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## > CLIENT NEWSLETTER

Source for Employer Empowerment

### THE INTERVIEW

#### *Mastering the Most Common Selection Tool*

The employment interview is a vital component in the hiring process. The interview is by far the most widely used tool in selecting a new employee. One study of 852 employers found that 99% used interviews during the selection process. While not all companies use tests, assessment centers, or even reference checks, it would be highly unusual for a manager not to interview a prospective employee.

To hire the most qualified applicant, managers need to be well versed in the various types of interviews and how to effectively conduct interviews. In addition, managers must be aware of federal and state legislation that precludes them from asking certain questions during an interview.

#### **Creating an Effective Interview**

The following list provides a brief definition for the most commonly used interviews:

1. Unstructured – A conversational style interview; interviewer pursues points of interest as they come up in response to questions.
2. Structured – An interview following a set sequence of questions.
3. Situational – A series of job related questions that focus on how candidates behave in a given situation.
4. Behavioral – A series of job-related questions that focus on how candidates react to actual situations in the past.
5. Stress – An interview in which the applicant is made uncomfortable by a series of often rude questions. This technique helps identify hypersensitive applicants and those with low or high stress tolerance.
6. Panel – An interview in which a group of interviewers question the applicant.
7. Mass/Group – A panel interviews several candidates simultaneously.

It is natural to combine several different types of interviews into one. For example, you may decide to have three members of the management team interview the five best applicants using a structured interview format asking solely behavioral questions. This interview would combine the following interviews: panel, mass/group, structured, and behavioral. Each type of interview listed above has pros and cons and keep in mind that one type of interview may be a better fit for one manager or for a whole company than another type of interview.

In addition to selecting the most successful type of interview, it is also important to format your interview in such a way for you to really get to know the applicant and for the applicant to feel comfortable with you and your company. To reach this outcome, try using the following format:

#### **DISCOUNTED CIRCUS TICKETS**

RMI is excited to offer all Salt Lake City RMI clients and employees the opportunity to purchase lower bowl tickets to the Ringling Bros. and Barnum and Bailey Circus. For RMI employees, tickets will be discounted from the original price of \$23 to \$18 per ticket. If you have any questions or if you are interested in purchasing any tickets, please call Justin Larsen at (801) 325-7218.

1. Structure the Interview. Base questions on actual job duties. Train interviewers. Use descriptive rating scales. Control the interview. Take brief, unobtrusive notes. Avoid questions that produce a strictly “yes” or “no” answer.
2. Prepare for the Interview. Schedule a private room that will minimize on distractions. Review the candidate’s application and resume beforehand.
3. Establish Rapport. Put the applicant at ease by greeting him/her courteously and starting the interview with a non-controversial question.
4. Close the Interview. Leave time to answer any questions the applicant may have. End on a positive note informing the applicant of the next step.
5. Review the Interview. Once the candidate leaves and while the interview is fresh in your mind, review your notes and make specific comments to yourself to remember during the hiring process.

## Legal Constraints

Careless or poorly conceived interview questions can imply that an employer bases its hiring decisions on discriminatory factors. If supervisors or other employer representatives ask interview questions that indicate possible bias, a rejected candidate might have grounds to file a lawsuit. Consequently, all interview questions should be carefully formulated and strictly job-related.

Federal civil rights laws prohibit employers from basing hiring decisions on race, color, religion, gender, age, national origin, citizenship status, disability, or veteran's status. Some state and local laws provide applicants with additional discrimination protections. For example, certain jurisdictions prohibit employers from basing hiring decisions on personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, arrest or conviction records, source of income, and/or place of residence.

To avoid the appearance of discrimination, the same set of job-related questions should be asked of all candidates for the same job. Some examples of appropriate and inappropriate questions are listed below.

## Sample Questions

The way in which questions are phrased is very important. The following are examples of acceptable and unacceptable interview questions. The first question is unacceptable and the second one, if shown, is acceptable.

- **No:** Are you a U.S. citizen?  
**Yes:** Are you lawfully employable in the United States either by virtue of citizenship or by having authorization from the Dept. of Homeland Security?
- **No:** How old are you?  
**Yes:** Are you over the age of eighteen? (Only ask this type of question if there is a work-related age requirement.)
- **No:** Do you have any children? What are your childcare arrangements? Note: Questions about family status are not job related and should not be asked.
- **No:** What clubs/organizations do you belong to?  
**Yes:** What professional/trade groups do you belong to that may be relevant to your ability to perform this job?
- **No:** Have you ever filed a workers' compensation claim? Note: You may not ask this question or any related question during the pre-offer stage.
- **No:** What disabilities do you have?  
**Yes:** Are you able to perform the essential functions of the job to which you are applying? (Be sure you tell the applicant what the essential functions are).

- **No:** When did you graduate from high school?  
**Yes:** What schools have you attended?
- **No:** Do you smoke?  
**Yes:** Our smoking policy is such—can you adhere to it?

A sample Interview Questionnaire is provided to you via RMI's website, [www.rminc.com](http://www.rminc.com), located under the Employer Resource Center, Forms, and Individual Forms. Your local HR representative is available to provide counsel on what questions you should and should not ask and to assist you in preparing for an interview.

## FINAL REGULATION ON NO-MATCH LETTERS

This year the Social Security Administration (SSA) is expected to issue 140,000 letters to employers notifying them of discrepancies between Social Security numbers on their W-2 forms and the agency's records. On August 15, 2007, U.S. Immigration and Customs Enforcement (ICE) issued a new final regulation that spells out what employers must do if they receive such a letter in order to avoid immigration related liability.

All no-match letters are sent to RMI. Upon receipt of a letter, RMI checks its records to determine whether the discrepancy was caused by a clerical error. If so, RMI will correct the error with the SSA, and verify that the corrected name and social security number now match. RMI often needs to contact the employee or view their identification again to ensure accuracy. Your immediate attention to such requests is greatly appreciated.

If the discrepancy cannot be resolved with the SSA or ICE within 90 days of receipt, RMI must complete a new I-9 employment verification form within 93 days of receipt of the no-match letter. When the employer inspects identity and employment authorization documents, documents with a Social Security number such as a Social Security card will not be acceptable. RMI will retain the new I-9 form with the original I-9 form. If the employee is unable to complete a new I-9 or provide additional documents, which prove employment authorization and identity, the employer will be required to terminate the employee or face the risk of being found with constructive knowledge of continuing to employ an unauthorized worker and fines of \$10,000 per employee. If at any point during these steps, the employee admits to being an undocumented worker, the employer will subsequently acquire actual knowledge of unauthorized employment and must immediately terminate the employee.

This final regulation is effective 9/15/07. (Tsai, Roger. Employment Law Alert, Immigration and Customs Enforcement Issues, Final Regulation on No-Match Letters.)

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