



Techniques and Tips for Conducting an Employment Interview

BY JENNIFER HOSTETLER, ESQ.

An interview is key to hiring the most qualified candidate for the position. A good interview allows an employer to determine whether a candidate's skills and experience meet the requirements of the job and whether a candidate's personality fits in with the culture of the company.

Human resource professionals and/or managers conducting an interview should take the time to prepare and be well informed on how to conduct an effective interview so that the employer obtains the information needed to select the proper candidate for the position. Preparatory steps include reviewing the job description, assessing the particular needs of the position, and becoming familiar with the candidate's resume and/or application. After those steps are completed, the interviewer should select a method of interviewing and thoughtfully draft interview questions. This article discusses various interviewing methods, provides tips for drafting interview questions, and identifies interview questions to avoid that may subject an employer to claims of discrimination in the hiring process.

Interview Structure

Most people are familiar with basic interview questions such as “why are you the best person for the job” or “why should I hire you.” These types of questions may provide an employer with important information about an applicant, but they rarely help an employer determine whether an applicant is the best candidate for the position. In order to best assess whether a candidate has the requisite skills for the position, the interview should include questions tailored to the position and the attributes required to be effective in the position. The employer can select from a variety of interview techniques based upon the unique needs of the employer, the position, and the corporate culture of the employer.

The employer should first determine whether to follow a structured or unstructured interview approach. In structured interviewing, the interviewer asks each applicant the same set of questions, focusing on qualifications and skills essential to the position. This approach enables the employer to compare and rank applicants. In addition, using the same criteria for evaluating each candidate helps avoid potential legal problems and defend against allegations of discrimination in hiring when it can be shown that all candidates were subject to the same questions and criteria.



PHOTO CREDIT: SHUTTERSTOCK.COM

determine whether the applicant has the skills needed for the position. An employer using this type of questioning asks the candidate to provide specific examples of when the candidate has demonstrated certain behaviors or skills in the past as a means of predicting future behavior and performance. Examples of behavioral questions are:

- Describe a situation in which you disagreed with your supervisor and explain how you handled it;
- Describe a time that you had multiple competing deadlines and explain how you managed those deadlines;
- Describe a time where you worked with a difficult co-worker to achieve a goal; and
- Explain the most difficult decision you have had to make in a job.

In a situational method, the applicant is presented with a hypothetical scenario and asked to provide specific examples of how the candidate would respond in the situation. In this approach, the employer gains insight into how an applicant thinks and approaches a particular challenge or problem. Examples of situational questions are:

- What would you do if you disagreed with your supervisor on how to resolve a problem?
- What would you do if you were assigned to work on a project with a co-worker, and the co-worker was not pulling his or her weight?
- Tell me how you would ensure proper communication with supervisors and team members in a remote environment.

In the general method, the interviewer asks questions related to a general topic relevant to the position such as communication, leadership, ethics, etc. Examples of general interview questions are:

- How do you ensure proper communication with your supervisor?
- What is your management style?
- What are the traits of an effective leader?
- Describe what the term “business ethics” means to you.

As a general tip, employers should limit or avoid leading questions and ask open-ended questions. Open-ended questions encourage candidates to speak and provide greater opportunities for the employer to learn about the employee. Employers should also ask follow-up questions as necessary and document all candidates’ responses to questions to serve as a reference when making the hiring decision.

Prohibited Interview Questions

Along with choosing an interview technique and approach, it is important an interviewer be familiar with the types of questions and statements that are off limits or should be avoided in any interview. Employers should review federal and state legal provisions regulating the types of questions permissible in an employment interview and ensure interviewers are properly trained on those issues.

In an unstructured interview, the interviewer does not follow a set list of questions. Instead, the interview proceeds more like a conversation. The interviewer may develop or change questions during the interview based upon the applicant’s responses. This technique allows the interviewer to tailor interview questions to the particular applicant’s skills and experience. However, the lack of structure may make it difficult to compare and rank applicants, because they are not responding to the same set of questions.

Interview Methods or Techniques

After deciding on the structure, the employer may prepare interview questions to guide the interview. Interview questions may be based on three methods or techniques: (1) behavioral, (2) situational, and (3) general. The interview can include questions from a single method or incorporate more than one method.

The behavioral technique, often considered to be the most effective type of interviewing technique, focuses on an applicant’s past experiences, behaviors, knowledge, skills, and abilities to

CONTINUED ON PAGE 14

Techniques and Tips for Conducting an Employment Interview

For example, to avoid running afoul of state and federal anti-discrimination laws, interviewers should avoid direct or indirect inquiries into an applicant's protected class. These include religion, national origin, race, color, age, disability, gender, gender identity or expression, sexual orientation, pregnancy, or genetic information. Title VII of the Civil Rights Act of 1964, as amended¹ and the Age Discrimination in Employment Act of 1967² prohibit intentional discrimination as well as neutral employment practices that are not intended to discriminate but have a disproportionate adverse effect on a protected class. *Ricci v. DeStefano*, 557 U.S. 557, 577 (2009); *Coleman v. Quaker Oats Co.*, 232 F.3d 1271, 1291 (9th Cir. 2000). Therefore, employers should be careful to avoid questions that may elicit information that could disparately impact protected classes unless related to a job or business necessity. These include questions about finances, credit history, or arrests. Even if not prohibited under federal or state law, employers should avoid asking personal questions unrelated to the performance of the job that may offend the applicant. The following are examples of prohibited questions or questions that should be avoided:

- How old are you?
- When were you born?
- Do you have any children?
If so, do you have childcare arrangements during work hours?
- What is that accent you have?
- What is your ethnicity?
- Do you have a disability?

And the following are examples of lawful questions tailored to the job or business necessity:

- Can you furnish proof you are at least 21 years of age to serve alcohol in the bar?
- What hours and days can you work?
- Are you legally eligible for employment in the U.S.?
- Can you perform the essential functions of the position with or without reasonable accommodation?

Further, in Nevada, employers are prohibited from inquiring into an applicant's wage or salary history. Senate Bill 293, passed in the 2021 Nevada legislative session, makes it unlawful for an employer: (1) to seek the wage or salary history of an applicant; (2) rely on the wage or salary history of an applicant to determine whether to offer employment or the rate of pay for the applicant; (3) refuse to interview, hire, promote, or employ an applicant if the applicant does not provide a wage or salary history; or (4) discriminate against or retaliate against an applicant that does not provide a wage or salary history. An employer, however, is not precluded from asking an applicant for employment about wage or salary expectations for the position. S.B. 293, 2021 Leg., 81st Sess. (Nev. 2021).

Senate Bill 293 also requires employers to provide applicants with the wage or salary for the position once an applicant has interviewed for a position. This includes employees who have applied for promotions or to transfer within the company if they have completed an interview for the position or been offered the position and have requested the wage or salary rate for the position.





PHOTO CREDIT: SHUTTERSTOCK.COM

Conducting an effective interview requires planning and preparation. It is important for employers to take the time needed to develop interview questions to not only ensure they appropriately screen and select the most qualified candidate for the position, but also avoid inadvertently subjecting the company to a costly discrimination claim.

ENDNOTES:

1. Title VII applies to employers with 15 or more employees.
2. The ADEA applies to employers with 20 or more employees.

JENNIFER K.

HOSTETLER is a labor and employment attorney at Lewis Roca Rothgerber Christie LLP. Her employment practice focuses on the defense of employers in state and federal court against claims of discrimination, harassment, retaliation, wrongful termination, breach of contract, and violation of wage and hour laws. She also regularly represents employers before administrative agencies, such as the Equal Employment Opportunity Commission.



Employers should be careful to avoid questions that may elicit information that could disparately impact protected classes unless related to a job or business necessity.

EXPERIENCE YOU NEED RESULTS YOU WANT



OFFERING IN-PERSON & VIRTUAL ADR
WWW.ARMAADR.COM  855.777.4ARM