INTERVIEWING AND REFERENCE CHECKING

Number 4.11

Effective Date: July 19, 2015

Supersedes: Policy 4.11, dated March 1, 1996

Subject: INTERVIEWING AND REFERENCE CHECKING

Applicable To: All classified, exempt, appointed, and temporary employees; and all applicants for employment with the Executive Branch of the State of Vermont

Issued By: Department of Human Resources

Approved By: Justin Johnson, Secretary of Administration

PURPOSE & POLICY STATEMENT

To establish policy for interviewing and reference checking of applicants for positions in classified State service.

GENERAL

The hiring agency/department must consider all applicants who meet the minimum qualifications for a position and are routed to the hiring manager. Candidates who do not have a status of "routed" are not eligible for further consideration.

SCREENING APPLICATIONS

The hiring manager may choose to interview only those applicants who appear to most closely match the job's requirements. An exception is that any applicants with disabilities who have been granted mandatory interview status (See Policy 4.0, Recruitment and Posting of Vacancies) and appear on a list of routed candidates must be interviewed. The Department of Human Resources ("DHR") strongly recommends that a structured and documented process is used to screen applications to determine which applicants are chosen for interview.

DHR encourages hiring managers to interview qualified State and agency candidates. Some agencies may have their own interviewing policies that require interviewing of all agency candidates.

STRUCTURED INTERVIEW PROCESS

The use of a structured interview is strongly recommended. A structured interview is one in which there is a review/analysis of the job and it's requirements, a set of job-related interview questions is developed prior to the interview and is used for all candidates, and there is a systematic means of evaluating candidates' responses. Further, DHR recommends the use of interview panels when practicable or appropriate.

For more details and guidelines on the structured interview process see *Guidelines for Interviewing and Reference Checking* found on the DHR website.

NON-DISCRIMINATION

Managers and supervisors must carefully consider which questions they ask during an interview. Questions should not be asked nor comments made during the interview which reflect bias or discrimination on the basis of race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, age, or physical or mental condition (a person with a qualifying disability), or which are not clearly job-related.

AMERICANS WITH DISABILITIES ACT (ADA)/ADA AMENDMENTS ACT

Discrimination against individuals with disabilities is illegal under the ADA/ADAAA, as well as Vermont's Fair Employment Practices Act. All applicants can be questioned about their ability to perform the essential functions of the job. However, it is illegal and prohibited for any interviewer to directly ask applicants if they have a disability. If applicants indicate that they cannot perform an essential job function, hiring managers must proceed to a discussion of reasonable accommodation. If there is a possibility that a person with a disability can perform an essential function with an accommodation, the hiring manager is obligated to provide that accommodation unless it causes an undue hardship or a direct threat (See Policy 3.2, Reasonable Accommodation).

CRIMINAL CONVICTION HISTORY

Pursuant to Executive Order 03-15 "Ban the Box Hiring Policy," questions regarding an applicant's criminal history cannot be asked during the initial stages of the application process, except for specific job classes exempted by DHR.

Subsequent to application review and first interviews, and prior to any job offer, all applicants must complete a Criminal Conviction History Declaration form. In accordance with recommendations of the U.S. Equal Employment Opportunity Commissioner, hiring authorities shall perform "individualized assessments" where a criminal history is indicated.

In performing the individualized assessment, the hiring authority should consider at least the following:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense or conduct; and
- The nature of the position sought

DOCUMENTATION

The interview is the critical step in the hiring process. Documentation of this process is a best practice that leads to better hiring decisions. In addition, from a legal perspective, documenting judgments about applicants based on the interview is critical. Hiring managers should be prepared to show what screening factors were used, how they relate to the job, and how one candidate possesses more of the factor than another based on the results of the interview.

Therefore, it is advisable that the following records be retained in relation to the interview process for a minimum of three (3) years: (1) the list of essential duties and job requirements; (2) what factors were used to select those applicants interviewed (if not all applicants are interviewed); (3) the interview questions asked of applicants; (4) the interviewer(s)' observations/notes; (5) what evaluation system was used and its results; and (6) a copy of the list of routed candidates, if applicable, and copies of candidates' application materials.

INTERVIEW EXPENSES

In accordance with Agency of Administration Bulletin 3.4, a department head may authorize reimbursement of interview expenses, in instances where extreme recruiting difficulty is encountered due to lack of qualified applicants. The department may also authorize reimbursement of expenses for a second interview. Expenses in excess of the amounts specified in the Bulletin per interview <u>must</u> have the <u>prior</u> approval of the Commissioner of Human Resources.

REFERENCE CHECKING

Before any offer of employment is extended, the hiring manager or HR Administrator is strongly encouraged to conduct a reference check on the final candidate(s). Candidates should be notified that a reference check will be done and that the information will be used in making the final hiring decision. For more details and guidelines on reference checking, refer to the *Guidelines for Interviewing and Reference Checking*.

NOTIFICATION

Timely notification must be provided to applicants regarding their status. The hiring manager must notify every applicant whose name is listed on a routing list of the resolution of the hiring process. Applicants not interviewed must be notified that they were considered but not interviewed. This notification should be provided through the "Manage Applicant" functionality in VTHR. Applicants interviewed must be notified

whether or not they have been selected to fill the position. The offer of employment for classified position openings must be processed through VTHR.

Approved:

Justin Johnson
Secretary of Administration

7/17/2015
Date