

User's Guide for Merit System Hiring In the State of Delaware



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Human Resource Management



**USER’S GUIDE FOR MERIT SYSTEM HIRING IN THE STATE OF
DELAWARE**

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I. FORWARD

The Office of Management and Budget, Human Resource Management (OMB/HRM), in keeping with the agency's mission to provide human resource programs and services to meet the needs of state government, is pleased to announce new recruiting and hiring processes to assist agencies in selecting capable and productive employees. We can exceed the expectations of our customers with new modernized employment services rules and a state of the art automated system (Delaware Employment Link or DEL) that delivers a first rate, faster, flexible, consistent and reliable hiring process.

This manual provides information covering recruitment, job interviews and job offers using a legally defensible process in conjunction with DEL and the revised merit rules, policies and procedures.

II. INTRODUCTION

OMB/HRM's strategic initiative to improve the hiring process provided the opportunity to look at best practices in hiring, review the business rules and investigate automation to find the best solution. The three cornerstones to the modern employment services rules that are being implemented are flexible posting timeframes with a minimum of seven (7) days, posting individual position vacancies as they occur, and increasing the number of candidates on a hiring manager's referral list to thirty (30). The business processes and workflow have been automated, streamlined and simplified and inefficiencies and barriers removed. Hiring agencies will be able to view the number of qualified applicants in DEL to manage the job posting time frame and other recruitment methods. Applicants will be able to manage their applications and job search using DEL by self-screening based on interest in a particular vacancy. This will provide the hiring agency with an applicant pool interested and available at the time of recruitment. The hiring managers will be issued the referral list quicker and be able to view it and applications online. All of this will enhance the State of Delaware's competitive advantage in the labor market.

III. PLAN AND MANAGE RECRUITMENT

Once you are aware that you have a vacancy and have approval to fill it, you will need to start making decisions about recruiting for your position with the assistance of your agency's Human Resource Office if needed. The criteria for making a hiring decision needs to be established before the position is posted. The goal is to manage recruitment so that the position can be filled as quickly as possible with a highly qualified candidate while meeting the requirements of the merit rules. Managing recruitment requires consideration of a number of factors that will result in a successful hire. To do this you will create a job/candidate profile and complete the Requisition to Fill Vacancies¹ form.

¹ See Appendix A for a copy of the Requisition to Fill Vacancies form.

A. Create a Job/Candidate Profile

Defining the job/candidate profile is the first step in planning for your recruitment and will provide the foundation for the later steps in the hiring process such as developing the interview questions. In most cases, this step is just a review of current documentation, such as the current job specification, to confirm whether it is still applicable.

1. Define the essential duties. What are the essential duties needed to be accomplished by the position in order to meet your operational needs? A duty may be considered essential if the position exists for the performance of that duty. Would removing the duty fundamentally alter the purpose of the position? Reviewing the essential function section of the class specification will help you get started. If these essential functions still fit this particular job, then you can proceed to the next step. If not, you will need to rework the essential functions by answering the above questions for this position. Typically, you end up with a list of five (5) to seven (7) duties that are essential to the position. If you have more than ten (10) essential duties, it is recommended that you consolidate or merge duties that are similar or related. Record each of the essential duties for the position. This will begin the documentation of the job/candidate profile that you will use in Chapter IV for developing interview questions.
2. Review the Summary Statement. After reviewing or creating the list of essential duties, review the Summary Statement section of the class specification. Does this statement adequately describe your position or do you want to provide your agency HR office with a summary statement better describing your specific position's job duties and responsibilities? Along with the job location being listed in the posting, tailoring the summary statement allows potential applicants to judge their willingness to accept your position before they apply. For example, an agency may have several Social Service Administrator positions, but they may be assigned to work in different specialty areas. Information about the specialty area may be helpful on the job posting.
3. Additional Screening Requirements. On occasion, additional job-related screening requirements such as selective requirements, preferred qualifications, writing exercises, or a functional capability evaluation may be necessary to screen candidates for your position. While additional information on screening requirements is provided in the appendix², this is one area where your agency HR Office can be of assistance. Work with your agency's Human Resource Office and they will gain prior approval from HRM. This is needed before you submit the Requisition to Fill Vacancies form to use any additional screening requirement(s).

With DEL, vacant positions are posted individually. Applicants can self-screen based on job specific information such as work location, work schedule, summary

² See Appendix B for information on Selective Requirements, C for information on Writing Exercises and D for information on Functional Capabilities Evaluations.

statement of job duties and other position specific information. You may find you do not need to use selective requirements or preferred qualifications now that applicants can self-screen using the job specific information reflected on the posting especially the summary statement that can be written describing the job duties. Using selective requirements and preferred qualifications could result in a much smaller applicant pool from which to make a selection.

4. Career Ladder. Finally, if the position is in a career ladder, identify the level for which you are recruiting. Consider what level you need to recruit for based on your operational needs and what staff resources are available to meet those operational needs.

B. Decide on the Type of Posting Option

Review with your agency Human Resource Office:

- your agency's policy and any union contracts regarding filling positions/recruitment.
- the diversity of the workforce regarding affirmative action and diversity of the workforce to support the development of a plan to recruit a diverse pool of qualified candidates.

There are three types of postings authorized in the merit system:

1. In-House. Within the same department is referred to as in-house or intra-agency. It allows for all merit employees within a department to apply. A merit employee is defined as in a position covered by the Merit System and who has completed the initial probationary period. Exempt employees with return to merit rights for the specific agency may also apply. Employees in the department who are non-merit employees are not eligible to be considered for these types of job postings. Non-merit employees are initial probationary employees, casual/seasonal employees, or exempt employees. Initial appointments to state employment with limited-term status (no merit status) are not eligible for in house postings. This type of posting should not be utilized unless the agency is large enough to support a sufficient number of qualified applicants.
2. Merit Only. Within State merit agencies is referred to as inter-agency. It shows on the job posting as Merit Only and provides for all merit employees from any merit agency to apply. A merit employee is covered by the Merit System and has completed the initial probationary period. Employees in state agencies who are non-merit employees are not eligible to be considered for these types of postings. Non-merit employees are initial probationary employees, casual/seasonal employees or exempt employees who do not have return to merit rights. Initial appointments to state employment with limited-term status (no merit status) are not eligible for merit only postings.

3. Open Competitive. Allows anyone to apply whether or not they are a current state employee. For probationary, casual/seasonal, or exempt employees without specific return to merit rights to be considered for a vacancy, the posting must be done as open competitive and the employee is considered an outside applicant.

Only one posting method is permitted at one time and once a job is posted, the hiring process must be completed. You must reject all of the qualified applicants for job-related reasons before you are able to repost your position. If you repost, you will need to use a less restrictive posting option. In other words, if the original posting option was in-house and you choose to repost the vacancy, you would need to use the Merit Only or Open Competitive posting option. If you post open competitive with a selective and later need to expand the recruitment field, you may post the same vacancy as open competitive without a selective.

When deciding what type of posting to use, consider the job in relation to the applicant pool. Refer to the job/candidate profile to determine how a candidate can compliment the skill set you have on staff. Then consider where your potential applicant pool may exist. Is the ideal candidate likely to be found within your agency, in other State agencies or from outside the state? How has the job market, in-house training programs and previous recruitment efforts helped to identify potential candidates? For example, in-house or merit only postings may be appropriate when the job skills required are most likely found within the agency or other agencies in those circumstances where there is limited time/resources to train new employees from outside state government. If you want to broaden the skill set of your operations and those skills are most likely found outside of State government, it may be appropriate to post open competitive. Diversity within your organization should also be considered when making this decision.

C. Posting Time Frames

During the time your position is posted, typically seven (7) days, your agency's Human Resource Office may monitor the qualified applicants in the applicant pool. If the applicant pool appears insufficient, consideration can be given to extending the posting's closing date.

IV. JOB INTERVIEW PURPOSE AND STRUCTURE

Now that your Requisition to Fill Vacancies form has been sent to your agency HR Office, who then forward to HRM for posting, you will turn your focus to the interview. This section gives you a brief background on the purpose of interviews and the type of interview HRM recommends. While the applicant's qualifications for meeting the job requirements and passing any written examinations required has been screened earlier in the process, the interview serves to elaborate on those qualifications, probe into specific

areas of competency and determine how well the candidate's skills and abilities apply to the specific job.

A. Purpose

Interviews serve five (5) main purposes:

1. Interviews give the candidate a more detailed view of the job. The interview is the opportunity to give the candidate specific information about your operation, a job description explaining the job, any work expectations, and a copy of the job class specification.
2. Interviews give you the opportunity to more clearly determine the candidate's competencies beyond what is possible through the application process. The interview provides you the opportunity to review with more detail the candidate's employment and education history and specific areas of competency to determine how well the candidate's knowledge, skills, and abilities match the requirements of your position and operational needs. The goal is to learn more about the candidate's work/education history, confirm information provided by the candidate on the application, and to assess how well the candidate meets the agency's needs.
3. Interviews give you the opportunity to determine how well the candidate will "fit in" the organization. You should note whether the candidate seems likely to share the goals of the organization and possesses the communication and interpersonal skills necessary to get along with co-workers, clients, or customers.
4. Interviews give you the opportunity to embody and represent the State of Delaware as the "Employer of Choice" which can further enhance future recruitment through attracting many more qualified candidates for you to consider. In your role as hiring manager, you are not only evaluating talent. You are marketing the state, the specific job opportunity, and the vision of the future of your unit all at the same time. As a representative of your agency and the State of Delaware, you must always be aware that you are a strategic partner in developing a shared vision of the people and culture of the agency. It is important that you and the interview panel provide a positive interviewing experience by being enthusiastic, prepared, polite, and respectful of the candidate's time.
5. Finally, interviews also give candidates an opportunity to ask questions about the job duties and requirements. This will help candidates decide whether they are interested at that time and, if the position is offered, whether to accept employment. The goal is to provide sufficient information so that the candidate can make an informed decision cutting down on potential turnover.

B. Structured Interviews

HRM recommends using a structured interview format. Research has found that by increasing the amount of structure or standardization of interviews, you increase the validity (questions measure what you expect them to measure), reliability (given the same

circumstances, you will get the same results), perceptions of fairness, and legal defensibility.

- Structured interviews require interview panels to reduce the subjectivity of decisions that can occur with one interviewer. Interview panels consisting of three interviewers are highly recommended. The same panel of interviewers should be utilized for all candidates per job opening. It is important that the same interview panel be used for all interviews. Only in true emergency situations can the interview panel change for a job opening. Jobs in pay grades 15 and above require a panel of at least three interviewers who should be as diverse as possible. At times a second panel may be convened to make the final hiring decision.
- Structured interviews ask all candidates the same core set of questions, ensuring all have the same opportunity to display their knowledge, skills and abilities. Additional questions pertaining to the information on his/her employment application can be asked of the candidate.
- Structured interviews are based on questions that are directly linked to the core, essential job duties and responsibilities. This increases the chances of having a successful hire because the questions are directly linked to the job duties thereby making it a valid interview.

The next four sections will provide guidelines on how to create and conduct a structured interview.

V. PREPARE FOR THE INTERVIEW

While the position is being posted, start preparing for the interview by selecting the interview panel and developing the interview questions.

A. The Interview Panel

As noted above, one characteristic of structured interviews is an interview panel. It is strongly recommended that interviews be conducted by three members and meet the following criteria:

- be diverse (race and gender) whenever possible.
- include the immediate supervisor – usually as the lead interviewer.
- include two members who are familiar with the job and at least one level above the position being filled (although the same level is fine if the person at the same level has not applied for the position and will not be supervised by the position). Staff that could fulfill this role is the next level supervisor, a supervisor from another unit or location, a human resource employee, or someone considered a Subject Matter Expert in the job. One of the panel members may be from another division, agency or, in the case of professional or technical jobs, someone who is not employed by the State. Only under extreme circumstances can an interview panel member serving as an SME be at a lower pay grade and the circumstance

must be reviewed and pre-approved by the Human Resource Director. As an example, an Environmental Scientist III would likely not be appropriate to serve as an SME on an interview panel for an Environmental Program Administrator. It is appropriate for a Human Resource Representative at a lower pay grade to serve on an interview panel as long as there are two SME panel members.

- include panel members who are not personal friends or relatives of the candidate.

In accordance with the Governor’s Executive Order 8³, if the position is a pay grade 15 or above, interviews should be conducted by a team of three or more members who should be diverse whenever feasible. HRM has a list of individuals who can be utilized to sit on the interview panel if needed.⁴ Also check with your Human Resource Office to see if your agency has a policy for Human Resource Managers or representatives to sit on all interviews for pay grade 15 and above.

B. Establish a Valid Link between the Job and Interview Questions

Another characteristic of a structured interview is a link between the job duties and the questions asked of the candidates. Each question is designed to elicit information to assess the candidate’s qualifications in relation to the essential job duties. In order to develop valid interview questions, the following actions can help you identify the critical questions.

It is recommended to draft a question or questions that cover each essential duty, using the information from the job/candidate profile you developed. It is critical to ensure that the interview questions are clearly job-related. Additional or follow-up questions can be added to the core questions. Please check with your Human Resource Office if you have any questions about the proposed interview questions. Interview questions should be developed before you receive the referral list. Check with your agency HR Office to see if your interview questions must be pre-approved.

C. Types of Questions

There are five types of questions commonly asked during interviews:⁵

1. Job knowledge questions. Ask candidates to demonstrate specific job knowledge or provide documentation of job knowledge. (For example “Please define program budgeting. What are its advantages and disadvantages compared to other types of budgets?”).
2. Past behavior questions. Ask candidates to describe their activity of past jobs that relates to the job for which they are being interviewed. (For example, “Describe your experience with conducting investigations.”)

³ Go to http://governor.delaware.gov/orders/exec_order_08.shtml to view Executive Order 8.

⁴ Go to <http://delawarepersonnel.com/diversity/documents/resource-list.pdf?ver=0616> for the Minority Resource List for Selection Interview Panels.

⁵ See Appendix E for Questions that Cannot Be Asked During an Interview.

3. Candidate background questions. Ask candidates about work experience, education, and other qualifications. These questions are used to verify work experience and gain a sense of the candidates' competencies. (For example, "Your application states that you have held a job where you participated in conducting studies. Please explain what your role was in conducting the study".)
4. Situational questions. Present the candidates with hypothetical situations and ask how they would respond. They allow the candidate to tell you how s/he would respond and allows candidates who have limited work experience to show you how they handle situations. However, recognize that they may provide different responses from actual past experiences and do not necessarily predict future behavior. (For example, "How would you respond to a client who is visibly upset when you explain why they are not eligible for benefits?") If you use this type of question, be sure that the answer does not require knowledge that is based on state or agency policies, procedures, etc., if the posting was open to outside candidates. Outside candidates cannot be disqualified for not having knowledge of state processes. As situational questions are hypothetical, they are best used in conjunction with other types of questions.
5. Behavioral Questions. It is highly recommended to include behavioral questions. These types of questions provide you the opportunity to look at what they did and what the results were in a particular situation. Rather than using situational questions where you ask what you would do, you ask questions that are based on real situations. These types of questions begin with phrases such as "Tell me about" which requires the candidate to cite specific experiences. Other examples are:
 - Describe a situation where you had several demanding tasks and how you handled the situation.
 - Describe a situation where you were unable to meet a deadline and how you responded.
 - How do you respond when you are angry about a decision you think is unfair?
 - How did you handle a situation where you disagreed with your boss?
 - How do you wish you had handled a particular situation differently?

D. Characteristics of Good Questions and Interviews

Good questions and interviews have the following characteristics:

- They gather information about what actions candidates took on a job, how they applied their knowledge and skills and what results were obtained from those actions.
- They use a variety of the types of questions listed above.

- They use open-ended questions (what, when, how, why, or where) so yes or no responses are not elicited.
- They are clearly and briefly stated.
- Do not consist of questions requiring knowledge that will be learned on the job or specific to agency policies or practices unless all candidates should have access to this information.
- They do not lead the candidate to a general, standard or expected response. For example, if you explain what is expected and then ask if s/he is going to be able to meet the expectations, the response will be the same as the question or statement. An alternative is to explain what is expected and ask candidates what they will do to ensure they meet the expectations.
- Questions are phrased so that they elicit the information you need to make an informed decision. For example, rather than asking “How would you describe your interpersonal skills?”, you can ask “Describe a time when you had a conflict with a co-worker, subordinate, or supervisor. How did you react?”

E. Follow-up Questions

Asking follow-up questions is important, even in structured interviews so that there is clarity and verification of information and little room is left for misunderstanding the information. They give each candidate encouragement and opportunity to elaborate on answers. The wording of these questions should be kept neutral. (Examples of general follow-up questions: “Would you give an example?” or “Would you explain further?” or “Please elaborate on what your role was”).

F. Americans with Disabilities Act

The Americans with Disabilities Act (ADA)⁶ Amendments Act of 2008 makes it unlawful for an employer to discriminate against a qualified applicant or employee with a disability. An applicant with a disability, like all other applicants, must be able to meet the job requirements and perform the essential functions of the job with or without a reasonable accommodation. Employers have an obligation to make a reasonable accommodation to enable the applicant with a disability to participate in the interview. ADA also limits the types of questions that can be asked of job candidates.

VI. MANAGE THE REFERRAL LIST

⁶ See Appendix F. For additional information, visit <http://www.eeoc.gov/policy/docs/accommodation.html> and <http://askjan.org> and <http://www.eeoc.gov/policy/docs/preemp.html> and <http://www.eeoc.gov/facts/jobapplicant.html>

DEL provides applicants the opportunity to self-screen by responding to questions for the job requirements. The system provides space for the applicant to document employment history, education and training for each of the job requirements. Your agency Human Resource Office may have reviewed the applications prior to your receiving the referral list to ensure that the applicant responses are consistent with the job requirements.

The referral list contains the names of those candidates who have successfully completed the screening for meeting job requirements and any other screening tools such as a written exam that may apply to your particular position.

It is critical that the referral list is canvassed in a manner that is free from bias. This section presents guidelines for canvassing the referral list to help you decide who and how many candidates to interview. Please contact your Human Resource Office for your agency's specific policies and procedures.

As a hiring agency, you are responsible for legal compliance with statutes governing hiring not only from the standpoint of meeting federal and state laws⁷ but also in conjunction with upholding merit system principles. Merit system principles require a system that is efficient, effective, fair and open to all, free from political influence, and staffed by qualified employees. Rather than prescribe rigid procedures and rules for canvassing a referral list, the following is intended to guide you in fulfilling the merit system principles, legal mandates, and agency policies.

A. How Many Candidates Do I Need to Interview?

Know your agency's policy for the minimum number of candidates that must be interviewed.

- Does your agency require you to contact each candidate on the list?
- Does your agency require you to interview each candidate?
- Does your agency require a minimum number of candidates to be interviewed?
- Does your agency require you to interview current employees?
- Does your agency have collective bargaining agreements that have requirements for canvassing referral lists?

If your agency requires that all candidates be interviewed, you can proceed with setting up the interview. Now that you may have many more candidates available on a referral list, it is suggested that shorter screening interviews be conducted as a first round to offer all candidates an opportunity while best utilizing the time of the hiring panel. Longer interviews may still be held with the most viable candidate(s) after the shorter screening interviews. Traditionally, agencies only required all candidates to be interviewed if that particular classification was underrepresented for the population of females and minorities in the available labor market. Your agency HR Office has this information and

⁷ See Appendixes M and N for links to State and Federal rules, policies, guidelines and procedures.

will let you know if the classification is underrepresented when you receive your referral list.

Prior to the implementation of DEL, the State's EEO/AA Guidelines for State Agencies required hiring managers to interview all on a certification list (15 or 15%, whichever is greater) when there was under-representation. These guidelines will be amended to state that if the particular classification is underrepresented in either women or minorities, then at least 15 individuals on the referral list must be interviewed. If your agency does not require all candidates to be interviewed, please continue.

B. Refine the Referral List

Consider all candidates on the referral list. There is no legal requirement to interview a minimum number of candidates due to the varying situations in response to recruitment and in relation to the agency's operational need to fill positions (unless the classification is underrepresented per above section). For example, for positions that are hard to fill, the agency may or may not interview and hire the one candidate who applied. In other cases, there may be 25 – 30 names on the referral list making it more feasible to begin conducting interviews of only the top candidates. If a suitable candidate is not found from the top group, the interviews would continue with the middle group of candidates. If a suitable candidate is not found in the middle group, the interviews would continue with the bottom group of candidates. HRM recommends all candidates be interviewed if there are less than five candidates and when there are five or more candidates on a referral list, to interview at least five. By interviewing more than one candidate, it will provide a good foundation for ensuring that you are adhering to merit system principles and standards.

Merit System Principles and Standards affirm that the agency must show a good faith effort that complies with merit system principles, policies and rules for equal opportunity employment and fair and open competition. To meet these standards, a hiring manager must canvass a referral list in a manner that demonstrates that all candidates were considered, either through a review of the application, contacting the candidate, interviewing the candidate or a combination of all three. Hiring of a candidate is to be determined on the basis of the knowledge, skills and abilities to do the job as well as the fit within the organization as a result of recruitment and screening of candidates.

The DEL system will arrange applicants in alphabetical order on the referral list when there are less than 31 applicants and a written examination is not required. When there are more than 30 applicants, DEL ranks applicants by score although the referral list does not contain the final scores.

C. Document the Referral List Decisions

In all cases, document the actions taken with each candidate. If a review of the application indicates that the candidate does not have the education, training or experience that has prepared him/her for the position responsibilities and you are not

contacting or interviewing that candidate, detail why. It is not an absolute requirement to contact a candidate if the candidate's employment and training history has not prepared him/her for the position you are filling. The key point is to document the rationale as to why the candidate is not suitable.

D. Rejecting the Entire Referral List

Job-related reasons are not required to be listed for each candidate when returning a referral list unless the entire referral list is rejected. Candidates must be rejected for job-related reasons:

- The candidate's education, training and employment history are not sufficient for the candidate to meet the requirements of the position upon entry. The reasons must be stated in specific terms, i.e., what the job requires and what the candidate lacks.
- The candidate is not a good fit with the organization. This must be stated in specific terms, e.g., the candidate's interpersonal skills at the interview were not suitable for working with the public on a daily basis.

In the event you are unable to hire from the first referral list, please contact your Human Resource Office. You must have canvassed and rejected the entire list before obtaining another list or reposting the position.

VII. SET UP THE INTERVIEW

You have already built a strong structure for the interview process by following the guidelines above. In this section, you will put more structure in place to ensure you have a reliable, defensible interview process. The interview will be used to make a decision about the candidate, how well the candidate fits the job and how well the job fits the candidate. Interviews need to be standardized by using the same location (whenever possible), interview panel, and questions. On rare occasions, one of the interview panel members may not be able to participate for a particular time period and a replacement interviewer is needed. In those situations, please contact your HR office.

A. Schedule Interviews

Schedule at least 30 to 45 minutes for each candidate to interview unless you are conducting the shorter "screening" interviews. The actual length of time for the interview will vary based on the job requirements and complexities. Consider allowing 10 to 15 minutes between interviews so that the interview panel has time to independently evaluate the candidate before the next candidate is interviewed.

B. Location and Physical Arrangements for Interviewing

- Setting. Ideally, the same room will be used for all interviews. Interviews should be held in a quiet, private place free from distractions and interruptions and accessible to candidates with disabilities.
- Seating Arrangements. Seating panel members and the candidate together around a table is an effective seating arrangement. It is best not to have all panel members on one side of the table and the candidate on the other, yet it is crucial that candidates be seated in a position so that they can easily observe, hear and be heard by the panel members. The seating arrangements should be the same for all candidates and facilitate open discussion.

C. Invite the Candidate

When inviting candidates to the interview, you need to provide the following information:

- The position they applied for including agency name and location of work.
- Day/date, time and location of the interview.
- The name of the lead interviewer and a telephone number to call if necessary to either cancel or secure more detailed directions.
- Any additional requirements such as a writing exercise to be administered at the time of interview (Note: The writing exercise must be approved by HRM prior to posting).

Remember that no tests of any kind can be administered at the time of interview without prior written approval from HRM.

You may also request that the candidate bring:

- Samples of their work. Work samples need to relate to the work that would be done if hired in the position you are interviewing for and that would aid in demonstrating knowledge or skills such as statistical reports prepared, marketing materials developed or lesson plans of courses taught.
- Prior evaluations of work performance such as performance reviews or complimentary letters/e-mails.
- College transcripts.
- A list of references including name, title, address and telephone numbers. Professional references such as those from employers or schools are preferable.

At times, a candidate may decline an interview, cannot be reached or does not respond to messages left inviting him/her to interview. If the candidate declines the interview, document this on the referral list. If you are unable to reach the candidate after several attempts by telephone or the candidate does not respond to the messages inviting him/her to the interview, document the dates and times you telephoned and left messages. The decision whether to schedule an interview because a candidate did not get the message is done on a case-by-case basis, considering the totality of facts and circumstances. For

example, if the candidate calls back after the interviews have started and you are able to fit them in the schedule, you can decide whether to make that arrangement. However, if you are unable to make arrangements with the interview panel to schedule the interview for another date/time to accommodate this one candidate, you can decide to decline the candidate's request. If a candidate claims to have not gotten the message, you may not want to extend the courtesy, except for the most compelling reasons. If you believe the candidate really did not get the message and the reason was not his/her fault, then you should try to reschedule if at all possible. Responsible people interested in a job should have notified the agency of the circumstances as soon as possible.

D. Prepare and Distribute the Interview Packets to Panel Members

Prepare individual interview packets for each panel member and distribute them before the day of the interview. Before the interviews, review the materials with the panel.

Packets may vary but typically include:

- Interview forms to be used for each candidate with the name of the candidate, interviewer, day/date, time and location of the interview followed by the interview questions. Allow space after each question for the interviewer to take notes.⁸
- Copy of the job specification for the position.
- Synopsis of the duties of the position.
- Copies of the applications.

VIII. CONDUCT THE INTERVIEW

A. Interview the Candidate

1. Welcome the Candidate. While the candidate waits for the interview, you may provide him/her with reading material (e.g., synopsis of your section's operations and specific information about the position to be filled or agency brochures). When it is time for the interview, as the lead interviewer, greet the candidate, introduce yourself, and escort the candidate to the location of the interview.
2. Introductions. At the interview, introduce each interview panel member, giving his/her job title and some information about his/her job. Take time to build rapport with the candidate. Engage the candidate in small talk to help the candidate feel more at ease.

Tell the candidate about the:

⁸ See Appendix G for a sample Interview Evaluation form.

- purpose of and agenda for the interview.
 - how the position fits into the organization, the job duties, and responsibilities.
 - job specific information such as work schedule, training provided, working conditions (such as weather related), conditions of employment (such as drug testing, dress code, special requirements that must be met during the probationary period such as obtaining an occupational license). Be honest regarding the realities of the work environment such as high volume assignments, cutting grass in 100 degree heat or other requirements.
 - interview process: All candidates will be given the same questions, each panel member will ask questions and take notes during the interview, and candidates will have an opportunity to ask questions.
3. Ask the Interview Questions. Each member of the interview panel will have his/her pre-assigned questions to ask. To ensure an effective interview, it is important to use the following techniques:
- Show an active interest in the candidate and his /her ideas but stay in control of the interview. If only one candidate is allowed to discuss unrelated topics, it can add bias to the interview process.
 - Give the candidate time to respond to the questions. If the candidate is taking more than a reasonable amount of time, you may want to rephrase the question or clarify the question.
 - Use active listening techniques.⁹ Let the candidate do most of the talking and listen to what the candidate is saying so that you can respond accordingly.
 - Ask follow-up, probing questions when you need clarification of the candidate's response or need to get more specific, detailed information about the candidate's role. Do not accept general statements or pat or vague answers.
 - Politely keep the candidate on track and bring them back to the question.
 - Rephrase the question if the candidate does not understand.
 - Do not "rescue" candidates by answering the question for them (e.g, "You wouldn't want to use Excel for that, would you?").
 - Listen for job attitudes and ideas as well as job knowledge and abilities.
 - Take notes during the interview but do not disrupt the interview by doing so. Record what the candidate actually said or did and in what context it occurred (e.g. "He described a program he set up before to handle a similar problem" not "Ms. Jones spoke in an effective and persuasive manner"). Evaluating the candidates' responses and behavior are done after each interview.
 - Review the candidate's employment history, education and training and ask questions to clarify any information needed.

⁹ See Appendix H for an overview of active listening skills.

- Conclude the interview questions with general questions such as “Do you have any questions for us?” and “Is there anything else you want us to know about you?”.
 - Avoid salary discussions although you may clarify any salary information on the job application or ask about current salary if missing from the job application.
4. Ask for job references. You may have asked candidates to bring a list of references when you invited them for the interview. If not, ask for references at the end of the interview. A sample release form for them to sign is provided in the appendix.¹⁰ Remember that by submitting the electronic application, candidates grant permission for you to check their references.
 5. Tour the work site. If possible, show the candidate around the work site. This will help the candidate make a better decision about accepting a job offer.
 6. Closing. Give candidates a brief overview of the approval process, an approximate time frame when they will be notified about the outcome of the interview and thank them for their interest in the job. Do not suggest to candidates that they will be considered for other positions.

B. Second Interviews

In most cases, you will be able to decide who you will offer your position to with just one interview. However, some agencies require more than one interview and, after some interviews, you may need to find out more about the candidate.

Since consistency is critical for reliability, the rules for a second interview are the same. Questions in the second interview are different from the first set. While the process of developing the questions is the same, you are generally probing for more details. The interview panel may or may not change. (Check your agency requirements.) If you are keeping the same panel, the second interview should help clarify their opinions of the candidate(s). The same steps should be taken to ensure this interview continues to be job related and free from bias.

C. Reschedule Interviews

See Section VIII, C.

IX. ARRIVE AT A DECISION

Generally you and your interview panel have reviewed each candidate after each interview to clarify your notes. Once all of the interviews have been completed, evaluation of the candidates begins. First you will set the stage for the review by reminding the members of the panel about the essential job duties as well as common

¹⁰ See Appendix I for a copy of the Reference Check Release form.

rater errors.¹¹ The more aware panel members are of potential sources of bias, the more bias can be avoided. Then, review all of the data you have about each candidate.

The decision on which candidate to hire should be based on a number of criteria:

1. The Interview. Panel members should review their notes taken during the interview and assess the skills of each of the candidates in relation to the essential job duties. Please remember that if you had a candidate with a disability, the hiring decision can only be based on his/her ability to perform the essential functions of the job.

Remember that using numerical ratings are not recommended and could obligate you to select a candidate you do not really want if not weighted carefully.

2. Organizational Fit. Does the information gathered from the candidate support that s/he can meet the demands of the job, such as work schedule or ability to prioritize tasks? Does the candidate seem likely to share the goals of the organization? Are the communication and interpersonal skills adequate to get along with co-workers or clients? Does it appear that the candidate can work as part of a team? Again, decisions must not be based upon race, gender, religion, national origin, age, marital status, disability, sexual orientation, or veteran status.
3. Results of Reference Checks. Although record and reference checks are typically conducted only on the candidate you are considering for hire, be sure to consider this information. Are the reference check results consistent with the information that was received during the interview?

Finally, as a team, narrow the field, identify at least the two, preferably three top candidates. If the top candidate does not accept the job offer, you will be in a position to make an offer to the next candidate.

X. CONDUCT RECORD, REFERENCE AND OTHER CHECKS

Check references before making a job offer! Reference and other checks are used to verify information obtained from the candidate and to assess skills and abilities relevant to the job.¹²

A. Record Checks

Record checks are straightforward fact-finding checks. They may be used to verify data such as dates of employment, job titles, licenses, certifications or degrees. If checking on

¹¹ See Appendix J for a list of common rater errors.

¹² See Appendix K for Guidelines for Reference Checks and L for Guidelines for Interagency Access to Personnel Records during the Hiring Process or go to <http://www.delawarepersonnel.com/labor/>.

a candidate who is already a state employee, your Human Resource Office can also request a copy of the candidate's personnel file.

Note: If a license, registration or certificate is required by professional or regulatory agencies, you need to verify the authenticity of the document.

B. Reference Checks

Reference checks are a conversation between a potential employer and someone who knows the job candidate. The candidate is responsible for providing references who can be reached and respond to questions. By submitting the application, candidates agree to the release of information from previous employers. If the candidate indicates they do not want his/her present employer contacted, be careful not to make the contact without the candidate's consent – except, in accordance with HRM guidelines, when the job candidate is a current or former State employee who has applied for a position in another State agency. You should be very careful about offering any job without checking references from the current supervisor.

When doing reference checks:

- The most useful references are those who have worked with the candidate. However, you may need to accept personal references if there is no work history. If you are unable to contact the references given to you, be sure to ask the candidate for other names.
- document who you are speaking with and their position with the organization.
- ask questions that focus on the candidate's past behaviors and accomplishments to predict the candidate's future behavior. These questions should be:
 - job-related. The focus is on the candidate's ability to perform the job. You may discuss performance in the past job, work habits, competencies and appropriateness of past on-the-job behaviors. Avoid asking questions about the candidate's personal life such as religion, marital status, age, national origin, etc.
 - focused on specifics. One reason for the check is to gain enough information about your candidate to be able to decide who to hire. You will want to supplement information you have already gathered so each question you ask should address a specific need and be linked to important competencies.
- ask whether attendance was acceptable. Do not, however, ask about sick leave or workers' compensation as such questions could violate federal law.
- assess this information in the context of the situation and all other information you have on the candidate. Did the reference provider seem to have given accurate and truthful answers to your questions? Do the reference providers see the candidate in a similar manner?
- if necessary, share the information with the other panel members.
- use it as part of the decision-making process.

C. Other Checks

If required by law, other checks such as criminal background, drug testing, fingerprinting or child/adult abuse registry will be conducted. Work with your Human Resource Office to coordinate these checks. If a conviction exists, your Human Resource Office may work with the Attorney General's Office to determine if this information is relevant to the specific position.

After gathering this information, you may want to reconvene the interview panel to share the information and make a final decision.

XI. MAKE A JOB OFFER

Be sure to check with your Human Resource Office to ensure that you have received all of the necessary approvals to hire and to discuss the candidate's salary, start date, and any other benefits before you offer the job to the chosen candidate. In some agencies, your HR Office may make the job offer for you.

For some classes, your Human Resource Office will have you make a conditional offer of hire to the candidate you have chosen. This allows you to say to the candidate that s/he will be hired pending the successful completion of one or more screenings or tests, such as drug screening, a criminal background check, or Functional Capabilities Evaluation. When positions to be filled require a candidate to pass these types of screening requirements, it is critical that these requirements be enforced at all times. In other words, you cannot require some candidates to go through these types of screenings and not require it of other candidates when you are filling vacancies. In most cases, these types of screening requirements are required for all positions assigned to the job code. For example, all candidates applying for Correctional Officer must go through a criminal background check. In this case, the screening requirements are applied to all Correctional Officer candidates who are made a conditional job offer. In other cases, these types of screenings may be required by position rather than job code. For example, one position assigned to Records Management Specialist may be required to pass a Functional Capabilities Evaluation (FCE). In this case, the screening requirement is applied to the position and any candidate who is made a conditional job offer to fill that specific position must pass the FCE. The offer of employment is withdrawn if the candidate does not meet the predetermined requirement.

After the job offer has been extended and accepted, all candidates who have been interviewed must be notified in writing of your decision. Written notification promotes a positive interaction with the State of Delaware, and candidates are more likely to submit an application for future job openings. Since the DEL system has automated this process, check with your agency HR Office as they will most likely send out all notifications.

XII. DOCUMENTATION OF THE HIRING PROCESS

Documentation of the hiring process will be maintained. Items to be retained are:

- referral list (online)
- application for each candidate (preferably online)
- date, time, and location of the interview
- interview questions
- responses to questions for each candidate
- candidate responses to any additional tasks such as writing exercises
- reference check or other results such as drug screening results
- date of contact for invitation to an interview and candidate response (if not interviewed)

Documentation of the hiring process is critical in case of challenge. Without it, you are at a disadvantage compared with a rejected candidate who must only remember his/her interview. Check with your Human Resource Office for any other requirements.

Glossary of Terms

Career Ladder: A hierarchy of classes within a class series established and approved by the Director, which permits employee movement along a career path without competition upon meeting all promotional standards.

Class: All Merit positions sufficiently similar in duties, responsibilities and job requirements to use the same salary range and title.

Class Specification: A written description of the distinguishing characteristics of all positions in a class, including typical duties and responsibilities and job requirements.

Conditions of Hire: Conditions of Hire must be included on job postings and require approval from HRM prior to posting the vacancy.

Eligibility List: The list of applicants who have passed screening of job requirements and from which the referral list is created.

Essential Functions: The fundamental job duties of a position.

Examination: A written test. If required, it will be noted on the posting.

Functional Capability Evaluation (FCE): In order to assess whether a candidate can meet the physical requirement of the position, where applicable, an FCE is administered to assess strength and agility upon a conditional job offer.

Job Descriptions: Written statements that describe the duties, responsibilities, required job requirements, working conditions, tools, equipment used, knowledge and skills needed, and reporting relationships of a particular job.

Job Requirements: Minimum entry requirements, including selective requirements, which must be met for an individual to be eligible for appointment to a classified position or to take an examination. These requirements typically include minimum levels or types of education, training or experience or completion of specified examinations.

Preferred Qualification: A preferred qualification is education, training and/or experience not specifically indicated in the job requirements that are desirable but not required upon hire. The applicant does not have to possess the preferred skill to be considered qualified for the position. However, additional consideration may be given to those applicants who possess the preferred qualification.

Ranking: When there are more than 30 qualified applicants, applicants who passed screening of job requirements will be scored and ranked.

Referral List: A list of candidates given to the hiring manager. The hiring manager may choose to hire anyone on this list.

Requisition to Fill Vacancies: Form used by hiring managers when requesting approval to fill and post vacancies for recruitment purposes.

Summary Statement: The class specification contains the summary statement. The hiring agency can choose to post with a summary statement that specifically describes the job duties and responsibilities of a particular vacancy.

Appendix A

Requisition to Fill Vacancies

The following pages contain the Requisition to Fill Vacancies form.

Hiring managers may also access the form at

<http://www.delawarepersonnel.com/HiringMgrs.asp>

Human Resource Representatives may also access the form at

<http://www.delawarepersonnel.com/HRMRep.asp>



Requisition to Fill Vacancies

Position Description	
Date of Request: _____ Hiring Manager's Name: _____ Hiring Manager's Phone: _____ Date of Vacancy: _____ Previous Incumbent's Name: _____	Budget Position Number(s) _____ _____ _____ Job Code: _____ Department: _____ Pay Grade: _____ Division: _____ Section : _____ Merit Title: _____ Working Title: _____ Estimated Hiring Date: _____ Interview Dates: _____ - _____
Text Box (100 Characters)	
Standard Work Week: 37.5 Hrs. <input type="checkbox"/> 40.0 Hrs. <input type="checkbox"/> Physical Worksite(s) of Vacancy: Other, please specify: _____ Work Hours/Shift: (i.e. 7:00 am – 3:30 pm) _____ Day: _____ Evening: _____ Night: _____ Weekends/Holidays Required: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Recruitment/Posting	
Posting Duration: Specify # of Calendar Days (no less than 7, no more than 180) _____	
Type of Recruitment	
Merit Only <input type="checkbox"/> (Current permanent State of Delaware employees in a position covered by the Merit System and who have completed their initial probationary period.) Open Competitive <input type="checkbox"/> (Open to all applicants) Non-Merit Exempt (This position is exempt from the State of Delaware Merit System.) <input type="checkbox"/> <input type="checkbox"/> List Comparable to Merit Class Title: _____ Do you want to use merit job requirements to screen applications? <input type="checkbox"/> <input type="checkbox"/> List Comparable to PG Casual/Seasonal (This position is exempt from the State of Delaware Merit system.) <input type="checkbox"/> <input type="checkbox"/> List Comparable to Merit Class Title: _____ Do you want to use merit job requirements to screen applications? <input type="checkbox"/> In-House <input type="checkbox"/> (Current agency employees in a position covered by the Merit System and who have completed their initial probationary period.)	

Page 2 Requisition to Fill Vacancies:

Employment Type		Employment Term		Employment Schedule	
Anticipated Vacancy	<input type="checkbox"/>	Regular	<input type="checkbox"/>	Full-time	<input type="checkbox"/>
Actual Vacancy	<input type="checkbox"/>	Casual/Seasonal	<input type="checkbox"/>	Part-time	<input type="checkbox"/>
		(Text Box) Limited Term (Expected duration of employment _____)	<input type="checkbox"/>		
Summary Statement (Check box to include the generic summary statement on job posting OR, if desired, you may replace generic statement by providing a general overview of the duties of this position in space provided below.) (500 character limit)					<input type="checkbox"/>
Additional Posting Requirements(s): (Check box to include additional posting requirement(s).) Selective Requirement <input type="checkbox"/> Preferred Qualification <input type="checkbox"/> Writing exercise <input type="checkbox"/> Functional Capability Evaluation <input type="checkbox"/> Selective Requirement/Preferred Qualification: <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 5px;"></div>					
External Advertising					
News paper Ad <input type="checkbox"/>			Specialized Locations (List Journals, websites, etc.) <input type="checkbox"/>		
Notes to Hiring Agency HR					
Approvals					
Approved by: Supervisor/Manager: _____ Date: _____ Hiring Authority (i.e. Division Director): _____ Date: _____					

Appendix B

Guidelines For Requests For Posting Positions With Selective Requirements

June 2005

In accordance with Merit Rule 6.2.3 “The appointing authority may announce a vacancy with selective requirements, providing the justification for such requirement is job-related.” The merit rule definition for “Selective Requirement” is any education, training, and/or experience not specifically indicated in the job requirements of a class specification that are required as they are considered job related and essential for effective performance in a specific position at the time of hire.” The purpose of a selective requirement is to account for requirements that are essential for job performance in a particular position within a class but not required for all positions within that class.

In order for the merit rules to be applied appropriately, these standards are provided to assist agencies in determining and defining selective requirements. Selective requirements must meet the same legal and professional standards as other requirements, written tests, licensing, registration, and certification. Selective requirements must meet the following standards:

- Valid. In order to determine validity, the selective requirement must be job related and absolutely essential for successful job performance.
- Needed at Entry. Requirements that cover knowledge, skills, and abilities that can be acquired or learned on the job in the customary period of training or a reasonable period of time should not be included as selectives.
- Significant core, essential functions of the job that are directly linked to the primary purpose of the position usually indicated by the majority or significant amount of the time or the critical nature of the job duties to operations.
- Operationally needed. Operational need is based on current staffing resources. The lack of staffing resources with the particular knowledge and skills to perform the work can be justification for adding selective requirements for a position at a particular point in time.
- Discernable from applications. The selective requirement must be clearly written and a factor that can be screened from an application.
- Not covered by Human Resource Management approved screening devices for that classification.
- Be non-specific as to Delaware, an agency, system, or program. There may be exceptions in some cases for Merit Only or In-House job postings.
- Be consistent with the class specification and the level of work described for the class/position for which you are recruiting.
- Not requested for one position classes. If there is only one position in the class, the requested selective should be a job requirement.

Appendix C

Writing exercises

1. All writing exercises must be approved by OMB/HRM before the position is posted. After approval, standard language will be added to the job posting that a writing exercise will be administered at the time of the interview. The use of writing exercises as part of the interview process is appropriate where narrative writing is an essential skill. Writing exercises serve as an additional factor used in the selection process to determine the best qualified candidates.
2. At the time of interview, writing exercises may be given to candidates to gain a more complete picture of their skills. They are to be used only for gathering information about:
 - paragraph structure, organization, clarity – does the paragraph have a clear beginning and follow a clear, logical sequence to the end?
 - thoroughness – does the paragraph include enough relevant facts, and avoid unrelated ones, to support the conclusion?
 - grammar, punctuation, and spelling – the degree to which the candidate uses correct sentence construction and spelling.

Writing exercises are not used to:

- gain information about an candidate's job knowledge or personal beliefs.
 - rank candidates.
 - test computer, formatting or keyboarding skills.
3. All candidates who are interviewed must receive the same writing exercise.
 4. Provide the candidates a quiet, well-lit space to work and all of the supplies needed to accomplish the task. Most candidates should be able to complete the task on a computer. If a computer is not available or the candidate is unable/unwilling to use the computer, paper and pencil should be provided.
 5. All writing exercises will use the following instructions:

The purpose of this written exercise is to assess your writing skills for paragraph structure, grammar, punctuation, spelling, organization, clarity, and thoroughness. You have 30 minutes to complete this exercise. Please choose from one of the following questions and develop a written response using the computer provided. Type your name and date on the document. Contact the test administrator when you are finished.
 6. Candidates should be given a choice of responding to one of at least two scenarios/questions.

Appendix D

Insurance Coverage Office (ICO)/Risk Management Process for Functional Capabilities Evaluation (FCE)

1. Agency HR completes the Functional Capabilities Evaluation Request form and attaches the job description adding any position specific information to the job description that would help give a clearer picture of the position's duties. This information is then forwarded to ICO/Risk Management electronically or in hard copy form, copying the Manager of Employment Services.
2. ICO/Risk Management reviews the FCE Request and job description upon receipt.
3. ICO/Risk Management schedules an interview and meeting with the front line supervisor(s) of the position for completion of a job analysis. A job analysis will be created for each position being considered for a FCE, breaking it down into the physical components of the position, considering the physical requirements and the frequency of these physical requirements. Some of the physical requirements that will be considered are standing, sitting, lifting, bending, stooping, weight amounts involved, the amount and intricacy of manual dexterity required, distances involved, etc.
4. When ICO/Risk Management meets with front line supervision, front line supervisors should be prepared to provide a tour of the facility, examples of the tools and equipment being used, and detailed information regarding the physical requirements of the position so that the job analysis may be completed at the time of the interview. ICO/Risk Management will want to observe the functions being performed at various times throughout the interview process. Depending on the position being considered, this review may require one visit or several different visits to assess the extent of the physical capabilities required for this position.
5. Once the Job Analysis has been completed by ICO/Risk Management, a determination will be made as to whether a FCE is necessary or if accommodations can be made to eliminate the need for a FCE. Then, ICO/Risk Management will advise agency HR and OMB/HRM of their recommendations.
6. If a FCE is recommended by ICO/Risk Management, a Physical Requirements Statement will be developed by ICO/Risk Management to be reviewed and signed by candidates being considered for the position.
7. Once developed, ICO/Risk Management will forward to both the agency and OMB/HRM a copy of the Physical Requirements Statement for inclusion in the application process.

8. Once it has been determined based on the Job Analysis that a FCE should be developed for the position, ICO/Risk Management will contact the FCE provider and have an FCE developed for the considered position.
9. Once a potential candidate has been decided upon through the hiring process, HR should contact ICO/Risk Management to set up the appropriate FCE test date and time.
10. ICO/Risk Management will advise agency HR of the time, date, and testing location once arrangements have been finalized.
11. Once the test has been completed and the test results received, ICO/Risk Management will notify agency HR and OMB/HRM of the test results.
12. A minimum of 6 weeks lead time is required for FCE testing from notification of ICO/Risk Management to test results.

FUNCTIONAL CAPABILITIES EVALUATION (FCE) REQUEST FORM

SECTION 1			
Date of Request:	Name of Requestor:	Title of Requestor:	
Agency	Class Title	Class Code	BP Number
Phone # of Requestor	Fax # of Requestor	Working Title (if applicable)	
Agency Contact:	Agency Contact Phone #:	Agency Contact Fax #:	
What physical capabilities should be tested for this position? (For example: Ability to lift in excess of 50 pounds continually; the ability to lift 50 pounds over the head, etc.)			
Why do you believe a Functional Capabilities Evaluation is required for this position?			
		Yes	No
1. To your knowledge do the physical requirements of this position vary daily or do the physical requirements of the position remain relatively the same each day?			
2. Have the physical requirements of this position changed since the last hire was done for the position?			
Please attach a copy of the Position Description to this Request Form.			
SECTION II (For ICO Use Only)			
ICO Representative:			
Date:	Recommended:	Not Recommended:	
Date Recommendations Returned to HR/HRM:			

Appendix E

Questions That Cannot Be Asked During an Interview

To comply with Federal and State mandates, candidates cannot be asked certain questions. If the answer is observed during the interview, it cannot influence the hiring decision. These include:

1. Age or Date of Birth. The Age Discrimination in Employment Act of 1967 prohibits employment discrimination against individuals aged 40 or older. If there is a legally required age to be qualified for the position, it will be a job requirement. If you are hiring a minor into a position with duties such as cooking, driving, working with hazardous materials or heavy machinery that are covered by Federal Child Labor Rules, you may ask for a work permit. Check with your Human Resource Office for more guidance.
2. Gender. Gender-related questions are prohibited except when there is a bona fide occupational qualification requirement. A bona fide occupational qualification indicates that a group/class of employees would not be able to perform the job safely and efficiently and the qualification is reasonably necessary to the operation of the business. Contact HRM if you believe your vacancy may meet the bona fide occupation requirement.
3. Marital/Parental Status. Do not inquire about marital or parental status, including pregnancy, number or age of children, or information about child care arrangements such as:
 - Do you prefer to be called Mrs., Ms. or Miss?
 - If pregnant, what is your due date?
 - How many children do you have? What are their ages?
 - Are you planning to have children?
 - What arrangements have you made for child care?
 - What was your maiden name?
 - What was your prior married name?
 - What is your spouse's name?
 - What type of work does your spouse do?
4. Race/Ethnicity. Questions related to an individual's race or ethnic group are clearly inappropriate. The Civil Rights Act of 1964 (as amended) prohibits discrimination based on these facts in making a hiring decision.
5. Citizenship. Questions about the applicant's national origin are discriminatory. However, you may ask all applicants, "Are you legally authorized to work in the United States on a full-time basis?" if there are concerns that applicants may have

work authorizations expiring soon or being authorized only for a specific employer. Typical questions that should not be asked include:

- Are you an American citizen?
- What is your first language?
- What country did your ancestors come from?

6. Religion, Schools and Organizations. The Civil Rights Act of 1964 also prohibits discrimination based on religion in making a hiring decision. Do not ask about the applicant's religion, the religious, racial, or national affiliation of schools attended or membership in organizations that reveal race, national origin, or religious affiliation. However, you may ask about availability for work on specific days (Friday, Saturday or Sunday), if the work schedule is a requirement of the position.

7. Criminal Record. Do not ask if the applicant has ever been arrested. Arrests do not necessarily lead to convictions.

If you see a conviction listed in the applicant's information, please contact your Human Resource Office for how to handle any possible questions pertaining to the conviction.

8. Other Personal Information. Other areas of questioning that may be unlawful or inappropriate include the following:

- Credit Record.
- Fidelity bond ever refused.
- Garnishment record.
- Political beliefs.
- Height and weight, unless directly related to performance of the job.
- Automobile ownership.
- Union affiliation.
- Prior Workers' Compensation claims.
- Sexual orientation.
- Genetic information.
- Vietnam era veteran's status.
- Prior drug use.

Also see Appendix F

Appendix F

Americans with Disabilities Act Questions and Answers

The Americans with Disabilities Act prohibits discrimination in all employment practices including recruitment, advertising, interviewing and hiring. This section answers some commonly asked questions regarding the Act and the interviewing/hiring process.

<http://www.eeoc.gov/facts/jobapplicant.html>

- A. Who is covered by the Americans with Disabilities Act? All qualified individuals with a disability that substantially limits one or more of the major life activities are covered by this act.
- B. Who is a "qualified individual with a disability?" A qualified individual with a disability is a person who meets legitimate skill, experience, education, or other requirements of an employment position that s/he holds or seeks, and who can perform the essential functions of the position with or without reasonable accommodation. Requiring the ability to perform "essential" functions assures that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions.
- C. What are essential functions of the job? Essential functions of the job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. There are three acceptable reasons why a job function may be considered essential:
- The position exists to perform the function (e.g., a typist must type, a proofreader must proofread; a vehicle operator must drive, etc.)
 - There are a limited number of employees available to perform the function. (The larger the staff, the harder it is to make this argument.)
 - The function is highly specialized and the employee is hired specifically to perform it (e.g., a language interpreter, airline pilot, etc.)
- D. What is a reasonable accommodation? A reasonable accommodation is a modification of the employment process, the job itself, or work environment that enables a qualified individual with a disability to have an equal opportunity to show his/her skills or to perform the job.
- E. Can an employer be required to reallocate an essential function of a job to another employee as a reasonable accommodation? No. An employer is not required to reallocate essential functions of a job as a reasonable accommodation.

F. When does an employer have to provide a reasonable accommodation?

If requested by the applicant or employee, an employer must provide a reasonable accommodation unless the employer can show that providing such an accommodation would pose an “undue hardship” on the employer i.e., it would be unduly costly, extensive, substantial, or disruptive, or would fundamentally alter the nature or operation of the business, or that, if hired, the individual would pose a direct threat to the health or safety of himself/herself or others. In the latter case, there must be a significant risk of substantial harm. Please contact your Human Resource Office for more information. For additional information, visit Reasonable Accommodation and Undue Hardship (EEOC guidance) at <http://www.eeoc.gov/policy/docs/accommodation.html>.

G. What are examples of questions that cannot be asked in the interview?

Generally, an employer cannot ask all applicants whether they would need a reasonable accommodation to perform a job because the answer to this question is likely to reveal whether an applicant has a disability. However, if the employer knows that an applicant has a disability and it is reasonable to question whether the disability might pose difficulties for the individual in performing a specific job task, then the employer may ask whether the applicant would need a reasonable accommodation to perform that task and what accommodation is needed.

- Medical questions or question related to whether an applicant can perform major life activities.
- Workers’ compensation histories.

H. Can an employer consider health and safety when deciding whether to hire an applicant or retain an employee with a disability? Yes. The ADA permits employers to establish qualification standards that will exclude individuals who pose a direct threat -- i.e., a significant risk of substantial harm -- to the health or safety of the individual or of others if that risk cannot be eliminated or reduced below the level of a direct threat by reasonable accommodation. However, an employer may not simply assume that a threat exists; the employer must establish through objective, medically supportable methods that there is significant risk that substantial harm could occur in the workplace.

I. Does an employer have to give preference to a qualified applicant with a disability over other applicants? No. An employer is free to select the most qualified applicant available and to make decisions based on reasons unrelated to a disability.

For additional information, visit <http://www.eeoc.gov/policy/docs/accommodation.html> and <http://askjan.org> and <http://www.eeoc.gov/policy/docs/preemp.html> and <http://www.eeoc.gov/facts/jobapplicant.html>

Appendix G

Interview Evaluation Form

The following page contains a sample Interview Evaluation Form for the individual members of the interview panel to use.

During the interview the notes you take should be objective, simply recording what the applicant said. They should also be complete enough for you to be able to understand what the applicant meant when you discuss the applicant later in the process.

The notes will become part of the documentation of the hiring process.

**Interview Evaluation Form
State of Delaware**

Candidate Name _____

Interviewer
Name/Title _____

Date _____

Job Title _____

Interview Question #1

Notes:

Interview Question #2

Notes:

Interview Question #3

Notes:

Interview Question #4

Notes:

Appendix H

Active Listening

Active Listening is a way to improve understanding by having the listener check with the speaker to make sure the speaker is understood correctly. The listener focuses attention on the speaker, hearing the speaker's words and observing the speaker's behavior and body language. The listener's goal is to understand the speaker as if the listener was walking in the speaker's shoes.

As a listener, you will:

- focus your attention on the subject. Use body language and attention to signal your interest and stop all non-relevant activities.
- check for understanding:
 - restate or paraphrase the speaker's message.
 - summarize the speaker's main points.
 - probe or question in a way that requests more information or clears up confusion.
 - check perceptions to make sure they are valid and accurate.
- not attend to distractions such as background noises, views out of the window, uncomfortable chairs, etc.
- set aside your biases and opinions.
- refrain from jumping to conclusions.

Appendix I

Reference Check Release Form

The following page contains a sample Reference Check Release Form.

**Reference Check Release Form
State of Delaware**



I, _____ (candidate's name), authorize employers with whom I am currently or previously employed and other references (co-workers, personal references, etc.) to verify and release information to the State of Delaware for conducting employment references.

Name: _____

Title: _____

Address: Business Other _____

Telephone: Business Other _____

Nature of Affiliation: _____

Name: _____

Title: _____

Address: Business Other _____

Telephone: Business Other _____

Nature of Affiliation: _____

Name: _____

Title: _____

Address: Business Other _____

Telephone: Business Other _____

Nature of Affiliation: _____

Candidate Signature

Date

Appendix J

Rater Errors

Interview panel members may make irrelevant inferences about variables that are not job related. This results in rater error. The use of a diverse interview panel, standardization in the questions asked, note taking, and the reliance on anchors to evaluate the candidates all help reduce this type of error. Awareness of the types of rater errors also reduces the errors made. Listed below are common rater errors:

1. Halo Effect. The tendency to allow a favorable first impression, impressive answers to initial questions, or high ratings on a few factors to positively affect the remainder of the ratings. Common halo factors are physical appearance, height, grooming, and eye contact.
2. Horns. The tendency to allow an unfavorable first impression, unimpressive answers to initial questions, or low ratings to negatively affect the remainder of the ratings – the opposite of the Halo Effect. Common horn factors are shortness, excessive weight, unattractive appearance, lack of verbal fluency, or poor muscle or nerve control.
3. Leniency. The tendency to rate all candidates at the high end of the scale.
4. Strictness. The tendency to rate all candidates at the low end of the scale.
5. Central Tendency. The tendency to rate all candidates as average.
6. Contrast. The tendency to rate candidates based on the performance of preceding candidates. For example, if a mediocre candidate follows a poor candidate, the mediocre candidate may receive an inappropriately higher rating.
7. Primacy. The tendency to make a quick evaluation of the candidate at the beginning of the interview. Primacy may be referred to as the “love (or hate) at first sight” syndrome.
8. Recency. The tendency to evaluate the candidate based on the last few minutes of the interview – the opposite of Primacy.
9. First/Last. The tendency to remember the first and last candidates interviewed more than those in-between. One way to avoid this is to rate each candidate immediately following the interview. Other factors include conservatism (i.e., central tendency) during initial interviews and fatigue and inattention after a series of interviews.
10. Stereotyping. The tendency to allow preconceived, generally false notions, biases, or prejudices regarding a particular group to influence rating objectivity.

Women, men, minority groups, ethnic and religious groups, and individuals with disabilities are all subject to being stereotyped by interviewers.

11. Generalization. The tendency to draw a general conclusion about a group based on one or two examples. The typical thought process goes something like the following: “We hired a (female, male or Black or Hispanic or whatever) employee once and s/he didn’t work out. Therefore, we won’t do that again.”
12. Similar to me. The tendency to establish rapport with individuals whose backgrounds, experiences, and interests are similar to our own.
13. Naïve Implicit Personality Theory. The tendency to assume that relationships exist between unrelated personality characteristics. For example, we assume (often falsely) that people with strong handshakes are honest and reliable and those with steady eye contact are telling the truth.
14. Manipulation. The intentional manipulation of interview results to accomplish a purpose other than determining the best candidate. Not only does manipulation result in inferior decision making, but it is professionally unethical.
15. Overreaction to Negative Information. We pay approximately twice as much attention to negative information as we do to positive information. The result is relatively higher scores for consistent, mediocre candidates over candidates with apparent strengths and weaknesses. Interviewers should note both positive and negative information.
16. Spurious Variation. The tendency to differentiate based on real but trivial differences.

Appendix K

Guidelines for Reference Checks Human Resource Management State Labor Relations Services

Reference checking is an essential element of the employee selection process for several reasons. Respected HR sources maintain that up to one-third of all resumes contain material falsehoods. Also, reference checks increase the probability of gaining better information about applicants than a selecting official's intuition or instinct. They also confirm employment dates that may reveal *unexplained employment gaps*. Finally, they can protect the investment we make in those hired and promoted, and help reduce disruptive and costly staff turnover or retention burdens associated with bad selection decisions.

Some employers are reluctant to reveal information about former employees out of fear that doing so will lead to a lawsuit—even though many states, including Delaware, have laws that protect employers who disclose truthful information about current or former employees. *See* 19 Del. C. § 709.

Despite this reluctance, State agencies should conduct reference checks. By contacting former employers, they can at least verify that applicants actually worked for specified employers for particular time periods. Also, many employers are still willing to give recommendations, especially for good employees. Finally, and most critical, agencies must at least *attempt* to obtain employment references to demonstrate due diligence in the hiring process, and avoid claims that they failed to exercise reasonable care when selecting new employees. Agencies responsible for patient care, or child protection, among others, are already mandated to take specified measures in this regard.

Agencies that provide information about current or former employees should document the source of the information provided, to whom it is given, and who gave it on their behalf. Agencies should also disclose only accurate factual information which has been documented in the employee's personnel file.

If a current or former employee has filed a grievance, complaint, charge or lawsuit, *no information* about this should be disclosed to any outside employer or State agency. Finally, agencies must, of course, be careful not to contact the current employer, without the applicant's consent—except, in accordance with the OMB HRM guidelines, when the job candidate is a current or former State employee who has applied for a position in another State agency.

What can we disclose—accurate and factual relevant information that would not intrude upon reasonable notions of privacy.

Appendix L

Guidelines for Interagency Access to Personnel Records During the Hiring Process **Human Resource Management** **State Labor Relations Services**

To enhance selecting officials' ability to make better informed and timely hiring decisions, a State agency ("Hiring Agency") may review/copy specified and relevant information from the personnel records¹ of candidates currently employed by any other State agency ("Employing Agency" that has candidates' personnel records) upon request by email to the Employing Agency human resource office. To streamline the hiring process and maintain compliance with Merit Rule 16.1, a specified agency human resource official shall serve as the "Director's designee" for purposes of reviewing/copying records.

Hiring agency requests shall be reasonable and not be unduly burdensome upon the employing agency in either scope or quantity. Employing Agencies shall accommodate such requests and respond in a time period that facilitates the hiring agency's ability to expedite candidate assessment² and the hiring process (generally, within 3 business days). To ensure confidentiality of records in accordance with Merit Rule 16.1, all communications about the review/copying of records shall be made between agency human resource staff, and only they shall be permitted to review/copy these records.

The Director's designee may summarize or otherwise convey applicable information from these records to selecting officials, such as job performance, attendance (only the number/duration of non-FMLA covered absences may be released) and discipline; which maintaining medical records confidentiality, and applying the applicable selection standards set forth in the Merit Rules or collective bargaining agreement that governs the subject selection process.

Merit Rule 16.1 Master Personnel Records. A master personnel record for each employee shall be established and maintained by each agency. The records shall include copies of: application for employment; employee Performance Review documents; grievance records; verification of education and employment and any other records or information considered appropriate. At the discretion of the Director, these records may be either physical (hard) copies or computer-stored data. Personnel records are confidential and shall be maintained as necessary to ensure their confidentiality. These and other employee records shall be readily available for review by the Director or the Director's designee. Unauthorized disclosure of any portion of a State employee's records shall be grounds for dismissal.

¹See Recommended Guidelines on Employee Files.

²See Reference Checks document.

Appendix M

Related Delaware Web Sites

Office of Management and Budget/Human Resource Management

Office of Management and Budget/Human Resource Management -
<http://www.delawarepersonnel.com/default.shtml>

Department of Labor

Department of Labor - <http://www.delawareworks.com/>

Delaware Code

Delaware Code Title 29 Chapter 59
<http://delcode.delaware.gov/title29/c059/index.shtml>

Merit Rules

- Merit Rules - <http://www.delawarepersonnel.com/mrules/>
- Recruitment Procedures - <http://www.delawarepersonnel.com/policies/>

Relevant Orders, Policies and Procedures

- ADA Procedures - <http://www.delawarepersonnel.com/policies/>
- Executive Order 8 - Continuing Equal Opportunity Hiring Standards And Practices For Delaware Government -
http://governor.delaware.gov/orders/exec_order_8.shtml
-
- Minority Resource List for Selection Interview Panels –
<http://www.delawarepersonnel.com/diversity/documents/resource-list.pdf?ver=0616>
- Guidelines for Reference Checks - <http://www.delawarepersonnel.com/labor/>
- Guidelines for Interagency Access to Personnel Records During the Hiring Process - <http://www.delawarepersonnel.com/labor/>

Appendix N

Related Federal Web Sites

Federal Government – General Information

This brings you to the federal government web pages.

The White House - www.whitehouse.gov/

Disabilities

These are the relevant regulations that prohibit discrimination on the basis of one's disabilities.

- Americans with Disabilities Act - <http://www.ada.gov/>
- Rehabilitation Act of 1973, Section 503 and 504 - <http://www.ed.gov/policy/speced/reg/narrative.html>

Enforcement Agencies

Equal employment laws are enforced by a variety of federal agencies. Relevant ones include:

- United States Equal Employment Opportunity - <http://www.eeoc.gov/>
- Department of Labor - www.dol.gov/
 - Office of Federal Contract Compliance Programs (OFCCP)
 - <http://www.dol.gov/esa/ofccp/index.htm>
 - Employment Standards Administration – <http://www.dol.gov/esa/>
 - Fair Labor Standards Act/Child Labor Laws
 - <http://www.dol.gov/compliance/audience/youth.htm>
 - Office of the Assistant Secretary for Administration and Management (OASAM) - <http://www.dol.gov/oasam/>

Prohibition of Discrimination

A number of laws and regulations prohibit discrimination on the basis of race, color, religion, sex, national origin or age, both by the federal government and by organizations receiving various types of federal assistance or contracts. These include:

- Title VI and Title VII of the Civil rights Act of 1964, as amended in 1972 and 1991 (42 U.S.C. 2000d to 2000d-4 and 2000e-16) with guidance as codified in 29 CFR Parts 1604, 1605, 1606, 1607, and 1614
<http://usinfo.state.gov/usa/infousa/laws/majorlaw/civilr19.htm>
- Equal Employment Opportunity Executive Order 11246
<http://www.dol.gov/compliance/laws/comp-eeo.htm>
- Section 167 of the Job Training Partnership Act of 1982
- http://www.dol.gov/oasam/regs/statutes/jtpa_167.htm
- Vietnam Era Veterans' Readjustment Assistance Act of 1974 (38 U.S.C. 4212) - http://www.dol.gov/esa/ofccp/regs/compliance/ca_vevraa.htm

- Age Discrimination in Employment Act of 1967(Public Law 90-202)
<http://www.eeoc.gov/policy/adea.html>
- Age Discrimination Act (ADA) of 1975
http://www.dol.gov/oasam/regs/statutes/age_act.htm