notes, and all of those things and keep them on file for a couple of years, at least, in case you get hit with a discrimination claim. That said, a person says you didn't hire me because of these reasons and you've got that documentation to demonstrate it. And so one of the things you want to find out is how long is the statute of limitations for somebody to file a discrimination claim in your state and keep those records on hand.

Emmet Ore All right. Well, that's all the time we have today, folks. I think we're going to wrap it up. Thank you for all the wonderful questions and a big thank you to Robin and Walter. We'll see you all next time.