Hiring Tips from Employee Services

❖ **Lore** -- I’m not seeing a cite for open, competitive process for non-classified positions. We have such a law for our hiring practices in the leg branch, correct? Do you know where? I want to put that first. chapter 240 excludes us there.

❖ In hiring for a nonpartisan position, an employer may not discriminate against an applicant based on *political affiliation*

❖ All state and federal laws against discrimination apply during the hiring process, including prohibitions against discrimination based on:
  • Race or color
  • National origin (candidates must be able to lawfully work in United States)
  • Religion
  • Family status (other than nepotism - *e.g.* young children at home)
  • Marital status
  • Sex
  • Sexual orientation
  • Gender identity
  • Pregnancy
  • Age
  • Disability
  • Need for medical leave
  • Workers compensation claim
  • Whistleblower status (opposing unlawful conduct)
  • Protected speech/activities (such as political affiliation for a nonpartisan position)
  • See employee services with questions regarding additional protected classes

❖ We award a preference to qualifying veterans

❖ Avoid language that creates an implied contract
  • Do not indicate how long you expect the position to last: all employment is at-will
  • We have an “introductory period,” not a probationary period, and employment remains at-will throughout an employee’s tenure

❖ **General Tips:**
  ➢ Read and be familiar with the position description
  ➢ Review the candidate’s application materials
  ➢ Follow the interview script - OK to stray for follow up (with lawful, job-related questions), but if you do so --
  ➢ Be fair and consistent
  ➢ Be mindful of time constraints: give everyone a turn
  ➢ Listen! 80% of the interview should involve the candidate’s responses
➢ Be respectful
➢ Have a designated person to close and explain the next steps

❖ Interview Notes:
➢ Use a pencil when scoring interviews
➢ Take accurate notes that reflect facts, facts that you may lawfully consider
➢ Be friendly but do not pursue personal information
   ♦ If candidate opens door to potentially discriminatory consideration (“we have a new baby at home”) politely redirect to facts you will consider for hiring
   ♦ Take accurate notes! Later, you may not recall why your notes say “new baby.” Write down factors you will actually consider in hiring for the job.
   ♦ Your notes are subject to public records disclosure and are discoverable
   ♦ Date, initial and turn in scoresheets at the end of interviews

❖ Frequently asked questions:
➢ What if the candidate asks me for feedback after the interview?
   ♦ You understand that constructive feedback can be helpful
   ♦ Direct to Employee Services to respond with your input
   ♦ Vets are legally entitled to a response (upon written request for reasons not selected)

➢ What if the candidate asks about his/her veterans’ preference points
   ♦ We follow veterans’ preference law
   ♦ Employee Services tracks and handles the preference

➢ What if I know the candidate?
   ♦ Treat all candidates fairly
   ♦ Score based on qualifications and interview responses
   ♦ Disclose to Employee Services if the candidate is a relative

➢ Why can’t I explore political affiliation?
   ♦ This is a nonpartisan position
   ♦ As a state actor, you risk intruding on free speech/freedom of association rights if:
     o The speech in question was not expressed by the employee as part of the employee’s official job duties
     o The speech pertains to a matter of public concern; and
     o The damage caused by the speech to the efficiency of the government agency’s operation does not outweigh the value of the speech to the employee and the public (Pickering balance)