

The Job Interview and Job Review

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OVERVIEW

- Hiring Overview
- Open Meeting Law – Interview, Discipline, and Performance Evaluations

HIRING Application and Interview Prohibited Questions

- Driver's License, Social Security Numbers and Date of Birth
- Protected status
- Arrest/Conviction Questions
- Citizenship

INTERVIEW

- Ask job related questions
- Do not ask medically related questions
- Same questions for each candidate

INTERVIEW – WHAT NOT TOASK

- Do you benefit from any social services? (Public assistance)
- You speak with an accent. Where are you from? (National origin and/or race)
- When did you graduate? (Age)
- Are you pregnant? (Pregnancy is covered under sex)
- How will you manage child care if you accept this job? (Pregnancy (sex)/marital status)
- How well do you perform under stress? (Disability)
- Are you on any medications? Do you have a medical condition? (Disability)
- Do you have a disability? How did you become disabled? (Disability)
- Are you married? What does your spouse do? What is your maiden name? How many children do you have/plan to have? (Marital status)
- Are you a faithful Christian/Muslim/Jew/Hindi? (Religion)
- Have you ever collected worker's compensation? (Disability)

MEDICAL EXAMINATION

In certain circumstances if:

- offer of employment has been made
- examination tests only for essential, job-related abilities;
- examination is required of all persons conditionally offered the same position, regardless of disability; and
- information obtained is collected and maintained separately and is treated as a confidential medical record.

Medical Examination

Genetic Information Nondiscrimination Act (GINA) prohibits employers from requesting or requiring that employees provide genetic information

- Cannot ask family medical history
 - Tell health care providers not to provide

Medical Examination – EEOC Recommendation

“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.”

SKILLS TESTS

Can administer if:

- Tests are required of all applicants for the same position;
- Tests measure only essential, job-related abilities; and
- Tests accurately measure aptitude or achievement, rather than reflecting an applicant's impaired sensory, manual, or speaking skills, except when those skills are the factors the tests are designed to measure.

Physical Ability Test

- Make sure does not have an adverse impact on protected group
- Does not include any medical component

PRESERVATION OF RECORDS

AT LEAST TWO YEARS:

- from the date of the action or
- the making of the record,

Records Retention Policy

- Job applications, resumes
- Promotion, demotion, transfer, selection for training, layoff, recall or discharge
- Skills test results
- Medical/physical examination results
- Interview questions/notes

OPEN MEETING LAW - Employment

All meetings open unless exception to close it

- No exception for job interview
- No exception to discuss wages of non-union employees

- Must close to discuss discipline
 - Must open at employee's request

OPEN MEETING LAW – Discipline Meetings

Do we have to inform employee meeting will be in closed session and they have right to have the meeting open?

OPEN MEETING LAW – Discipline Meetings

In the meeting notice, do we have to mention the employee's name?

Can more than one meeting be held?

OPEN MEETING LAW – Discipline Meetings

How much do you have to tell the employee about the purpose of the meeting?

OPEN MEETING LAW – Performance Evaluation

- *May* close to evaluate employee performance
- Must identify individual to be evaluated prior to closing meeting
- Meeting must be open at request of employee
- At next open meeting, must summarize conclusions of evaluation

Questions?