

IN CHAPTER TWO:

- HOW TO READ A RESUME OR APPLICATION FORM
- HOW TO CONDUCT AN INTERVIEW
- INTERVIEW QUESTIONS TO ASK ... AND NOT TO ASK
- EVALUATING PROSPECTIVE EMPLOYEE ANSWERS
- MAKING A JOB OFFER WITHOUT MAKING PROMISES THAT WILL GET YOU IN TROUBLE
- FACTORS TO INCLUDE IN A JOB OFFER
- CHECKLIST FOR AN EFFECTIVE HIRE

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■ Making the Job Offer

Job applicants come to us in many ways. We need a fair, objective and effective method to select the person best suited for the job. We need to make our selection in a professional manner complying with our legal and regulatory requirements.

We pick up our hiring process where we begin to sort through our applicants.

HOW TO READ A RESUME OR APPLICATION FORM ... WARNING SIGNALS

Application forms are a primary source of initial information about job applicants. A well-designed form helps owners and managers select applicants to be interviewed. It also identifies applicants who do not meet the requirements for the job. Applications are an important tool that ALL persons applying for the job should complete. A sample application is included in the Appendix has an electronic blank which owners and managers can easily adapt and adopt.

Sometimes people apply for positions using a resume or bring a resume with them to the interview. It is best to have these candidates fill out an application form as well.

Following are reasons to ensure that all applicants completely fill out applications:

- Applications are in a standard company format to save review time.
- Applications can be the basis for not hiring.
- Applications indicate applicants' reading, writing and comprehension skills.
- Applications may include acknowledgement for background checking.
- Applications may include certification statements and required signatures.
- Applications may include organization disclaimers (e.g., employment-at-will).
- Applications may lead to termination if information is misrepresented.
- Resumes do not always include all needed information.
- Resumes sometimes show the person in only the best light.

A typical employment application is shown at the end of this section. This or a similar form should be completed if the applicant is to be hired.

Applications are considered to be legal documents. Resumes are not.

Note that it is important to ensure your applications are current in format. Local, state and federal legal and regulatory requirements change. As noted earlier, reference to the following Internet sites is helpful for up-to-date and comprehensive information:

<http://www.dol.gov/esa/programs/whd/state/state.htm>

http://www.law.cornell.edu/topics/Table_Labor.htm

<http://www.dol.gov/elaws/>

Chapter 5 summarizes federal laws and the State Resources Appendix provides state-by-state contact information and resources for state requirements, postings and general state-specific human resource management information.

As always, competent professional advice should be sought for appropriate interpretation and application.

Application forms can be out of date and out of compliance within your area. Employers should get professional advice on the employment application forms they are using.

Remember the following about applications:

- Applications should become a part of the employee's permanent record.
- Do not permit applicants to attach resumes to applications or write in

"...see attached resume" in any application question.

- Only the applicant should write on the application.
- Place a time limit on how long applications will be accepted.

• You may set a certain number of applications to be accepted.

- Accept applications only for specific jobs, not "any job."
- Accept applications only when there are vacancies.

Fig. 2-1a

PREVIOUS EMPLOYMENT INQUIRY

REFERENCE CHECK FORM

NAME I. M. A. Newbee

ADDRESS 1010 Carpenter Lane, Hardwareville, ST 98765-4321

SSN 123-45-6789

HIRE DATE 1-Jan-XXXX

TERM. DATE 15-Oct-##

TITLE Sales Associate

PAY RATE \$11.50/hr

The above person applied for a position with us and has given your name as a former employer. S/he stated the above facts in our employment application. Your verification of this and other information concerning the applicant will be valuable to us. Information given will be in confidence. Thank you for your help.

CONSIDERATIONS

Please check your rating below

	Excels	Good	Fair	Poor
Dependability and trustworthiness	X			
Provided satisfactory services	X			
Fit with co-workers (well liked, cooperative)	X			
Your satisfaction with work habits	X			
Why did this person leave your organization?	<i>Sought better pay</i>			
Would you re-employ this person?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		

Why? *Dependable, good at service, gets along, good work habits*

Please indicate below any corrections to information and any comments you have about this person.

All is correct.

Thank you for your assistance. Please sign and date this form below.

Signature: Been Good

Title: Old Boss

Date: 18-Oct-##

Sending organization: MyStore, Inc.

Signature: I. Ownit

Title: Owner

Date: 15-Oct-##

Job applicants should be screened by comparing the information provided by the candidate with the job requirements. Applicants who do not satisfactorily complete an application should not be considered further.

Employers need to carefully consider the following with applications:

Completing the Application. Most applicants take extra time to make sure the application is filled out neatly and completely. When an applicant who reads, writes and speaks the language of the form does not complete the application, or it is done in a sloppy manner, it may raise concern for effective performance on the job.

Consistent Work Record. Make sure the applicant's work record is consistent. Has the person held a job on a regular basis? You should be concerned if the applicant has two or more periods of about 90 days without a job in a three-year period. Determine if the applicant can satisfactorily account for the time. Investigate these reasons.

Consistent Pay. Good candidates will have a pay history showing a steady increase over time. A poor applicant will show a steady decrease in pay with each job. Some may have the same pay. There may be a valid reason for this. Some industries have pay freezes or simply are not known to be career growth industries. But, if an applicant has not had an increase in more than two years, you should inquire as to why and investigate the reason.

Employment Dates. Always contact references to verify the dates of employment. Often applicants will not or cannot account for lost time and will misrepresent their dates of employment. The Previous Employment Inquiry Form (Fig. 2-1a) offers a helpful tool for checking references. An

alternative version of this item is available in the Appendix. Please see "Reference Information Request." The worksheet questions (Table 2-2) may also be used by owners and managers when making reference calls.

Listed References. Have all applicants sign a request for references. A "Reference Check Authorization and Release" is in the Appendix. This may be a duplication of what is covered in our sample application, "fine print" at the bottom of the form.

Employers checking references should obtain the applicant's written consent authorizing former employers to provide employment-related information. A signed waiver agreeing not to sue anyone providing a factual reference should be included. Sending the signed consent form and waiver to reference contacts may overcome prior employers' concerns about discussing former employees. The following is sample language.

I agree to allow EMPLOYER to contact the people I have listed as references on this application. I also agree not to hold any references listed on this application liable for damages relating to any truthful information they provide regarding my qualifications for employment at EMPLOYER.

The Fair Credit Reporting Act (FCRA) is a federal law governing the acquisition and use of background information on applicants and employees. It is lawful for owners and managers to obtain and use background information, such as credit reports, on applicants and employees. However, several important steps need to be followed when gathering information.

Step 1: Disclosure and authorization -- The person being checked is to be given written notice that we will request an investigative report and obtain the person's signed consent. Also, we must provide a summary of

the rights under federal law. If the person investigated wants a copy of the report, then s/he must request a copy.

Step 2: Certification -- If owners and managers are using a background check or investigation company, the store must certify that it will comply with federal and state laws. The company conducting the background check normally furnishes these forms.

Step 3: Providing copies and notice of adverse action -- Stores must provide a copy of the report with a letter to the person investigated if: 1) the investigated person requests a copy; 2) an employer in California obtains consumer information that is a matter of public record; or 3) adverse action is taken based on information in the report. Owners and managers are urged to review local laws which may change and be applicable for their worksites. Professional legal assistance is recommended to comply with these requirements.

Step 4: Summary of rights -- With the letter from Step 3, owners and managers are to provide a summary of federal rights. If adverse action is anticipated, the letter should also describe the action to be taken, e.g., withdrawing the offer, denying promotion, termination or other action. Owners and managers should indicate a reasonable period of time before adverse action will take effect so that the individual has time to correct any inaccurate information in the report. A reasonable amount of time may be 14-21 work days.

The Appendix includes an electronic sample of an Authorization to Obtain a Consumer Credit Report and Release of Information for Employment Purposes.

It is the responsibility of applicants to provide all contact information for each job held previously. The sample

Table 2-1

INTERVIEW TYPES AND DETAILS			
INTERVIEW TYPE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Behavioral Description	Applicants give specific examples of how they performed and dealt with situations in the past	<ul style="list-style-type: none"> • More valid than unstructured interview • Candidate is drawn out and explains work approach 	<ul style="list-style-type: none"> • Candidate can move off the point with answers • Tendency for long, explanation-type answers
Non-directive	Interviewers ask general questions about the candidate, which lead to other questions about topics brought up by the candidate	<ul style="list-style-type: none"> • Much learned about the candidate personally • Easy to use general and specific questions 	<ul style="list-style-type: none"> • Candidate guides the interview based on his/her responses • Tends toward non-job related responses
Panel	Several interviewers speak with candidate, usually one at a time	<ul style="list-style-type: none"> • Interviewers can compare consistency of responses • Candidate is given a perspective of store personnel 	<ul style="list-style-type: none"> • Often candidates are uncomfortable with several interviewers • Questions become redundant
Situational	The interviewer asks candidates how they might handle specific job situations	<ul style="list-style-type: none"> • Specific job knowledge and work sample information is gathered • Three types of questions asked: job knowledge, hypothetical and requirements-related 	<ul style="list-style-type: none"> • Questions need to be prepared carefully • Candidates from different industries sometimes do not relate transferable skills
Stress	The interviewer attempts to cause stress for the candidate to see how the candidate reacts	<ul style="list-style-type: none"> • Useful where the job itself is stressful • Indicates ahead of time exactly how the candidate reacts to stress 	<ul style="list-style-type: none"> • Compounded stress often does not enable candidate to show true value • Candidates often react by refusing the job based upon the interview
Structured	The interviewer asks a set of standardized questions of all candidates	<ul style="list-style-type: none"> • Easy to make objective comparisons of candidates • Standardized job related questions can be asked using script or evaluation form • Excellent documentation generated for future issues • Superior accuracy and consistency in questioning 	<ul style="list-style-type: none"> • Not as flexible as other interviews • Requires preparation • Does not lend itself well to 2nd and 3rd interviews • Interviewer must follow pre-set questions

application in the Appendix has space for this contact information.

Applications completed without listing references can mean the applicant does not want the prospective employer to make a contact or the applicant may not have worked there. In some cases applicants will list reference names without phone numbers.

You should contact a minimum of two references from the applicant before a decision to hire is made. An exception to this would be applicants who have just left school and have not held a job.

Reason for Leaving. Review each reason for leaving for the existence of trends. Comments such as “Need more money” typically indicate the applicant will leave a new position after about the same amount of time s/he spent on the last job.

Job Compatibility. Does the person have experience working in a similar environment? For example, is s/he accustomed to working outdoors? Is the applicant used to working with his/her hands or working in an office eight hours a day? Does the applicant have any related experience?

Previous Jobs’ Longevity. An applicant who averages one job every 14 months will likely last approximately 14

months in a new position. This is a concern only after the applicant has a track record of at least three jobs.

Meeting Minimum Requirements. Does the applicant clearly meet the minimum requirements of the job? If two years of retail experience are required, does the candidate show two years of retail experience on the application?

Resume Versus Application. If the applicant provides a resume, cross check the resume with the application. Ensure that all dates, positions and other pertinent information are the same on each document. Remember not to permit a resume to take the place of an application. Avoid considering inappropriate information on a resume. For examples of such, see Table 2-3 which lists appropriate and inappropriate information to consider.

Employer Documentation Requirements. Employers are required to examine identification documents for new employees. The person reviewing the applicant’s documents must sign verification forms. The form, often referred to as an I-9 form, indicates the applicant’s eligibility to work legally in the United States. The person completing the I-9 must ask for proof of identity. Make completion of the I-9 form part of the application process.

The I-9 form must be completed within 72 hours of employment. A candidate who does not satisfactorily comply with the requirements of the I-9 should not be hired. Terminate anyone who cannot provide the proper documentation in 72 hours. Additional instructions for completing this required form are available with the I-9.

As this handbook is being written, immigration in the U.S. is a high interest topic. In 2006 the Center for Immigration Studies (CIS) based in Washington, DC, (www.cis.org) estimated that some 11,000,000 illegal aliens live in the U.S. Final resolution for dealing with immigration and employment as well as verification methods is not yet in place.

In compliance with I-9 requirements, businesses are utilizing various means to verify employment status. An electronic approach was the Federal Basic Pilot Program. Currently the Department of Homeland Security’s (DHS) U.S. Citizenship and Immigration Services Bureau (USCIS) and the Social Security Administration (SSA) are offering E-Verify, which is taking the place of the Basic Pilot. E-Verify performs verification checks of the SSA and DHS databases, using an automated system to evaluate the employment authorization of all newly hired employees.

Table 2-2

WORKSHEET FOR QUESTIONS TO ASK OF EACH CANDIDATE	
JOB-SPECIFIC QUESTION	WRITTEN QUESTIONS
1.	
2.	
3.	
4.	
5.	
(Use additional sheets for additional questions)	

Table 2-3

ACCEPTABLE PRE-EMPLOYMENT INQUIRIES UNDER EEOC GUIDELINES

Federal EEO laws do not specifically prohibit any pre-employment questions. However, the EEOC is particularly sensitive to questions about age, color, disability, national origin, race, religion, gender or veteran status. Furthermore, many state fair employment laws forbid certain types of questions. Example acceptable and unacceptable questions are noted in the following table. This list is NOT all-inclusive. Owners and managers should check with competent professionals on specific questions to be asked.

SUBJECT AREA	ACCEPTABLE	UNACCEPTABLE
Addresses	Current address only.	What was your previous address? How long did you reside there? How long have you lived at your current address? Do you own your own home?
Attendance	What days and hours can you work? What responsibilities other than work will interfere with the specific job requirements such as travel? What times are you not able to work?	Do you have pre-school age children at home? Do you own a car? Number of children? What religion are you? Who is doing your baby-sitting?
Credit Record	Use credit references if in compliance with the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996.	Do you own your own home? Have your wages ever been garnished? Have you ever declared bankruptcy?
Citizenship/ National Origin	Are you legally eligible for employment in the United States? Have you ever worked under a different name?	What is your maiden name? What is your national origin? Where are your parents from?
Criminal	Have you ever been convicted of a crime? If so, when, where and what was the disposition of the case?	Have you ever been arrested?
Disability	Can you perform the duties of the job you are applying for?	Do you have any job disabilities?
Education	Do you have a high school diploma or equivalent? Do you have a university or college degree?	When did you graduate from high school or college?
Emergency	(Request only after the individual has been employed.) What is the name and address of the person to be notified in case of an emergency?	What is the name and address of the relative to be notified in case of an emergency?
Gender	Ask no such questions.	Do you wish to be addressed as Mr.?, Mrs.?, Miss?, or Ms.?

SUBJECT AREA	ACCEPTABLE	UNACCEPTABLE
Language	Languages applicant speaks and writes fluently if the job requires additional languages.	What is your native language? Inquiry into how applicant acquired ability to read, write or speak a foreign language.
Marital	Ask no such questions at interview.	Are you married? Do you have children?
Military	What type of education, training and work experience did you receive while in the military?	What type of discharge did you receive?
Organizations	Applicant's membership in organizations which the applicant considers relevant to his or her ability to perform job.	What clubs, societies and lodges do you belong to?
Other areas	Ask only items specifically relevant to the job.	Questions which are not relevant to the specific job.
Personal	Only permissible if there is a bona fide occupational qualification.	What color are your eyes and hair? What is your weight?
Photographs	Ask no such questions during hiring process.	May we take your picture?
Race or Color	Ask no such questions.	Color of skin or complexion
Religion or Creed	Ask no such questions.	Identify your religious denomination, religious affiliations, church, parish, pastor or religious holidays observed.
Reference Checking	Follow appropriate legal and regulatory guidelines.	What are the names of your relatives? What is your father's surname?

There are four ways to use E-Verify:

- An employer can access a web-based program which provides means to electronically verify the employment authorization of all newly hired employees, regardless of citizenship.
- An employer's designated agent can access a web-based program to verify the employment authorization of all newly hired employees on behalf of other companies.
- A corporate administrator can access a web-based program which allows companies having multiple sites to use E-Verify and provides the functionality to create and manage multiple accounts. Because this is an oversight program, corporate administrators are provided the ability to view reports and administer new and existing

Table 2-4

FACTORS TYPICAL INTERVIEWERS CONSIDER

Maturity	Initiative
Confidence	Enthusiasm
Appearance	Career Goals
Body Language	Outside Activities
Work Experience	Emotional Stability
Grade Point Average	Ability to Deal with Others
Communication Skills	Appropriate Responsiveness

There are several types of interviews to use. Table 2-1 identifies each and cites advantages and disadvantages. The structured interview is recommended for owners and managers because of its effectiveness and defensibility.

Although the structured interview is recommended, other formats may better serve you and you should not be afraid to use them. Regardless of the format, there are some interviewing basics that must be planned ahead.

user accounts; however, they cannot perform actual employment eligibility verifications. To verify the employment eligibility for corporate newly hired employees, the corporate office must also register for the employer access method.

- Web-Services allows the company to extract information from the company's existing system or an electronic Form I-9 and transmit the data to SSA and USCIS to verify the employment authorization of newly hired employees. The Web-Services access method requires your company to develop software to interface between your company's system and USCIS' database.

Participation in E-Verify currently is voluntary and free to employers.

Employers must register online and accept the electronic Memorandum of Understanding (MOU) which sets forth the responsibilities of the SSA, USCIS and the employer.

Methods for evaluating applicants' employment status are evolving. Similarly, the legal and regulatory environment for immigration is evolving. Owners and managers should check with state and local sources to determine current requirements. Assistance in

completing the registration process and additional information relating to E-Verify is available at 1-888-464-4218.

HOW TO CONDUCT AN INTERVIEW

Many owners and managers are uncomfortable with interviews. They tend to become self-conscious and forget that the purpose of the interview is to find the best person for the job.

We have reviewed ideas that will help acquire necessary information about candidates. Persons making hiring decisions must be able to identify the factors which contribute to making a candidate selection. Sometimes the selection process may be challenged legally. Five tips will contribute to a good hire:

- Identify objective, job-related criteria to evaluate in the interview.
- Record these criteria in writing.
- Have several interviews for hard hiring decisions.
- Have more than one person interview the candidate.
- Use an interview process where all of the candidates are asked the same questions in as much the same manner as possible (this is called a structured interview).

- *Appropriate location for the interview.* It should be quiet, private and comfortable.
- Sufficient time and at the appropriate time. Candidates need to answer all interview questions. And the candidate should have an opportunity to give full answers. A reasonable time of day should be chosen to interview. Sometimes it is appropriate to interview at the candidate's convenience because s/he may be working elsewhere.
- *Applications and other materials should be reviewed ahead of time.* If there are issues and questions, the interviewer is able to investigate application information. Remember the need for the I-9 form compliance if it has not been completed.
- The interviewer must remain in control of the interview. If not, the candidate may take over the interview and/or it may be an unproductive interview. Preparation is the solution here.
- Know what must be asked.
- Systematically ask and evaluate the information.
- Stop the interview as planned on schedule.

Table 2-5

SAMPLE INTERVIEW RESPONSE RATING SHEET

QUESTION	CAND. # 1 (1=LO, 5=HI)	CAND. #2 (1=LO, 5=HI)	CAND. #3 (1=LO, 5=HI)	CAND. #4 (1=LO, 5=HI)
1. Explain how you greet customers	1 2 3 ④ 5	1 ② 3 4 5	① 2 3 4 5	1 ② 3 4 5
2. Tell me about displays you have set up in the past	1 2 3 ④ 5	1 ② 3 4 5	1 ② 3 4 5	1 2 ③ 4 5
3. Give examples of how you estimate customers' needs	1 2 3 4 ⑤	1 2 ③ 4 5	1 2 ③ 4 5	1 2 3 ④ 5
4. Explain how you have solved customers' problems	1 2 ③ 4 5	① 2 3 4 5	1 2 3 ④ 5	1 2 3 4 ⑤
5. Explain how you have kept inventory at proper levels	1 2 3 ④ 5	1 2 3 ④ 5	1 2 3 4 ⑤	1 2 3 ④ 5

Table 2-6

TOTAL WEIGHTING FOR CANDIDATES FOR QUESTIONS 1 - 5

TOTAL WEIGHTED RATING PER CANDIDATE	59	39	55	60

- Interviewers should speak no more than 25% of the time. The interview is to provide information about the candidate.

Being prepared, polite, professional, compliant with legal and regulatory requirements and in control will result in successful interviews. There are some cautions in interviewing:

- Listen to your candidate and evaluate if s/he is giving genuine responses. Often candidates give the answer they think their future employer wants to hear just to get the job.
- Do not be swayed or overwhelmed with one or two negative items. Sometimes interviewers allow one bad response to overwhelm much of the positive information collected.
- Keep personal biases out of the interview decision. There may be a tendency to hire clones of the

current staff or the interviewer. This does not allow objective evaluation of what the candidate brings to the job.

- On the other hand, do not be taken in by the "halo effect" where one characteristic or accomplishment outweighs and overwhelms other facts found in the interview.
- Consider all the information given and how and what is said. Quick decisions on a candidate are hazardous. Be thorough and objective with decisions.

INTERVIEW QUESTIONS TO ASK ... AND NOT TO ASK

Interviewing candidates can be difficult and time consuming. Selecting the right questions to test job fit takes thought. Asking the questions to get the information needed is challenging. This task is further complicated by legal and regulatory

constraints on what we are permitted to ask.

Here are some general pointers on developing questions:

- Use job-specific questions to determine ability to perform the work. Use the *job description*, *job description questionnaire* and the table of primary functions and prerequisites for the job to develop questions.
- Use past performance as an indicator of future performance.
- Gather candidate information with questions starting with *who*, *what*, *when*, *why*, *where*, *how*, *tell me*, *which*, etc.

Ask all candidates the same job-specific questions.

Write out your questions ahead of time. Use these questions in your

interviews. Save the questions for future use.

Use Table 2-2 and additional sheets of paper to prepare your questions ahead of time.

In addition to job-specific questions, you need to ask general questions. These might include:

Why do you want to work at our company?

When did you take over your last position?

Who did you have working for you by title?

Where was your work area on your last job?

Which duties were most enjoyable in your last job?

Were you supervised closely or in a general manner?

What were four primary functions of your last position?

How do you work with co-workers on day-to-day tasks?

Tell me what is most important to you in a job and a career.

Using acceptable pre-employment questions is critical. Use Table 2-3 as a handy guide to help you develop your own questions.

Questions about an applicant's arrest record are improper. Questions about an applicant's conviction record may be asked, if the questions are job related. The Equal Employment Opportunity Commission (EEOC) and many states prohibit use of arrest records for employment decisions. This is because they may be inherently biased against applicants in protected classes. The EEOC has issued a

Revised Policy Statement covering the use of conviction records by employers in making employment decisions:

Employers must establish a business necessity for use of an applicant's conviction record in their employment decisions. Employers must consider three factors to justify use of a conviction record:

- Nature and gravity of the offense for which convicted;
- Amount of time that has elapsed since the applicant's conviction and/or completion of sentence;
- The nature of the job in question as it relates to the nature of the offense committed.

The EEOC's Revised Policy Statement eliminated the existing requirement that employers consider the applicant's prior employment history along with rehabilitation efforts, if any. The Revised Policy Statement requires that employers consider job-relatedness of the conviction, plus the lapse of time between the conviction and current job selection process.

EVALUATING PROSPECTIVE EMPLOYEE ANSWERS

Of course we are interested in what the applicant has as background and experience for the job. And generally, employers seek candidates who are well rounded, competent and successful. Yet there are overall characteristics of the person that help us decide between applicants. Many of these are shown in Table 2-4.

We need to be careful how we ask questions. Under federal law it is illegal to make hiring selections based upon certain factors including:

Age (40 years or older)
Citizenship
Disability

Pregnancy
Race, color, national origin
Religion
Sex
Vietnam era veterans and qualified special disabled veterans

States and local governments may prohibit discrimination on the basis of other categories including:

Ancestry
Appearance
Marital status
Medical condition, including AIDS
Sexual orientation
Smoking

It is the employer's responsibility to comply with legal and regulatory requirements. Once again, hiring authorities are referred to:

[http://www.dol.gov/esa/
programs/whd/state/state.htm](http://www.dol.gov/esa/programs/whd/state/state.htm)

[http://www.law.cornell.edu/topics/
Table_Labor.htm](http://www.law.cornell.edu/topics/Table_Labor.htm)

<http://www.dol.gov/elaws/>

Chapter 5 summarizes federal laws. The State Resources Appendix provides state-by-state contact information and resources for state requirements, postings and general state-specific human resource management information.

As always, competent professional advice should be sought for appropriate interpretation and application.

If there are questions on any of the aforementioned selection prohibitions, competent counsel should be sought.

When interviewing candidates, ask all applicants the same questions for the same job. Listen carefully to answers. Use written questions if necessary. It is helpful to note answers and to grade the answers.

For example, you might have the questions on a sheet for each candidate and rate the answer 1 - 5 right in the interview. Then you can compare each candidate when finished with all interviews. This method assists you in being objective and fair in your ratings. A useful sample tool is shown in Table 2-5. Here it is easy to circle a rating for each candidate on each question. You will quickly see a pattern emerge.

One question may be more important or have more weight for your decision. Use the following method to weight the responses to find the best candidate.

1. Note that the highest score on each item is 5.
2. Let's say we rate the items in importance as follows - item 1 = 1, item 2 = 2, item 3 = 3, etc. in importance.
3. For the weighted rating, multiply the item rating times the score you gave each candidate on each item (e.g. candidate #1 would have a weighted score of 20 on item 5, calculated as weight of 5 times score of 4 = weighted rating of 20).
4. Calculate the weighted ratings for each question and for each candidate.
5. For each candidate add up all the weighted ratings (e.g. candidate #1's total weighted rating would be 4+8+15+12+20=59).
6. Select the candidate who has the highest total weighted rating. See the results in Table 2-6. Our selection would be candidate #5 with 60 total points.

In Table 2-5 we applied an objective approach to subjective answers. As owners and managers, we are required to be as fair and objective as possible in our methods for selecting our new employees.

MAKING A JOB OFFER WITHOUT MAKING PROMISES THAT WILL GET YOU IN TROUBLE

So far, we stressed being fair and firm in our hiring process. We reviewed ethical considerations and legal and regulatory requirements. We provided samples of tools that will assist in protecting the employer in the hiring process including:

- *An objective summary of prerequisites and primary functions.*
- *A job description questionnaire.*
- *A job description.*
- *A market-based pay scale.*
- *An internal job posting.*
- *An external advertisement.*
- *Broad and equitable applicant sourcing and communications suggestions.*
- *The suggestion to use background checking release forms.*
- *An application with protections that applicants sign indicating acknowledgement and acceptance.*
- *An interview question sheet to write questions ahead of time.*
- *A guide to what interview questions to ask and those not to ask.*
- *A suggestion to use the structured interview format based upon job-specific questions.*
- *An Interview Response Rating Sheet.*

A review of the sample employment application reveals several disclaimers and certifications which protect employers. As previously noted, the employment application should be

completely filled out by all applicants. The applicant should sign the application. By doing so the applicant acknowledges s/he understands and agrees to the terms as set forth in the application including:

- All the information supplied in the application and any other information oral or written is true and accurate.
- Any misstated, misleading, incomplete or false information may be grounds for the application being rejected, refusal to hire, withdrawal of an employment offer or grounds for immediate discharge without recourse whenever and however discovered.
- The store (employing organization), its agent or assigns is authorized to contact previous employers to request references.
- The candidate holds the store (employing organization) and any previous employer harmless for disclosure.
- The candidate authorizes previous employers to release any and all information pertaining to the candidate and candidate's prior employment.
- The employer may maintain a drug-free workplace and if so, the candidate will be given a copy of the store's drug-free policy to review at the time application is made.
- S/he may be required to submit to a drug/alcohol test, undergo a post-job offer medical examination or pencil and paper test designed to determine suitability for the position.
- Under a drug-free work policy, from time to time, the candidate may be required to take subsequent tests during the course of employment and consent to such post-job offer and post-hire testing.

- S/he understands that, subject to applicable law, the store (employing organization) shall be the sole judge of acceptability of any test results.
- The candidate's employment is at-will (if it is) and the candidate may be discharged for any reason without notice.
- The candidate may be subject to a 90-day evaluation period.
- Successful completion of the evaluation period does not change an at-will employment relationship.
- S/he will be required to comply with the policies and protocols set forth in employee handbooks.
- Work schedules may vary, can be unpredictable and that s/he may be required to work a different shift, to work weekends or work overtime.
- The store (employer) reserves the right to amend, change and/or modify the policies and procedures set forth in its handbooks.
- The store (employer) may conduct background checks to include criminal, educational, driver's license, employment history, professional licenses, credit, references, etc.
- The candidate certifies s/he will contact the store (employer) if s/he feels s/he has been unlawfully discriminated against by an employee, supervisor or manager in connection with employment at the store (employer).
- The new employee agrees s/he will give the store (employer) an opportunity to resolve the situation before the new employee files a claim with a governing agency or files a lawsuit.

Employers should use similar protections in the employment offer letter.

More details about the offer letter are discussed in the following section.

Offer letter protections for the store (employer) should include the following statements:

- Employment eligibility will be established using the I-9 form.
- There is a drug-free workplace program in place if indeed there is one.
- The candidate is not bound in any manner that would interfere with employment.
- The offer is confidential.
- Indicate primary functions of the job and that the employee is to fulfill those requirements.
- The offer letter does not create a contract and that the relationship is at-will.
- The offer will remain in effect for a specified period of time.
- The person is to sign and return the offer letter to indicate acceptance.
- The date the offer letter is to be received by the store indicating acceptance.
- If the person chooses to decline the job offer, s/he is to note such on the letter, sign the rejection and return the letter to the store (employer).

Employers are well advised to seek competent advice regarding contents of offer letters to ensure compliance with local legal and regulatory requirements.

FACTORS TO INCLUDE IN A JOB OFFER

As a last step in the hiring process we need to develop an offer letter. It is

best to make offers in writing because there is a clear record of the transaction and details. Moreover, it is professional and a compliment to the new employee as well as the quality of the store.

Offer letters should be brief, positive and restricted. Information in the offer letter should include:

- Position title.
- Starting pay rate (show smallest dollar amount as is possible).
- To whom position reports.
- Work location.
- Normal hours of work.
- If the job offer is contingent upon physical exam and/or reference checks.

Seek legal advice if an employment contract is to be written.

As restrictions for offers of employment, consider the following:

- Make no guarantee of continued employment, career, etc.
- Avoid employment contracts unless specifically required.
- Place limitations on how long the offer will remain open.
- Clarify the offer is complete and that no other promises, benefits or perquisites are included.
- An at-will-employment statement should also be included. For example:

"I understand that my employment is not for a specified or definite term and that I may be discharged, or I may resign, at any time, for any reason, with or without good cause and with or

without prior notice. I further understand that this policy cannot be changed or amended except by written agreement signed by me and by the (president/owner) of the company.”

A sample offer of employment letter is in the Appendix.

CHECKLIST FOR AN EFFECTIVE HIRE

We are coming to the close of our hiring process. We have gone through the steps of sourcing, screening, selecting, interviewing and recruiting our new employee. With the new employee joining our store, it is important to double-check the steps in our process. At the same time, it is valuable to check the plan for our next steps to welcome and familiarize our new employee with the store.

Following is a final checklist for our hiring process and plan.

- The application and related materials are correct and complete
- The I-9 form information is verified and valid
- Our new employee understands:

1. Start date
2. Pay
3. Title
4. Who the supervisor is
5. The job site location (including alternative stores)
6. Hours of work
7. Working conditions
8. Employment terms and conditions (overtime requirements, extra-duty assignments, breaks or rest periods, lunchtime, etc.)

9. A company orientation process includes:

Company history, philosophy, values, goals and objectives

Nature of the business and its financial status

Traditions, customs, norms and standards

Products and services and how they are provided

Customer and competitor profiles, products and services

10. Organizational structure, reporting relationships, names and positions of personnel key to the new employee and names of top executives

11. Primary functions of the store, departments and units

12. Basic company policies, procedures and programs

13. Pay practices (pay rates and ranges, overtime, holiday and shift differential pay, deductions, company discounts, job expense reimbursements, pay advances, etc.). Pay should be quoted in the lowest amount possible. For example, in terms of dollars per hour, dollars per week, or dollars per payroll period. Avoid indicating annual pay because there is a possibility this may be perceived as a guarantee.

14. Benefits (medical-dental, life, disability, and workers' compensation insurance, holidays and vacations, sick leave, training opportunities, counseling services, etc.)

15. Store expectations, standards for performance and behavior guidelines

16. Specific job requirements and performance review considerations

17. Opportunities for training, development and advancement

18. Safety information and precautions are understood

19. It is understood the job is “at-will” with no employment guarantee

With our hiring process finished, we are ready to move on to other aspects of the human resource management function. ■