

## University of Kentucky - Responsible Hiring Practices The Dos, Don'ts and Why's of Interviewing

Use the following chart to distinguish appropriate from inappropriate inquiries when seeking information during the interview process.

Any question that is not job related may be unlawful if the information obtained is used to discriminate in an employment decision.

<u>SUBJECT</u>	<u>DO NOT ASK</u>	<u>YOU MAY ASK</u>	<u>REASON</u>
Absentecism	<b>Do NOT</b> ask if employee took Family Medical Leave, Worker's Compensation, or any specific types of leave. We should <b>NOT</b> ask how many days someone was "absent" last year.	You may ask....Have you ever been warned, disciplined, or terminated for absenteeism or tardiness? Have you ever had a problem with attendance policies at any job? If yes, please explain. Do you understand UK/departmental attendance policies related to this job? Do you anticipate having any problems working within these policies? Suggested question...If I asked your current/past supervisor, what would he/she say about your attendance?	Temporary Disability Leave, Family Medical Leave, Long Term Disability Leave, Workers' Compensation, and other leave policies/statutes may allow an employee to take off a lot of days in any given year without it being an attendance problem. The right to time off under FMLA and Worker's Compensation are legal rights that may not be counted against an employee.
Age	What is your date of birth? How old are you?	If hired, can you provide proof that you are at least 18 years of age?	The 1967 Age Discrimination in Employment Act prohibits employment discrimination against individuals age 40 and over. The Civil Rights Act of 1991 reinforced this.
Arrests and Convictions	Have you ever been arrested? Have you been charged with any crime?	Predetermine with HR what crimes may be job related <u>BEFORE</u> you conduct interviews. Ask everyone the same questions.	Can ask only about convictions - not charges. Being arrested or charged does not mean that one is guilty of anything (please note - the UK staff application asks about convictions or pending convictions. Please contact your Employment Specialist to discuss any related pending felony convictions). It is inappropriate to hold a conviction against one when the conviction is not related to the job.
Citizenship	Of what country are you a citizen? Are you or other members of your family naturalized citizens? Do you agree with the foreign policy of the U.S.?	If you are not a US Citizen, do you have a visa or other documentation that will allow you to work in the US?	State and federal laws prohibit discrimination on the basis of national origin. Asking questions about national origin may lead to discrimination charges against the University.
Disabilities	Are you disabled?	Sometimes there are obvious physical impairments...you may ask someone to demonstrate how they would perform the essential functions of a position. You must ask everyone the same questions. A conversation with UK's Institutional Equity and Equal Opportunity office is recommended prior to interviews if you have concerns. (257-8927) If you or the interviewee has a significant problem during the interview because of the existence of a disability you may ask, " <b>Are you satisfied you were able to communicate adequately during this interview?</b> " and note the response. Any disclosure during an interview may be followed with, " <b>Why is that important for me to know?</b> " and note their response. You may assure anyone disclosing a disability and the need for an accommodation if they are hired that, "The University of Kentucky provides reasonable accommodation for qualified employees with disabilities and has a procedure for requesting that consideration." They may be referred to our web pages at <a href="http://www.uky.edu/evpfa/eo">www.uky.edu/evpfa/eo</a> or to the Office of Institutional Equity and Equal Opportunity at 257-8927.	Legal because you are informing them of the job requirements, not how they have to perform those requirements. You are not asking if they have a disability which would prevent them from doing those requirements, you are just asking if they can perform them.

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Drug Addictions Including Alcohol	Have you ever been treated for alcoholism? Have you been addicted to or used any illegal drugs in the past? Are you taking any legal or prescription drugs? <b>NO</b> questions about legal and/or prescription drugs are appropriate.	We have a drug-free workplace. Are you willing to abide by those rules? This question should be asked of everyone. If you are applying for any position in the hospital you will be required to pass a drug screen before you may begin work.	Under federal law, Americans with Disabilities Act (ADA), it is illegal to discriminate against a person who IN THE PAST was addicted to or used illegal drugs. There is no ADA protection for people currently using illegal drugs. It is also illegal to discriminate against a person who IN THE PAST was addicted to alcohol.
Education	Do you have a BSN? We hire only persons with a BSN.	Are you a licensed nurse with a BSN or the equivalent combined education and experience?	Disqualification of a candidate who does not have a particular degree unless employer has proven that the specific degree is the only way to measure a candidate's ability to perform the job in question.
Marital or Family Status	What is your marital status? What is your spouse's name? What was your maiden name? How many children do you have? Are you pregnant? Do you plan to have children? What childcare provisions have you made? Do you have a partner with whom working extra hours would cause a problem?	You can ask if they worked for UK under another name. Other questions regarding marital status should not be asked.	It is illegal to ask questions about marital status under the Civil Rights Act of 1964 and 1991.
National Origin	What is your ancestry, national origin, or descent? Do <b>NOT</b> ask any questions designed to reveal an allegiance to a foreign government or ideology.	What languages do you speak or write? <b>Ask only if it is a job requirement or a desired skill and established with HR when the position was defined.</b>	The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on national origin.
Physical Characteristics	Do you have any distinguishing physical characteristics such as scars, birthmarks, tattoos, body piercings, etc.?	<b>NO questions appropriate.</b>	<u>We cannot say it is illegal under the Americans with Disabilities Act to ask these questions...</u> but it could be if we assumed certain scars associated with past medical history or tattoos with certain lifestyles, risky behaviours, etc. These questions only lead to stereotypes and assumptions which may or may not be true and those assumptions should not be used to make a hiring decision.
Race/Color	What is your race? What color is your hair, eyes, or skin?	<b>NO questions appropriate.</b> Voluntary disclosure of this information is an option available to the applicant, but the information is not available to the hiring department.	The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on race, color, sex, or national origin.
Religion	What is your religious affiliation or denomination? What church do you belong to? What is the name of your pastor, minister or rabbi? You should <b>NOT</b> ask about Sunday, Sabbath, religious holidays, etc.	You should state clearly if it is required to work rotating 24/7 shifts, including nights, holidays, weekends, etc. You may ask if they understand the UK policy on work hours for exempt and non-exempt positions.	The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on religious affiliation.

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Residence	Do you own or rent? Give the names and relationships of persons residing with you.	What is your present address?	These types of questions could lead to assumptions which may or may not be true.
Sex	Are you a male or female? What are the names and relationships of persons living with you? <u>Ask NO questions designed to determine sexual orientation or if a person is having or has had a transgender transformation.</u>	<b>NO questions appropriate.</b> Voluntary disclosure of gender is an option available to the applicant, but the information is not available to the hiring department.	The Civil Rights Act of 1964 and 1991 prohibits employment discrimination based on race, color, sex or national origin. UK Policies 2 & 10 provide for equal opportunity regardless of sexual orientation.
Smoking	Are you a smoker?	As of November 20, 2008, the UK Medical Center, facilities and properties within Fayette County considered part of UK HealthCare will be completely tobacco free. Are you willing to abide by those rules?	Kentucky Revised Statutes prevent discrimination against smokers.
Veteran Status/ Military Service	Are you a veteran? Did you serve in Vietnam, Desert Storm, etc.? Are you currently in the military service? Did you serve in Iraq or Afghanistan?		The Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA) makes it illegal to discriminate against veterans and disabled veterans. Uniformed Services Employment Rights Act of 1994 (USERRA) and UK Policy 75.0 make it illegal to discriminate against members of the active or reserve military.