

# RECRUITMENT AND SELECTION BEST PRACTICES

## **Avoiding the EEO Pitfalls**

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# Objectives

- Discuss best practices for conducting a fair recruitment and selection process consistent with Equal Employment Opportunity principles
- Identify common EEO pitfalls and recommend strategies for avoiding them to ensure equity in hiring practices in order to maintain a diverse inclusive workforce
- Provide tools and checklist that will assist you in the hiring process

# EEO LAWS

All personnel actions must comply with Federal EEO laws

## Federal Laws That Prohibit Workplace Discrimination:

The following Laws are enforced by the Equal Employment Opportunity Commission (EEOC):

**Title VII of the Civil Rights Act of 1964 (Title VII)**, which makes it illegal to discriminate against a person on the basis of race, color, religion, sex, or national origin. The law also protects individuals from retaliation if they complain about discrimination or participate in the EEO process.

**The Pregnancy Discrimination Act**, which amended Title VII to make it illegal to discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth.

**The Equal Pay Act of 1963**, which makes it illegal to pay different wages to men and women if they perform equal work in the same workplace. The law also protects individuals from retaliation if they complain about discrimination or participate in the EEO process.

**Title I of the Americans with Disabilities Act of 1990 (ADA and ADAAA)**, which makes it illegal to discriminate against a person with a disability in private companies and state and local governments. ADAAA broadened the definition of disability. The law also protects individuals from retaliation if they complain about discrimination or participate in the EEO process.

**The Age Discrimination in Employment Act of 1967 (ADEA)**, which protects people who are age 40 or older from discrimination because of age. The law also protects them from retaliation if they complain about age discrimination or participate in the EEO process.

# Protected Categories

**Age**

**Genetic  
Information**

**Disability**

**Color**

**Marital  
Status**

**Gender/Sex**

**National  
Origin**

**Parental  
Status**

**Political  
Activity**

**Sexual  
Orientation**

**Race**

**Religion**

**Veteran  
Status**

Hiring Officials should be mindful of the above listed categories regarding EEO and other protected categories throughout the selection process to ensure that equal employment consideration is given to all applicants.

*Human Resources recruitment and selection best practices consist of clearly defined steps that ensure UNCP is making the most of its employment practices in wise hiring decisions*

# Step I – Job Analysis

- **Sets the Foundation**
  - For outreach, recruitment and selection actions
- **Systematic Procedure**
  - For gathering, documenting and analyzing information about content, context and requirements of the job to identify essential functions of the position and the necessary KSA's required.
- **Critical Reasons for Information**
  - Leads to accurate vacancy announcement yielding candidates with required qualifications
  - Assists in outreach efforts
  - Aids in developing interview and selection documents

***Job Analysis EEO Pitfall:*** Job Analysis not conducted prior to vacancy announcement

***Job Analysis Best Practice:*** Perform a thorough job analysis prior to issuing a vacancy announcement; update job descriptions when needed.

***EEO Implication #1:*** Information is critical for developing objective, job-related, structured interview questions and rating and ranking criteria. Minimizes risk for considering biased, non-meritorious factors during the interview process

***EEO Implication #2:*** In cases of reasonable accommodation requests, the deciding official must review the essential functions of a position to determine if the individual can perform them, with or without an accommodation. If the assessment is accomplished after request versus before, and the individual is deemed unable to perform duties, appears the manager deliberately identified essential functions that would render the individual as unqualified for that particular position

# Step II - Outreach & Recruitment

- Hiring Officials are encouraged to proactively engage in recruitment outreach, utilizing varied recruitment sources
  - Traditional Sources: The Chronicle, higheredjobs.com, Newspapers
  - Other Sources: Targeted websites like Women in Higher Education, Blacks in Higher Education, professional organizations, etc.)
- Diversity is the cornerstone of effective human capital management in the 21<sup>st</sup> century.
- To become a high performing organization, UNCP must tap into the rich diversity of talent, skills, and perspectives of our increasingly global community.

***Recruitment EEO Pitfall:*** Recruitment efforts fail to reach broad audiences limiting applicant pool.

***Recruitment Best Practice:*** Announce job vacancies to broad and diverse recruitment sources.

***EEO Implication:*** Promotes UNCP's efforts to be a model Equal Employment Opportunity employer of choice and to foster a diverse, inclusive workforce.

# Outreach and Recruitment Checklist

- ❑ Perform a job analysis that identifies the major job duties and essential functions of the position
- ❑ Review, create, modify, or update a Position Description (PD) to accurately reflect duties and responsibilities of the position to be filled
- ❑ Develop the position crediting plan identifying the rating criteria
- ❑ Develop proactive, strategic outreach/recruitment plans to attract a diverse applicant pool
- ❑ If the position is difficult to fill because of special skills requirements, utilize incentives to attract candidates, including travel for interview and or relocation costs
- ❑ Budget is a consideration; make sure funds are available and hiring incentives are approved in advance
- ❑ Work closely with HR at all stages of the recruitment process to ensure that your needs and expectations are articulated accurately

# Step III - The Interview Process

- Interviews provide information that can be used during the selection process
- Useful in evaluating skills such as oral communication and interpersonal skills
- Affords applicant an opportunity to learn about the organization
- Hiring Official / Search Committee shall ask job related questions to elicit information to determine candidate's qualifications
- Treat all applicants the same, asking the same questions, checking the same number of references, providing the same tours, etc.

# During Interview Process

- Do not ask questions that probe race, national origin, sexual orientation, religion, age, marital status, family situation or disability.
- Do not ask questions related to health or medical condition of candidate prior to offering position.
- Asking questions related to these protected groups is in violation of the candidate's rights.

*Interviewing EEO Pitfall:* Preparing interview questions after application materials are received and posing questions that elicit non job-related information.

*Interviewing Best Practice:* Prepare interview questions in advance that elicit ONLY job-related information relative to the KSAs of the position. The same questions should be asked of each candidate.

*EEO Implication:* Preparing interview questions after reviewing applications may lead search reviewers to unconsciously construct and pose questions that give one candidate an advantage over another.

# Preparation Tips for the Interview

- The Hiring Official, Manager, or Supervisor may conduct the interview or may designate another person or a Search Committee with subject-matter knowledge to conduct the initial interview. It is strongly recommended to incorporate diverse members when using search committees.
- Managers, Supervisors, and Hiring Officials must ensure the rating tool (i.e. Matrix) is based on an up-to-date job analysis and is supported by strong valid evidence.
- Ensure all persons involved in the selection process (e.g., administrators, Interviewers, and assessors) understand their roles and responsibilities.
- Establish job-related criteria (using criteria reflected in the Position Description and Vacancy Announcement) for selecting the Most Qualified candidates for interview.
- Prepare standardized, job-related interview questions and avoid questions that may elicit personal/family/medically-related responses.
- Establish an objective, quantifiable scoring or ranking process to identify the Most Qualified candidates who advance within the process (i.e. Interview Evaluation Form).
- Develop uniform note-taking formats related to standardized questions; distribute to Search Committee in advance of interviews, and use performance / behavioral based interview questions.

# Interviewing Tips

- Allow the same amount of time for each interview.
- Rotate questions among panel members.
- Take appropriate, job-related notes during the interview (do not consider or notate factors unrelated to the job criteria).
- Treat individuals with respect, sensitivity, and impartiality during the process.
- Provide applicants the opportunity to ask questions about the job and the selection process.
- Provide feedback about all hiring decisions in a timely and courteous manner.
- Record notes and scores on interview sheets as appropriate; note the date, time, place, and length of the interview. A copy of interview must be on file.

# Step III – Selection Decision: Hiring

- Selection GOAL
  - Find the best qualified candidate based on pre-established criteria, required KSAs, and desired qualifications.
- EEO means all qualified individuals have fair access and equal consideration absent of any form of discrimination.
  - Key component for achieving workforce diversity is essential to a high performing organization.
- Lawful ways to achieve workforce diversity
  - Broadly advertise to diverse populations
  - Ensure selection criteria are job related and consistent with business needs.

***Selection EEO Pitfall:*** Selecting a candidate based on non-meritorious factors and failing to establish and utilize objective, job-related, quantifiable scoring or ranking processes (i.e. matrixes, interview evaluation forms, etc.)

***Selection Best Practice:*** Develop and utilize fair selection procedures, including objective job related interview questions; quantifiable rating and ranking processes; and consideration of ONLY meritorious factors.

***EEO Implication:*** Illegal selection practices, i.e. considering non-meritorious factors (protected EEO categories) along with failing to develop and utilize specific documented selection procedures will most likely result in costly litigation and adversely impact UNCP's ability to attract and retain diverse candidates.

# More Selection Best Practices

- Recommend selection decision within thirty days of identifying list of candidates
- Perform background checks
- Close search in timely manner
- Record-keeping
  - Maintain recruitment file for three years or until a case has been closed in the event of a challenge to the selection decision, whichever is later.

# UNCP's Recruitment and Selection 21 Key Steps Checklist

Work closely with HR at all stages of the recruitment process.

## **Pre-recruitment:**

- ❑ Perform a job analysis
- ❑ Review, create, modify, and/or update the position description
- ❑ Submit **Request to Recruit New Position** or **Request to Recruit Vacant Position**
- ❑ Submit requisition in the Online Employment System
- ❑ Develop proactive, strategic outreach/recruitment plan to attract a diverse applicant pool.

## **Prior to vacancy announcement closing date:**

- ❑ Search Chair /Hiring Official contacts EEO Coordinator **within 14 days** of posting position.
- ❑ EEO Coordinator reviews PD, EEO/AA requirements, and the role of committee members
- ❑ Search Committee Chair/Committee establish objective, quantifiable scoring or ranking process
- ❑ Search Committee Chair and Committee craft **Behavioral Based Questions**
- ❑ Search Committee Chair/Committee develop uniform **Interview Evaluation Forms**
- ❑ Evaluation criteria is reviewed and approved by the EEO Coordinator.

# Checklist Continued

## **After receiving approval of pool from EEO Coordinator:**

- ❑ Conduct telephone interviews if appropriate
- ❑ The Search Committee invites the applicants with the highest scores (no less than two candidates) to campus. The Search Chair documents any candidates who withdraw or who may decline campus interviews due to salary or other reasons.
- ❑ Conduct reference checks
- ❑ Conduct on campus interviews as appropriate
- ❑ Make selection

## **After making a final selection:**

- ❑ Hiring Official contacts EEO Coordinator with hiring recommendation.
- ❑ HR will gather information from the Hiring Official to complete hiring process.
- ❑ Upon budget and background check approval, an appointment letter issued to EPA Non Teaching new hires, promotions, transfers, reassignments; faculty contract issued to EPA Faculty new hires, promotions, transfers, reassignment; letter shall be issued to SPA Staff new hires, promotions, transfers, reassignments
- ❑ Close posting in online employment system
- ❑ Retain recruitment file for three years from date of candidate's hire, or until case closed in the event of litigation whichever is later

*An organization's recruitment and selection practices can make the difference between human capital composed of engaged and productive workers and a workplace that struggles with quality and performance issues*

# Questions ?

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