



Conducting a Legal and Compliant Interview

Interviewing can be a challenging piece of the Human Resources puzzle. You want to know what the person in front of you is “really like” – but you can’t ask certain questions. Or can you?

The EEOC (Equal Employment Opportunity Commission) has determined that certain topics cannot be discussed in an interview setting:

- religion
- national origin
- race
- marital status
- parental status
- age
- disability
- sex
- political affiliation
- criminal records
- other personal information such as financial/credit history

There are many ways though, that you can conduct a valid and telling interview, without crossing the EEOC’s clear boundaries.

1. Have a clear understanding of the position for which you are hiring. If you do not have a job description, create one. You must have a benchmark by which you will compare all resumes. Unless you know what you are looking for, it will be difficult to find a great candidate.
2. Create an interview guide long before you ever interview a single candidate. Determine what questions you want to ask in the prescreen and in the interview. Have a form for each candidate with all questions and answers listed. This will allow you to prove that you focused your questions in one area, rather than in another alleged area. Also, you will establish a procedure that can be carried out by any trusted employee.
3. Interview multiple candidates, even if you feel you have found the perfect one in your first interview. You will need to show that candidate A was more suited for the position than candidates B, C, D, or E. If you only have A and B, you may appear to have discriminated based on invalid criteria.
4. Notify all candidates when your search has come to an end – even the ones you didn’t select. This will create a clear knowledge that the process has concluded and no one will wonder if you are still interviewing.

Generally speaking, with planning and documentation, you can conduct a legal and compliant interview. If you have any questions about creating an interview guide, feel free to contact C&S Consulting, LLC at 317-403-6568 or info@candsconsulting.biz.