

Recruiting & Interviewing: Be Careful What You Ask For

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RECENTLY, at an A.I.M. Mutual seminar for contractors, one policyholder was mystified. “What do you mean I can’t ask a construction worker whether he has a bad back before I hire him?” he’d asked. Answer: It violates federal law.

Recruiting is a challenge in every business, not just the insurance industry. If you’re a hiring manager or someone involved in the hiring process, you probably already know that recruiting plays a critical role in the success of your organization. Whether the candidates are internal or external, you want to make sure you get the right person: The one who will not only get the job done but will also be a perfect fit with the rest of the team, helping to move the organization forward.

Sometimes it feels like you’re looking for a needle in a haystack. Finding that fit can be tough. Glassdoor, a jobs and recruiting website, reports that on average, each corporate job opening attracts 250 resumes. Of those candidates, only four-to-six will get called for an interview, and only one will get the job. A recent survey by the Society of Human Resource Management found:

- Sixty-eight percent of HR professionals across industries report challenging recruiting conditions in the current talent market.
- One-half of organizations cite factors such as a low number of applicants (51 percent), a lack of the needed work experience among candidates (50 percent), and competition from other employers (49 percent) as reasons for difficulty finding candidates for their open positions.
- Eighty-four percent of HR professionals report seeing applied skills shortages in job applicants over the last 12 months.

So when those resumes start coming in, we want to find that perfect candidate. We need to find out as much as possible about the person to make sure this is the one. We pull out our list of questions that we’re going to use to find the perfect hire. We want to make sure the candidate will be able to do the job, will stay with the company long term, will be reliable, and is a good person. However, as a hiring manager, you need to be careful about the questions you ask during the interview process. There are federal and state laws that pertain to what you can and can’t ask a job candidate.

What You Can—and Can’t—Ask

We know that it’s illegal to discriminate against applicants on the basis of race, color, sex, religion, national origin, citizenship, disability, and age. Some states have even more protected categories such as sexual orientation and marital status. The best practice is to just avoid asking any questions related to any of these topics.

So what can you ask and what’s off-limits? Here’s a list of no-no’s and possible alternatives:

Topic	You can’t ask...
Age	<ul style="list-style-type: none"> • How old are you? • When did you graduate high school? • When do you plan to retire?
Children	<ul style="list-style-type: none"> • Do you have any kids? • Are you planning on having children?
Citizenship	<ul style="list-style-type: none"> • Are you a U.S. citizen? • Of what country are you a citizen? • Where were you born?
Marital Status	<ul style="list-style-type: none"> • Are you married? • Do you prefer Miss, Ms., or Mrs.?
Gender	<ul style="list-style-type: none"> • Are you comfortable working for a female boss?
Disability	<ul style="list-style-type: none"> • Have you ever been injured on the job or filed a Workers’ Compensation claim? • Have you experienced any serious illnesses in the past year?
Criminal Record	<ul style="list-style-type: none"> • Have you ever been arrested?
Religion	<ul style="list-style-type: none"> • Are there any religious holidays that you observe?
Miscellaneous	<ul style="list-style-type: none"> • How far is your commute?

Keep in mind this is not an exhaustive list of questions to avoid. Rather, it illustrates that if a question does not focus on the behaviors, skills, and experience needed to perform the job, it's probably a good idea to skip it.

Stay away from asking about anything personal or anything that is not job related. Sometimes, however, as hard as you try to avoid it, you may find the discussion with a candidate going down a road you shouldn't be on. Perhaps the candidate mentions that he or she has kids or was born in a foreign country. There's not much you can do about that, but you should quickly get the discussion back on track by asking another job-related question.

Another good practice when recruiting and interviewing is to ask the same questions of all candidates.

That way, you can avoid a claim that someone was singled out for any reason. Asking the same questions will also provide a consistent picture and allow you to evaluate and compare qualifications.

While it's not always easy to recruit the perfect fit, start by asking the right questions. Side-stepping illegal questions can seem challenging, especially if the interview is going well and the tone turns into more of a general conversation. Just remember: even if there is no intent on the part of the interviewer, a comment or question that offends a candidate can cause big problems. Stay focused on what you are looking for—someone who has the behaviors, skills, and experience to do the job. Ask the questions that will help you find the perfect fit.

Just be careful what you ask for. 



ABOUT MARK MILLETT

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This article is not intended as a substitute for professional legal advice.

Always seek the professional advice of an attorney regarding any legal questions you may have.

You can ask...

- Are you over the age of 18?
- You can ask the number and ages of children for insurance purposes once hired.
- Are you legally entitled to work in the United States?
- You can ask the marital status for insurance purposes once hired.
- Tell me what qualities you look for in a manager.
- Can you perform the specific tasks and duties of the job?
- Have you ever been convicted of a felony?
- Are you able to work with the required schedule?
- Are you able to start work at 8:00 a.m.?

