Municipal Personnel Report: Recruitment and Selection of Managerial and Professional Personnel

Warren Nevad
*Municipal Technical Advisory Service*, Warren.Nevad@tennessee.edu

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Warren Nevad, Management Consultant
Updated July 2006

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The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of the University of Tennessee Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, and water and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

MTAS provides one copy of our publications free of charge to each Tennessee municipality, county and department of state and federal government. There is a $10 charge for additional copies of “Municipal Personnel Report.”

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MUNICIPAL PERSONNEL REPORT:
Recruitment and Selection of Managerial and Professional Personnel

Warren Nevad, Management Consultant

INTRODUCTION

The purpose of this publication is to provide Tennessee local governments with basic information and a general framework for recruiting and selecting managerial and professional personnel. Because a community’s success and growth depends on it having competent managers and department heads, selecting the right candidate can be extremely challenging. Following some basic suggestions and guidelines in this publication can help ensure that hiring decisions are made only after weighing the possible alternatives and outcomes. While this publication focuses on hiring a public works director, similar processes can be used for hiring city attorneys, city managers, department heads, and other key personnel.

Cities perform public services, and providing high quality service requires high quality people. People are not only your most expensive organizational investment—they also are the most critical. A city must be willing to “pay the price” to select the personnel who provide a match to the community’s needs. Paying the price means more than just finding the dollars necessary to hire the best people. It also means knowing how to recruit and select the best people while meeting all appropriate state and federal labor regulations. Examples of federal labor legislation include Title VI, the Americans with Disabilities Act, and the Age and Discrimination Employment Act. This report has been prepared to assist city officials with this important task.

The recruitment and selection process is exceptionally important because of its consequences. A hiring decision sets many wheels in motion. Every hiring decision impacts the overall performance of the organization. Hiring the wrong person can be extremely costly. If the recruitment and selection process is confused and unorganized, potential qualified candidates may be discouraged from submitting their names for consideration. Following the steps outlined in this report along with relevant personnel and federal laws will reduce the chances of hiring the wrong managerial and professional candidates.

The University of Tennessee Municipal Technical Advisory Service (MTAS) has assisted many Tennessee cities in recruiting and selecting management level employees and continues to offer that service. We hope this report will enable more cities to follow a sound, systematic approach in future recruitments. This report is not an ironclad guarantee for success, but following it will increase the likelihood of a satisfactory selection decision.
CUSTOMIZING YOUR RECRUITMENT SELECTION PROCESS

Hiring personnel is probably the most important official function any city employee will ever undertake. Consider the decisions and actions that the person you hire is going to generate and how those decisions and actions will impact your organization and your community. A sound recruitment and selection process should never be shortcut. It is worth the time and effort required to do it correctly. A sound, systematic and fair recruiting and selection process is also an effective safeguard against potential challenges arising from rejected applicants.

When you have successfully created a mental picture of the new employee performing the job you want accomplished, you are ready to customize the job. Customizing means thinking through and writing down the specific characteristics that you desire. The word “specifics” is key. When you customize, you are putting your mental picture into words.

Customizing the job provides you with a valuable working tool called the “job design profile.” This is also referred to as a “job analysis.”

The job design profile is a guide, used as a standard for evaluating the candidates who apply for the position. It is also the basis for the job description, which is discussed in the next chapter. Its contents may vary depending upon the position, but it always provides an outline of the qualities, skills, and characteristics that you, as the person conducting the hiring, are looking for in the new employee.

Let’s look at an example: You need to hire a department head. The city’s public works director will soon retire, and you must hire a qualified replacement as soon as possible. You have given it a lot of thought. You may need to revise the job description.

Begin by writing a description of the job as you see it. Ask yourself the question, “What is the public works director’s job?” Be as specific and complete as you can.

Second, decide on and note the type and extent of education and experience required and desired. Is a bachelor’s degree required, or a master’s degree? Or are either desired but not required? Do you want the new person to have a degree in a specific educational area, for example, engineering or public administration? How much practical public works experience should the person have? State this in terms of years and the kind of experience required or desired: For example, more than 10 years as an assistant director or at least five years as a director in a community of at least 5,000 population.

Third, write down the five most important personal descriptive characteristics that you want the new public works director to have, and rank them. For example:

• Confident decision maker;
• Innovative in creating new ideas;
• Outgoing personality;
• Practical problem solver; and
• Tactful in addressing adverse groups.

Here, you are putting the picture into words.

Fourth, list the five most important professional characteristics you want the new public works director to have, and rank them. For example:

• Engineering skills;
• Productivity oriented;
• Results oriented; and
• Communication skills.

In developing this list you must match characteristics to the written description that
you have already prepared. Ask yourself, “Are these the characteristics needed to do the job that I want done the way that I want it?”

Fifth, write down the five most important job challenges or targets that you expect the new director to overcome and accomplish, and rank them. For example:

- Reorganize the department;
- Develop a five-year street improvement program;
- Improve employee productivity;
- Be responsive to citizen requests; and
- Reduce the cost of garbage collection.

Together these comprise the job design profile. (Sample completed and blank job design profiles are included on the following pages.)
EXHIBIT 1: SAMPLE COMPLETED JOB DESIGN PROFILE

Position of Public Works Director
JOB DESIGN PROFILE

DUTIES AND RESPONSIBILITIES
(Describe the position as you see it. What is the public works director’s job?)

Oversees budgetary operations and prepares budgets as required; promulgates regulations to ensure proper organization and use of personnel; plans and directs activities of the public works department; performs administrative activities of the public works department; coordinates formal and on-the-job training programs for recruits and personnel development; keeps records and prepares reports, including personnel reports; develops and recommends policy options and alternatives for consideration by the city manager and the city council.

Knowledge of public works operations, including construction, engineering, maintenance, office and business procedures; ability to plan, organize, schedule, coordinate and direct public works functions, including streets, solid waste, water and sewer utilities, and engineering; knowledge of and experience in the application of management and supervisory principles and practices, as applied to municipal government; knowledge of and experience in municipal procedures relating to finance, personnel, purchasing, office operations, risk management and public relations; knowledge of and experience in the management of occupational hazards and safety precautions; knowledge of the principles and practices of engineering and construction, particularly as applied to municipal functions; ability to efficiently prepare and maintain thorough and accurate reports and records; ability to establish and maintain effective working relationships with the public, the news media, employees, external agencies and organizations, the city manager, and the city council.

EDUCATION AND EXPERIENCE
(Indicate the level of education and experience required and desired for each item.)

<table>
<thead>
<tr>
<th>Degree:</th>
<th>Required</th>
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### PROFESSIONAL CHARACTERISTICS
(Number 1, 2, 3, 4, 5 the five most important professional characteristics you want the new director to have.)

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### COMMENT:
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CRITICAL JOB TARGETS
List the five most important challenges or job targets the new public works director will face. For example, develop a five-year street improvement program, reorganize the department, improve employee productivity, etc.

1. Downtown redevelopment program: ______________________________________________________________
   ____________________________________________________________________________________________

2. Street repaving schedule: ________________________________________________________________
   ____________________________________________________________________________________________
   ____________________________________________________________________________________________

3. Reorganize the public works department and choose assistant director: ______________________________
   ____________________________________________________________________________________________

4. Work with the parks and recreation department in developing new mowing schedules and cleanup of ball fields and parks: ______________________________
   ____________________________________________________________________________________________
   ____________________________________________________________________________________________

5. Make plans to relocate the equipment/vehicle storage area to a new facility within the next three years:
   ____________________________________________________________________________________________
   ____________________________________________________________________________________________
   ____________________________________________________________________________________________

COMMENT: ____________________________________________________________________________________
   ____________________________________________________________________________________________
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EXHIBIT 2: JOB DESIGN PROFILE (Blank)

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JOB DESIGN PROFILE

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(Describe the position as you see it. What is the public works director’s job?)

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5. ______________________________________________________________________________________
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COMMENT: ______________________________________________________________________________
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JOB DESCRIPTION

The emphasis in effective recruiting should always be on quality. A truckload of mediocre applicants will not accomplish the goal of finding the single candidate that best fits your job design profile.

The job design profile is an important working tool in recruitment and selection. It will be used and referred to at several points during the process. Writing the job description is the first practical use of the information generated through the job design profile; the next use is reviewing the first application.

The job description is the principal means for conveying to the applicant pool your expectations and requirements for the job. It should be well organized and understandable. An acceptable format would include information presented within categories such as

- General definition and nature of the job;
- Essential duties and work performed;
- Required knowledge and skills;
- Desired qualifications; and
- Special requirements.

The job description must meet American with Disabilities Act (ADA) standards for reasonable accommodations for the position. Much of the information you included in the job description will be derived from the job design profile. An example of a job description for public works director is included in this chapter.

Once the job description has been developed, it can be used as a recruitment tool. Potential applicants typically are recruited through the use of two methods: advertisement and personal contact.

An accurate and complete job description is essential for both methods. It is, in a real sense, an advertising technique and, at the same time, a professionally acceptable means for you to communicate with potential applicants.

EXHIBIT 3: POSITION OF PUBLIC WORKS DIRECTOR

JOB DESCRIPTION

General Definition and Nature of Job:
The public works director is appointed by and reports to the city manager. This is a department head level position, one of six within the city’s organizational structure. The director has primary responsibility for the organization, operation, and overall performance of the department. This specifically includes the administration of the departmental budget and the supervision of all departmental employees. Department functions include engineering, solid waste management, water and sewer utilities, streets, and public works construction activities.

Independent judgment is used according to the situation, and different courses of action must be taken to complete the department tasks. Work is performed in all kinds of weather conditions.

Essential Duties and Work Performed:

- Oversees budgetary operations and prepares budgets as required.
- Promulgates regulations to ensure proper organization and use of personnel.
- Plans and directs activities of the public works department.
- Performs administrative activities of the public works department.
- Coordinates formal and on-the-job training programs for recruits and personnel development.
- Keeps records and prepares reports including personnel reports.
- Develops and recommends policy options and alternatives for consideration by the city manager and the city council.
Required Knowledge and Skills:

- Knowledge of public works operations, including construction, engineering, maintenance, office, and business procedures.
- Ability to plan, organize, schedule, coordinate and direct public works functions, including streets, solid waste, water and sewer utilities, and engineering.
- Knowledge of and experience in the application of management and supervisory principles and practices as applied to municipal government.
- Knowledge of and experience in municipal procedures relating to finance, personnel, purchasing, office operations, risk management and public relations.
- Knowledge of and experience in the management of occupational hazards and safety precautions.
- Knowledge of the principles and practices of engineering and construction, particularly as applied to municipal functions.
- Ability to efficiently prepare and maintain thorough and accurate reports and records.
- Ability to establish and maintain effective working relationships with the public, news media, employees, external agencies and organizations, the city manager, and the city council.

Desired Qualifications:

- Graduation from a four-year college with major course work in engineering, public works, business administration, or public administration. Master’s degree or engineering license preferred.
- Demonstrated management or high level administrative experience.
- Progressively responsible experience in public works.
- Must pass physical and drug screen.
- Valid Tennessee driver’s license.

Special Qualifications/Requirements:

The public works director is expected to be an effective administrator concerned about productivity and quality performance. The public works director must bring to the job and at all times maintain a sense of objectivity and a business-minded approach. It is essential that the public works director be service oriented.

RECRUITING

The best advertising outlets in which to advertise often are dictated by the particular position you are seeking to fill. It is important that you target the most productive sources. For management and professional level positions, using the newsletters and trade journals of appropriate professional groups is essential for productive searches. Tennessee Town & City and the publications of other municipal leagues are helpful sources. A partial list of sources is found in Appendix A. Advertising in the classified sections of local or regional newspapers also is common. Advertising in widely circulated publications is likely to prompt additional applications, although many will lack desired levels of education and experience. In addition, there are opportunities to advertise on various Web sites, including the municipality’s own site. The city must determine how broadly or narrowly it wishes to advertise.

Important elements to consider including in the advertisement are

- A brief, attractive description of the city or town, including population, and an overview of the organization, including number of employees and budget;
- Minimum requirements for experience and education;
- A salary range, which may include “commensurate with experience;”
- An application deadline of no fewer than three weeks and no more than eight weeks from the date of the ad; and
- A location to which applications should be submitted.
The best candidates for the job may not respond to an advertisement, or they may never see it. Because good prospects may not be actively looking for a new job, do not rely exclusively on advertising to generate all applicants. You also need to ask others for suggestions. Within a particular profession, it is possible to secure the names of individuals who are highly respected and who may fit the job design profile you have developed. This can be accomplished by securing a directory of the appropriate professional association and making direct contact with current officers and members.

Some local governments hire the services of an executive search firm, often referred to as a “headhunter,” to enhance the applicant pool. While often effective, executive search firms can be expensive. Local governments must weigh the costs and benefits of using an executive search firm with the overall criteria established for the position to determine if outside assistance is needed and the extra expense is justified.

Remember not to be shy about inquiring and making some personal contact. There is nothing improper or unethical about informing people of employment opportunities. It is up to the individual to decide if he or she is interested enough to apply.

As an equal opportunity employer, make every effort to attract qualified minority candidates. Minority recruitment is an obligation and a beneficial practice to promote community diversity.

One final recruitment tip: Look right under your nose. The best qualified person may already be working for you.

EXHIBIT 4: JOB ADVERTISEMENT

THE CITY OF ______________________, TENNESSEE

PUBLIC WORKS DIRECTOR

The public works department has an annual operating budget of $2.5 million. It has 25 full-time employees. The public works director is appointed by and reports to the city manager.

The public works director has primary responsibility for the organization, operation, and overall performance of the public works department. Department functions include engineering, water and sewer utilities, solid waste management, streets, and public works construction.

The public works director must be an effective administrator, business minded, and productivity and service oriented. The director should have a college degree. A master’s degree in public administration or business administration is preferred. The director must have demonstrated management capabilities, with progressively responsible experience in the area of public works administration preferred.

Salary Range: $55,000 - $70,000

Starting Salary: $55,000 - $60,000 depending upon qualifications.

Send complete resume to:

Deadline for receipt of resumes:

EOE
REVIEWING RESUMES

It is not uncommon for a good recruitment effort to generate 50 or more applications for a professional position. It is recommended that you acknowledge the receipt of every application. We have developed a resume checklist in this section that should be used as a tool to screen resumes by assigning a score to each. Criteria for reviewing and scoring resumes should include experience, education, quality and clarity of resume, and length of time in previous positions as related to the job design.

A resume is essentially a personal advertisement. It may be accurate and complete, or it may be exaggerated or deceptive. You decide, as you sort through and decode what is before you. As you review each resume with your job design profile in mind, make notations and comments opposite each requirement or characteristic. In addition, we recommend requiring each applicant to complete your standard employment application.

As you review each resume, there are other considerations to keep in mind. There are two areas in particular that will require your conscious attention:

• Employment history. Are there gaps in employment? Has the candidate served a reasonable period of time in each job? Is the chronology consistent?
• Accomplishments. Experience is fine, but did the candidate accomplish the kinds of things you want accomplished? This is where resumes most often reflect exaggerated claims.

Narrowing the Field

Once you have completed your review of resumes and standard application forms, you are prepared to make some judgments. You will be able to assign applicants to one of three categories:

• Those who do not fit the job design profile (inactive);
• Those who do fit the job design profile (active); or
• Those who are questionable.

Set aside the resumes of those candidates who do not fit the job design profile. Temporarily, also set aside the resumes of candidates who do meet the job design profile. For the moment focus on the questionables.

What you are attempting to determine is which, if any, of the questionables should receive further consideration. To do that, you need additional information, and the best way to secure that information is through a telephone interview. Make a list of the questions and the items on which you need clarification before you make the phone call. When you speak to the applicant, make it clear that the reason for the call is to ensure that you have complete and accurate information to use for evaluation purposes. Record the new information on the resume checklist found later in this section. The summary of the scores can be posted on a sample screening worksheet, also located in this section.

After assessing the new information, assign each of the previously questionable applicants to either the active or inactive category. Candidates who will not be considered further should be advised at this time.

Now, take the paperwork for the candidates in the active category, and review it thoroughly once again. These are the applicants you will be considering further.
EXHIBIT 5: RESUME CHECKLIST

POSITION OF PUBLIC WORKS DIRECTOR
RESUME CHECKLIST

Applicant Name: _______________________________ Rater Name: _______________________________

Use the following scale:

OS: Outstanding (5) VG: Very Good (4) G: Good (3) F: Fair (2) P: Poor (1)
(Note: there are 50 possible points)

1. Do the resume and cover letter suggest real interest in the position? 1 2 3 4 5

2. Has the applicant had experience with the variety of services delivered by the city’s public works department? 1 2 3 4 5

3. Has the applicant had experience working in a local government of comparable size, including a comparable staff size and budget? 1 2 3 4 5

4. Has the applicant worked in a similar geographic area? Is the applicant likely to be comfortable with the community? 1 2 3 4 5

5. Has the applicant had broad administrative and supervisory authority in public works? 1 2 3 4 5

6. Has the applicant had experience working with citizen groups and appointed boards or commissions? 1 2 3 4 5

7. What is the applicant’s educational background? 1 2 3 4 5

8. Does the applicant have good tenure with most previous employers? 1 2 3 4 5

9. Does the applicant show interest in continuing professional development by participating in training programs and professional organizations? 1 2 3 4 5

10. Does the applicant’s employment history suggest a pattern of broad experience and increasing responsibility? 1 2 3 4 5

Total Score: ___________

OVERALL RATING

☐ OS = Outstanding ☐ VG = Very Good ☐ G = Good ☐ F = Fair ☐ P = Poor
EXHIBIT 6: SCREENING WORKSHEET

PUBLIC WORKS SCREENING WORKSHEET

Questions

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INTERVIEWING
Preparing to Interview
A major milestone in the recruitment and selection process is reached when you have decided who you will interview. Prior to conducting interviews, there is one remaining procedure that you may wish to consider using—the pre-interview questionnaire.

The pre-interview questionnaire is a series of questions that are pertinent to the position for which you are recruiting. It has two purposes:
1. To obtain insight into the candidate’s knowledge and understanding on subjects that are important to the job and the organization, and
2. To determine the candidate’s ability to communicate in writing.

Both of the above are important in evaluating candidates for managerial and professional positions.

The pre-interview questionnaire should be returned by each candidate well in advance of the interview date, so that each interviewer has an opportunity to review it and complete the pre-interview assessment form. (A sample pre-interview assessment form is located at the end of this chapter.) The assessment form should be completed and at hand when you interview the candidate. You may desire to audiotape or videotape the interview.

In preparing for the interview you may discover that some of the candidates you are considering have decided not to pursue the opportunity. There are a number of legitimate reasons why this may happen. Acceptance of another position, second thoughts about leaving the current job, or reaching a conclusion that this is just not the right move are not uncommon.

In deciding how many candidates to interview, you must be guided in part by budget and time constraints. Time and money have a way of helping make decisions. There is no magic number. Be guided by the specific situation that confronts you. Do not force the situation by striving for a particular number. Interviewing three candidates that you really feel good about is better than interviewing five against your better judgment.

You will need to decide who will be doing the interviewing for your organization. Your charter may indicate who will do the hiring for the position. For a management or professional position, it is a good idea for more than one person to participate. Sometimes a screening committee or a selection committee approach makes sense. Often it may be the governing body itself. What’s important is to include some perceptive questioners and listeners. The interview is an important event leading to a big decision. You are about to do some heavy-duty comparison shopping.

It is necessary that you enter the interview with a clear plan and specific objectives. At a minimum, observe these basic principles:
• Know at the outset how the interview will be conducted and the kind of information you want to secure from each candidate;
• Communicate, in general terms, with each candidate prior to the interview about the information you will be seeking;
• Approach the interview as a two-way street, recognizing that the candidates are also interviewing you;
• Prepare yourself psychologically to manage and control the interview;
• Prepare in advance a list of basic questions that will be directed to each candidate; and
• Prepare in advance an evaluation form to be used by those doing the interviewing for your organization.

The kinds of questions asked in the interview are important, and careful consideration should be given
to the way they are worded and asked. Appendix F contains a sample list of interview questions. For a professional management-level position, these areas are some of the areas that you should evaluate in the interview:
- Demonstrated leadership potential;
- Demonstrated management potential;
- Demonstrated knowledge of departmental operations;
- Ability to work with people and groups;
- Demonstration of good judgment and common sense;
- Demonstrated ability to relate as a team player;
- Demonstrated past performance;
- Oral communication skills;
- Extent to which the individual is goal directed; and
- Extent to which the individual is service oriented.

These areas are general categories within which specific questions are developed and asked. All candidates should be asked the same questions. The emphasis and importance placed on each area will vary depending upon the needs and priorities of the position and the organization.

**EXHIBIT 7: SAMPLE FOLLOW-UP LETTER WITH ATTACHED QUESTIONNAIRE**

Date

Dear Public Works Director Candidate:

Thank you for applying for the position of public works director for the city of (name), Tennessee. We have received many applications for this position.

Of the applications we received, there are approximately (#) we would like to take a closer look at. Your application is one of these. In order to find out more about you and your management style, we have enclosed a list of six questions we would like you to answer and return to us no later than (date). Based on these responses, we will select a small number of applicants whom we would like to bring to (city name) to interview.

Simply write or type your responses in the space provided, and please feel free to call if you have any questions.

In the meantime, I want to thank you again for your interest in the position of public works director. We look forward to receiving your responses so that we can learn more about you.

Sincerely,

City Manager

Encl: Public Works Applicant Questionnaire
EXHIBIT 8: APPLICANT QUESTIONNAIRE

TOWN OF ANYWHERE:
PUBLIC WORKS DIRECTOR APPLICANT QUESTIONNAIRE

Please answer in the space provided.

1. How does this position relate to your long-term goals?
   ____________________________________________________________________________________
   ____________________________________________________________________________________
   ____________________________________________________________________________________

2. What would you do if the city council adopted a policy with which you disagreed?
   ____________________________________________________________________________________
   ____________________________________________________________________________________
   ____________________________________________________________________________________

3. What aspect(s) of your education and experience prepares you to be a department head of this organization?
   ____________________________________________________________________________________
   ____________________________________________________________________________________
   ____________________________________________________________________________________

4. Describe the leadership responsibilities and opportunities inherent in this position?
   ____________________________________________________________________________________
   ____________________________________________________________________________________
   ____________________________________________________________________________________

5. What special qualifications do you have that would enhance your potential for success in this position?
   ____________________________________________________________________________________
   ____________________________________________________________________________________
   ____________________________________________________________________________________

6. Describe your management philosophy and style.
   ____________________________________________________________________________________
   ____________________________________________________________________________________
   ____________________________________________________________________________________
EXHIBIT 9: PRE-INTERVIEW ASSESSMENT

NAME OF CANDIDATE: __________________________________________________________________________

KEY
OS: Outstanding (5)   VG: Very Good (4)   G: Good (3)   F: Fair (2)   P: Poor (1)

1. How well do the candidate’s qualifications meet the job requirements?
   A. B.S./B.A. in engineering, business administration, or public administration
   B. Master’s degree or engineering license
   C. Demonstrated management experience
   D. Progressively responsible experience in a similar type organization

2. Work History: Extent to which the candidate’s work experience can be applied to this position.

3. Communication skills (written).


OVERALL RATING __________
Conducting the Interview

It is important to emphasize the necessity of conducting each interview in a fair and equitable manner. It is not possible to develop identical interview situations, but every effort should be made to ensure a basic consistency in the interview format. This does not mean that concerns specific to a particular candidate cannot or should not be pursued. The interview is exactly the right time to do that.

What are the basic goals of interviewing for managerial and professional positions? There are two, and they must be kept uppermost in mind at all times:

1. To determine if the candidate has the technical competence, experience, and skills to do the job you want done, in the way you want it done; and
2. To determine if the candidate has the personal qualities and characteristics that fit the needs of the organization and the community.

The interview begins with you welcoming the candidate and making him or her feel comfortable. Open the interview by highlighting the job description and reviewing with the candidate the salient features of his resume. Allow and encourage candidates to tell you about themselves.

Keep in mind that the interview is a two-way street. Both parties are buyers and both are sellers. As the potential employer, you must be prepared to answer legitimate questions. If a candidate does not ask you any questions, you have good reason to be concerned about that candidate’s seriousness. Allow at least one-third of the total interview time for the candidate’s questions and for your responses.

The uppermost concern of most job candidates is, “Is this the right job for me?” The questions directed to you and the answers you give are significant because they will help the candidate make a decision on that most important of questions. In answering, be honest and straightforward. Anything short of honesty is a disservice to your own organization and grossly unfair to the candidate. Answering the question, “Is this the right job for me?” is as important to you as it is to the candidate.

If you are an inexperienced interviewer, there are a number of common pitfalls that you should be aware of and avoid. They include

• Asking leading questions;
• Making decisions too early in the interview;
• Failing to properly relate questions and answers to job requirements (the job description);
• Talking too much and listening too little. The candidate should do at least 75 percent of the talking;
• Failing to manage the interview. Keep it on track and under control;
• Allowing one factor, positive or negative, to exert undue influence. Try to consider the person within the total framework of his personality and professional competency;
• Failing to probe and ask follow-up questions when a response is incomplete or confusing; and
• Judging the candidate solely on personality.

Legal Aspects of Advertising and Interviewing

MTAS has prepared comprehensive reports on legal concerns and questions related to hiring. The publication “Interviewing and the Law” by Richard L. Stokes, MTAS municipal human resource management consultant, should be consulted whenever you are considering interviewing and hiring any employee.

During the interview do everything you can to get the whole story, the big picture, and all the basic questions answered to your satisfaction. At the conclusion of the interview complete the interview evaluation form.

It is not unusual that more than one interview with the same candidate may be necessary or desirable. As you continue to narrow the field and to really
zero in on one or two applicants, a second or third interview can be productive and decisive. Do what is necessary to completely achieve the two primary objectives of the interview.

Do not ask questions regarding religion, ethnicity, health, marital status, dependents, or politics. Refer to the previously mentioned publications for more information.

EXHIBIT 10: INTERVIEW QUESTIONS AND EVALUATION FORM

INTERVIEW QUESTIONS AND EVALUATION FORM
Public Works Director

1. What interests you most about the position?

2. What are your personal and professional strengths?

3. Why do you want to leave your present job?

4. What aspects of this job would you most enjoy?

5. Tell us about some major accomplishments you have achieved in your present position.

6. In your view, what is the most important aspect of this job?

7. What qualifies you to manage a department with _____ employees and an operating budget of $_______ million?

8. What are your personal and professional goals?

9. How would you describe your own personality?

10. If we walked up and down Main Street of the community you now serve, what would the business community and the public tell us about you?

11. What do your subordinates think of you?

12. What are the characteristics you look for when hiring people?

13. Have you terminated employees?

14. How would you go about terminating a key employee?

15. Describe your management philosophy and style.
EVALUATING

Recording Information and Impressions
What should happen at the conclusion of an interview? The most important immediate step is to record, while it is fresh in your mind, information and impressions that you obtained during the interview. During an interview session with more than one interviewer, you should immediately record your information while the other interviewer(s) are asking questions.

To record information on and impressions of each candidate at the conclusion of the interview, it is suggested that you use a simple form such as the interview assessment form included in this report. This form provides a 10-point checklist and space for your personal comments.

Completion of the interview assessment form is the first post-interview step in moving toward a selection decision. It is the next item in a series that began with the construction of the job design profile. Then there was the job description, the job advertisement, the resume checklist, the pre-interview questionnaire and pre-interview assessment form, the interview questions, and now the interview assessment form. All of these are “part of the same cloth.” They represent progressive steps in the process. Each is a working tool to be used at a different stage.

The post-interview assessment provides an opportunity for ranking the candidate in the major areas of concern, and incorporates the rankings that were made on the pre-interview assessment form in this report.

Through a thorough consideration of all written and verbal communication, you will finally achieve a preliminary ranking of candidates. In some situations, there will be a clear preference. In other situations, follow-up interviews may be required to arrive at first, second, and third preferences.
**EXHIBIT 11: INTERVIEW ASSESSMENT**

NAME OF CANDIDATE: ________________________________________________________________

<table>
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<tr>
<th></th>
<th>Outstanding</th>
<th>Very Good</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
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<tbody>
<tr>
<td>1. Pre-interview rating</td>
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<td>2. Good judgment and common sense</td>
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<td>3. Oral communication skills</td>
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<td>4. Team player</td>
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<td>5. Goal oriented</td>
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<td>6. Service oriented</td>
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<td>8. Knowledge of public works operations</td>
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<td>9. Potential for effective management</td>
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<td>10. Leadership potential</td>
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OVERALL RATING: ________________________________________________________________
Assessment Centers
The assessment center is an option available for the selection process. An assessment center places applicants in situations where they role play and participate in other exercises that help demonstrate their knowledge, skills, and abilities (KSAs) required for the job. The benefit of the assessment center is that the selection panel is able to learn more about the management style of the candidate in the role for which he or she is interviewing. Elements of the candidate’s style, demeanor and decision-making skills are exposed, which can allow the selection panel to compare each candidate against a predefined description of the competencies desired for the ideal manager.

There are cautions for using assessment centers. Assessment centers use valid and reliable testing methods, but they are expensive, take considerable preparation time, demand extensive time of assessors and candidates, and should be conducted only by trained professionals with solid references and credentials.

Assessment centers attempt to simulate actual job situations and evaluate behavior through a series of job-related exercises. The principle is that behaviors displayed by a candidate during the exercises can also be expected in on-the-job performance. You can receive additional information on the assessment center approach from MTAS.

Background Investigation/Reference Checks
It is absolutely essential that a careful and thorough verification of the preferred candidate’s personal and professional background be made before a final selection decision is made. Under current circumstances, this may be a very difficult task. Because of potential liability, verifying anything more than employment dates can be a challenge. Verification should also include academic credentials and credit reports if positions involve money or property. The applicant must sign a release form if you will be performing a background check. If you use a credit report, you must abide by the Fair Credit Reporting Act.

You may already have made some preliminary checks back when you were considering which candidates you would invite to interview. Usually a candidate will either include a list of references on the resume or will indicate that references are available upon request. It is now time to do some serious checking. Reference checks should not be restricted to only those references provided by the candidate. Keep in mind that the candidate will provide the names of individuals who will give favorable references.

The purpose of background checks is to make sure that you touch third base on your way home. It should not be a negative “let’s see if we can dig up some dirt” approach. Rather, it should be viewed as one additional fact-finding procedure that will let you develop a complete and realistic assessment of the candidate. The way to do that is to communicate with the right people and induce their responses to the right questions. Before doing so, however, tell the candidate that this will be the next step. Make sure the candidate is ready and willing to undergo this scrutiny.

Who are the right references? Usually, they are current and prior supervisors, personnel directors, and fellow workers. It is recommended that you use the references provided by the candidate to develop a network of further references.

Speaking with references is similar to interviewing the candidate. You observe the same principles and procedures in questioning. Avoid the same common pitfalls, and heed the same legal constraints regarding age, race, religion, disabilities, and marital status.
What are the right questions? They are those job-related questions that are most important to you. Are there things you are unclear on or uncertain about? Satisfy yourself before making a decision. At the very least, cover the key items on the job description. Do not ask questions out of curiosity.

In making reference and background contacts, you may write a letter, pick up the phone, or make a personal visit. You are likely to secure a more complete and in-depth response through verbal communication. Many people are bothered by the idea of expressing a negative opinion in writing. Be probing, and allow your contacts ample opportunity to be long winded. Look for similarities and differences in the comments you receive. Both are important. If one of your sources brings up something that you hadn’t previously heard, and it is important, do not hesitate to re-contact someone with whom you have already spoken.

When you have finished checking and rechecking, and have recorded the results, you should be in a good position to make a final selection decision. Send appropriate letters of rejection to all applicants for your position opening. A sample rejection letter follows.

**EXHIBIT 12: SAMPLE FOLLOW-UP REJECTION LETTER**

Date

Dear Public Works Director Candidate:

Thank you for applying for the position of public works director for the city of (name), Tennessee. We have received many applications for this position. We have spent considerable time and effort reviewing the credentials offered by our applicants. After careful consideration, we have decided not to pursue employment opportunities with you.

We sincerely wish you the best of luck in your current position and commend you on your professionalism exhibited during this selection process. In the meantime, we want to express our gratitude for your interest in the position of public works director. We look forward to your continued success.

Sincerely,

City Manager
HIRING

All that remains is to hire the person whom your evaluation has determined to be the most qualified and suitable candidate. This involves, among other things, reaching agreement on salary, benefits, and conditions of employment. That may sound a little scary, but it is usually a pleasant, business-like experience.

In your job advertisement, you indicated a salary range for the position. The reason for doing so was to save potential applicants unnecessary time and effort. You can properly assume that individuals who applied are willing to go to work for a salary that falls within the advertised pay range. If it is your intent to pay the starting rate, then do not advertise a range.

In the job advertisement you also may have indicated a maximum starting rate. That should make things go even smoother, but it does not mean there will not be a little give and take, a bit of honest, old fashioned trying to get the best deal possible. Expect some of that because it is human nature. Just remember that your job is to keep the magic number at a level that is fair and within the salary parameters that have been established.

Benefits and conditions of employment for positions in city government are usually uniform and consistent for employees of the same classification, for example, department heads. This is generally understood, but to affirm that fact, many organizations provide this information to applicants prior to interviewing. It is recommended that you do so.

There are a few items other than salary which may require negotiation. Starting date is one. Another is moving expenses. Still another is use of an automobile. Go over the parameters of the job one final time with the person you are hiring so that there is absolutely no misunderstanding. This is also the time to communicate any expectations or preferences that were not thoroughly covered during the interview or subsequent conversations.

When you have covered all of the above items verbally to the satisfaction of the candidate and yourself, put it all in a written, formal job offer letter, and request a reply from the candidate in writing. Post-offer drug testing/physical examination may be acceptable at this point.

Finally, make an effort to really welcome your new employee. Take the time to arrange introductions with other staff members. Provide an appropriate orientation to the job, the organization, and the community. Doing so will enable the new employee to be productive for you sooner.

HOW MTAS CAN HELP

The recruitment and selection process involves a variety of steps and activities that must be performed in a timely and orderly manner. Because the hiring decision is so important to the organization and the community, a city may wish to request project assistance from MTAS.

MTAS can help in a variety of ways ranging from coordinating the total process to performing a single task. We can, for example, assist in the preparation of the job design profile, the job description, or the job advertisement. We also can administer the pre-interview questionnaire or contact references on behalf of your city.

In short, the scope of MTAS’ services in the recruitment and selection of management and professional employees can be tailored to the needs and preferences of each city. MTAS can also arrange an assessment center.
APPENDIX A
ADVERTISING SOURCES FOR RECRUITING MANAGERIAL AND PROFESSIONAL PERSONNEL

National Organizations

AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION
1120 G Street, N.W., Ste. 700
Washington, D.C. 20005-3885
Phone: (202) 393-7878
Web site: http://www.aspanet.org
Publication: Public Administration Times

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS
4025 Fair Ridge Drive
Fairfax, Virginia 22033-2868
Phone: (703) 273-0911
Web site: http://www.ichiefs.org
Publication: ICHIEFS On Scene

INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION
777 N. Capitol St., N.E., Suite 500
Washington, D.C. 20002-4201
Phone (202) 289-4262
Web site: http://www.icma.org
Publication: ICMA Newsletter

NATIONAL FIRE PROTECTION ASSOCIATION
1 Batterymarch Park
P.O. Box 9101
Quincy, Massachusetts 02269-9101
Phone: (617) 770-3000
Web site: http://www.nfpa.org
Publication: Fire News

INTERNATIONAL PUBLIC HUMAN RESOURCES MANAGEMENT ASSOCIATION
1617 Duke Street
Alexandria, Virginia 22314
Phone: (703) 549-7100
Web site: http://www.ipma-hr.org
Publication: IPMA News

AMERICAN SOCIETY OF CIVIL ENGINEERS
1801 Alexander Bell Drive
Reston, Virginia 20191-4400
Phone: (703) 295-6300
Web site: http://www.asce.org
Publication: Civil Engineering

GOVERNMENT FINANCE OFFICERS ASSOCIATION OF UNITED STATES AND CANADA
180 North Michigan Avenue
Chicago, Illinois 60601
Phone: (312) 977-9700
Web site: http://www.gfoa.org
Publication: GFOA Newsletter

NATIONAL ASSOCIATION OF COUNTIES
440 First Street, N.W., Ste. 800
Washington, D.C. 20001
Phone: (202) 393-6226
Web site: http://www.naco.org
Publication: County News

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
515 N. Washington Street
Alexandria, Virginia 22314
Phone: (703) 836-6767
Web site: http://www.theiACP.org
Publication: Police Chief: The Professional Voice of Law Enforcement

NATIONAL ASSOCIATION OF TOWNS & TOWNSHIPS
444 N. Capitol St., N.W.
Suite 208
Washington, D.C. 20001
Phone: (202) 624-3550
Web site: http://www.natat.org
Publication: NATaT's Reporter
NATIONAL LEAGUE OF CITIES
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-1763
Phone: (202) 626-3000
Web site: http://www.nlc.org
Publication: Nation’s Cities Weekly

MISSISSIPPI MUNICIPAL ASSOCIATION
600 East Amite St., Ste. 104
Jackson, Mississippi 39201
Phone: (601) 353-5854
Web site: http://www.mmmlonline.com
Publication: Mississippi Municipalities

MISSOURI MUNICIPAL LEAGUE
1727 Southridge Dr.
Jefferson City, Missouri 65109
Phone: (573) 635-9134
Web site: http://www.mocities.com
Publication: Missouri Municipal Review

NORTH CAROLINA LEAGUE OF MUNICIPALITIES
P.O. Box 3069
Raleigh, North Carolina 27602-3069
Phone: (919) 715-4000
Web site: http://www.nclm.org
Publication: Southern City

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA
P.O. Box 12109
Columbia, South Carolina 29211
Phone: (803) 799-9574
Web site: http://masc.state.sc.us
Publication: Uptown

TENNESSEE MUNICIPAL LEAGUE
226 Capitol Boulevard
Room 710
Nashville, Tennessee 37219-1894
Phone: (615) 255-6416
Web site: http://www.tml1.org
Publication: Tennessee Town & City

VIRGINIA MUNICIPAL LEAGUE
P.O. Box 12164
Richmond, Virginia 23241
Phone: (804) 649-8471
Web site: http://www.vml.org
Publication: Virginia Town & City

Leagues of Municipalities
ALABAMA LEAGUE OF MUNICIPALITIES
P.O. Box 1270
Montgomery, Alabama 36102
Phone: (334) 262-2566
Web site: http://www.alalm.org
Publication: Alabama Municipal Journal

ARKANSAS MUNICIPAL LEAGUE
301 West 2nd
North Little Rock, Arkansas 72115
Phone: (501) 374-3484
Web site: http://www.arml.org
Publication: City & Town

FLORIDA LEAGUE OF CITIES
301 South Bronough Street
Tallahassee, Florida 32302
Phone: (850) 222-9684
Web site: http://www.flcities.com
Publication: Quality Cities

GEORGIA MUNICIPAL ASSOCIATION
201 Pryor Street, S.W.
Atlanta, Georgia 30303
Phone: (404) 688-0472
Web site: http://www.gmanet.com
Publication: Urban Georgia

KENTUCKY MUNICIPAL LEAGUE
101 East Vine Street, Ste. 600
Lexington, Kentucky 40507-3700
Phone (859) 323-3700
Web site: http://www.klc.org
Publication: The Kentucky City

NORTH CAROLINA LEAGUE OF MUNICIPALITIES
P.O. Box 3069
Raleigh, North Carolina 27602-3069
Phone: (919) 715-4000
Web site: http://www.nclm.org
Publication: Southern City

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P.O. Box 12109
Columbia, South Carolina 29211
Phone: (803) 799-9574
Web site: http://masc.state.sc.us
Publication: Uptown

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226 Capitol Boulevard
Room 710
Nashville, Tennessee 37219-1894
Phone: (615) 255-6416
Web site: http://www.tml1.org
Publication: Tennessee Town & City

VIRGINIA MUNICIPAL LEAGUE
P.O. Box 12164
Richmond, Virginia 23241
Phone: (804) 649-8471
Web site: http://www.vml.org
Publication: Virginia Town & City
Other Sources

TEENEESE COUNTY SERVICES ASSOCIATION
226 Capitol Boulevard Building, Ste. 700
Nashville, Tennessee 37219
Phone: (615) 532-3767
Publication: Tennessee County News

PUBLIC WORKS JOURNAL CORP.
200 South Broad Street
Ridgewood, New Jersey 07451
Phone: (201) 445-5800
Publication: Public Works

COMMUNICATION CHANNELS, INC.
6255 Barfield Road
Atlanta, Georgia 30328
Phone: (404) 256-9800
Publication: American City & County
APPENDIX B

INTERVIEWING AND THE LAW
by Richard L. Stokes, Municipal Human Resources Consultant

The right of all persons to work and to advance on the basis of merit, ability, and potential, has deep roots in our American heritage. But for many years this right was restricted by discriminatory employment practices.

Congress provided Federal legal enforcement for equal employment in the Civil Rights Act of 1964, with strengthening amendments added in 1972.

Title VII of the Civil Rights Act makes it unlawful for an employer:

1. to fail, or refuse to hire, or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment because of such individual’s race, color, religion, sex, or national origin; or

2. to limit, segregate, or classify the employees or applicants for employment in any way that would deprive, or tend to deprive, any individual of employment opportunities or otherwise adversely affect his status as an employee because of such individual’s race, color, religion, sex, or national origin.

Congress established the Equal Employment Opportunity Commission (EEOC), a bipartisan five-person board, to enforce Title VII. The President appoints the members, who then must be confirmed by the Senate. Although the muscle behind the EEOC’s enforcement power lies in its right to file lawsuits against private employers in federal court, the commission’s primary importance for public employees centers on the guidelines it issues to clarify Title VII’s reach.

PRE-EMPLOYMENT PRACTICES

Pre-employment selection procedures, including tests and inquiries used to screen out prospective applicants, can be particularly vulnerable to adverse impact charges. Title VII allows the use of any "professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin." The EEOC requires employers using selection tests to justify them with “data demonstrating that the test is predictive of or significantly correlates with important elements of work behavior which comprise or are relevant to the job or jobs which candidates are being evaluated.” The EEOC has also published very technical and complicated standards for validating such test. In most circumstances, if an employer cannot statistically tie a pre-employment test to specific characteristics necessary for successful job performance, and the employer does not desire to perform a validity study, the test should be discontinued or changed.

Pre-employment screening procedures such as job application forms, interviews, and background investigations should be reviewed for their job relatedness. Employers should limit their questions to matters relevant to determining an applicant’s competence. Title VII does not prohibit questions regarding, an applicant’s race, color, religion, sex, or national origin, but these may be used as evidence of discrimination if an employer cannot explain
their presence. In addition, these questions may be prohibited by state law. Questions about association or marriage with a particular racial or ethnic group may also be used as evidence of discrimination. Employers should avoid questions about marital status, the age and number of children, plans for pregnancy, or arrangements for child care.6

Pre-employment investigations for the purpose of examining an applicant’s “fitness” or “character” or to verify statements made on the application should be carefully reviewed by employers for job relatedness. The criteria used to qualify applicants in background investigations should be precise, well defined, and should clearly state the information that will disqualify an applicant; if not, at least some courts refuse to find them job related. For example, a police department’s investigations to seek disqualifying evidence of “bad character, dissolute habits, and immoral conduct” violated Title VII primarily because the criteria were so poorly defined.7

Employers must also conduct investigations using the same procedures and thoroughness, regardless of the applicant’s sex, race, ethnic origin, or religion. Proof that an employer compared the results of an in-depth investigation of a member of a protected class with a limited investigation of a non-minority one will defeat an employer’s claim that the procedure was public business related. When no proof of business necessity has been shown, courts have found that background investigations by police8 and fire departments9 into an applicant’s financial history violate Title VII because they disqualify disproportionate numbers of blacks. In addition, using a less than honorable discharge from the military as a criterion for rejecting an applicant may also violate the act because statistics reveal a higher incidence of such discharges among minorities.10 Unless solid proof of public business necessity can be shown, employers also should avoid use of arrest records to reject applicants. But, if a conviction would render an applicant unsuitable for a particular job, it might be a valid justification for rejecting the applicant. For example, a conviction for bank robbery would probably justify a bank’s refusal to hire an individual as a teller or loan officer, but perhaps not as a janitor. If an employer questions an applicant about prior convictions, inquiries should be accompanied by a statement that a conviction record will not necessarily be a bar to employment and that factors such as age and time of the offense, seriousness and nature of the violation, and rehabilitation will be taken into account.

INAPPROPRIATE PRE-EMPLOYMENT INQUIRIES

Listed below are examples of inappropriate pre-employment inquiries found on employment.11

Without EEOC Disclaimer
1. What is your birth date?
2. What is your birthplace?
3. What was your age on your last birthday?
4. What is your sex?
5. What is your race or ethnic group?
6. Do you have any handicaps or physical defects?

With or Without EEOC Disclaimer
1. Are you known or have you been known by any other name(s)?
2. Which do you prefer: Mr., Mrs., or Ms.?
3. What is your marital status?
4. How many dependents do you have?
5. What is your height and weight?
6. What are the dates of your education and/or degrees?
7. Have you ever been convicted of a crime?
8. Do you possess a valid driver’s license?
9. Do you have transportation to work?
10. What were the dates of your military service?
11. What was your rank when you left military service?
12. If claiming veteran’s preference, have you submitted the appropriate documentation?
13. Do you read and write English?
14. What is the lowest pay you will accept?
15. Do you have any relatives employed by the state?
16. Are you willing to travel?
17. Are you willing to work shifts/overtime?
18. Are you willing to lift heavy weights?

**LAWFUL AND UNLAWFUL INQUIRIES DURING PRE-EMPLOYMENT INTERVIEWS**

Any inquiry is forbidden that, although not specifically listed among those below, is designed to elicit information as to race, color, ancestry, age, sex, religion, or arrest and court record, unless based upon a bona fide occupational qualification.

**LAWFUL INQUIRIES**

**NAME**
- “Have you worked for this company under a different name?”
- “Is any additional information relative to change of name, use of an assumed name or nickname necessary to enable a check on your work and educational record? If yes, explain.”

**MARITAL/FAMILY STATUS**
- Whether applicant can meet work schedules or activities; commitments that may hinder the meeting of work attendance requirements.
- Inquiries as to a duration of stay or anticipated absences that are made to males and females alike.

**AGE**
- If a minor, require proof of age in the form of a work permit or a certificate of age.
- Require proof of age by birth certificate after being hired.
- Inquiry as to whether or not applicant meets the minimum age requirements as set by law must be submitted in the form of a birth certificate or other forms of proof of age.
- If age is a legal requirement: “If hired, can you furnish proof of age?”, or that hire is subject to verification of age.
- Inquiry as to whether or not an applicant is younger than the employer’s regular retirement age.

Under the Americans With Disabilities Act, an employer may ask questions to determine whether an applicant can perform specific job functions. The questions should focus on the applicant’s ability to perform job, not a disability.

**UNLAWFUL INQUIRIES**

**NAME**
- Inquiries about the name that would indicate applicant’s lineage, ancestry, national origin, or decent.
- Inquiry into previous name of applicant, whether it has been changed by court order or otherwise.
- Indicate: Miss, Mrs., or Ms.

**MARITAL/FAMILY STATUS**
- Any inquiry indicating whether an applicant is married, single, divorced, engaged, etc.
- Number and age of children.
- Information on child-care arrangements.
- Any questions concerning pregnancy.
- Any such questions which directly or indirectly results in limitation of job opportunity in any way.
AGE
- Requirements that applicants state age or date of birth.
- Requirements that applicants produce proof of age in the form of a birth certificate or baptismal record.

The Age Discrimination in Employment Act of 1967 forbids discrimination against persons over the age of 40.

DISABILITIES
- The Rehabilitation Act of 1973 forbids employers from asking job applicants general questions about whether they are handicapped or asking them about the nature and severity of their handicap.
- An employer must be prepared to prove that any physical and mental requirements for a job are due to “business necessity” and the safe performance of the job.
- Except in cases where undue hardship can be proven, employers must make “reasonable accommodations” for the physical and mental limitations of an employee or applicant.

LAWFUL INQUIRIES
DISABILITIES
The applicant could be asked:
1. Are you able to perform these tasks with or without an accommodation? (If the applicant indicates that she/he can perform the tasks with an accommodation, she/he may be asked:)
2. How would you perform the task, and with what accommodation(s)?

SEX
- Inquiry or restriction in employment is permissible only where a bona fide occupational qualification exists. The bona fide exception is interpreted very narrowly by the courts and the EEOC and is defined as being based on the need for the individual to be a particular sex.
- The burden of proof rests on the employer to prove that a bona fide occupational qualification does exist, and that all members of the affected class are incapable of performing the job.

APPLICANT’S RACE
- General distinguishing physical characteristics such as scars, etc.

ADDRESS OR DURATION OF RESIDENCE
- Applicant’s address.
- Inquiry into place and length of previous address.
- “How long a resident of this state or city?”

BIRTHPLACE
“Can you, after employment, submit a birth certificate or other proof of U.S. citizenship?”

UNLAWFUL INQUIRIES
DISABILITIES
- An interviewer may not ask questions about a disability.
- Where an applicant has a visible disability or volunteered information about a disability, the interviewer may not ask questions about:
  1. the nature of the disability,
  2. the severity of the disability,
  3. the condition causing the disability,
  4. any prognosis or expectation regarding the condition or disability;
  5. whether the individual will need treatment or special leave because of the disability; or
  6. whether the applicant needs accommodations.
SEX
- Sex of the applicant.
- Any other inquiry that would indicate sex.
- Sex is not a bona fide occupational qualification because a job involves physical labor (such as lifting) beyond the capacity of some women nor can employment be restricted just because the job is traditionally labeled ‘men’s work’ or ‘women’s work.’
- Sex cannot be used as a factor for determining whether or not an applicant will be satisfied in a particular job.

APPLICANT’S RACE
- Color of applicant’s skin, eyes, hair, etc., or other questions directly or indirectly indicating race or color.
- Applicant’s height or weight where it is not relative to the job.

ADDRESS
- Specific inquiry into foreign addresses that would indicate national origin.
- Names or relationship of persons with whom applicant resides.
- Whether applicant owns or rents home.

BIRTHPLACE
- Birthplace of applicant.
- Birthplace of applicant’s parents, spouse, or other relatives.
- Requirement that applicant submit a birth certificate, naturalization or baptismal record before employment.
- Any other inquiry into national origin.

LAWFUL INQUIRIES

RELIGION
An applicant may be advised concerning normal hours and days of work required by the job to avoid possible conflict with religious or other personal conviction.

MILITARY
Type of education and experience in service as it relates to a particular job.

PHOTO
May be required after hiring for identification.

CITIZENSHIP
- “Are you a citizen of the United States?”
- “If you are not a U.S. citizen, have you the legal right to remain permanently in the U.S.?”
- “Do you intend to remain permanently in the U.S.?”
- Statement that if hired, applicant may be required to submit proof of citizenship.
- “If not a citizen, are you prevented from lawfully becoming employed because of visa or immigration status?”

ANCESTRY OR NATIONAL ORIGIN
- Languages applicant reads or writes frequently.

EDUCATION/EXPERIENCE
- Applicant’s academic or professional education; school attended.
- Inquiry into language skills such as reading, speaking, and writing foreign languages.
- Applicant’s work experience, names and addresses of previous employers, dates or reasons for leaving, and salary history.
- Other countries visited.

CONVICTION
- Inquiry into actual convictions that relate reasonably to fitness to perform a particular job. (A conviction is a court ruling where the party is found guilty as a charged. An arrest is merely
the apprehending or detaining of the person to answer the alleged crime.)

**UNLAWFUL INQUIRIES**

**RELIGION**
- Applicant’s religion denomination observed (affiliation, church, parish, pastor, or religious holidays).
- Applicants may not be told that any particular religious groups are required to work on their religious holidays.
- Any inquiry to indicate or identify religious denomination or customs.

**MILITARY**

Type of discharge.

**PHOTO**
- Request photograph before hiring.
- Requirement that applicant affix a photograph to his application.
- Request that applicant, at his option, submit photograph.
- Requirement of photograph after interview, but before hiring.

**CITIZENSHIP**
- “Of what country are you a citizen?”
- Whether applicant or his parents or spouse are naturalized or native-born U.S. citizens.
- Date when applicant or parents or spouse acquired a U.S. citizenship.
- Requirement that applicant produce his naturalization papers.
- Whether applicant’s parents or spouse are citizens or the U.S.

**ANCESTRY OR NATIONAL ORIGIN**
- Inquiries into applicant’s lineage ancestry, national origin, descent, birthplace, or mother tongue.
- National origin of applicant’s parents or spouse.

**EDUCATION**
- Any inquiry asking specifically the nationality, racial, or religious affiliation of a school.
- Inquiry as to what is the applicant’s mother tongue or how foreign language ability was acquired.

**CONVICTION**
- Any inquiry relating to arrests.
- Asking or checking into a person’s arrest.

**LAWFUL INQUIRIES**

**RELATIVES**
- Names of applicant’s relatives employed by this company.
- Names and addresses of parents or guardians of minor applicants.

**NOTICE IN CASE OF EMERGENCY**
- Names of persons to be notified in case of accident or emergency.

**ORGANIZATIONS**
- Inquiry into the organizations of which an applicant is a member, providing the name or character of the organization does not reveal the race, religion, color, or ancestry or the membership.
- “What offices are held, if any?”

**CREDIT RATING**

None

**REFERENCES**
- “By whom where you referred for position here?”
- Names of persons willing to provide professional and/or character references of applicant.
MISCELLANEOUS
- Notice to applicants that any misstatements or omissions of material facts in the application may be cause for dismissal.

UNLAWFUL INQUIRIES
CONVICTIONS
Court, or conviction record if not substantially related to functions and responsibilities of the prospective employment.

RELATIVES
- Name or address of any relative of adult applicant.

NOTICE IN CASE OF EMERGENCY
- Name and address of relatives to be notified in case of accident or emergency.

ORGANIZATIONS
- “List all organizations, clubs, societies, and lodges to which you belong.”
- The names of organizations to which the applicant belongs if such information would indicate, through character or name, the race, religion, color, or ancestry of the membership.

CREDIT RATING
- Any questions concerning credit rating, charge accounts, etc.

REFERENCES
- Require the submission of a religious reference.
- Request reference from applicant’s pastor.

DAMAGES
There are a number of remedies available to employees violated Title VII or allowed others they employ to violate it. Cases under the act are tried without juries, and judges have much discretion in shaping each remedy to fit the particular situation. Depending on the circumstances, remedies such as reinstatement, injunction, back pay, and other related damages have been considered appropriate. In addition, a judge may award attorney’s fees to the winner in a Title VII suit with the passage of the Civil Rights Act of 1991. Punitive damages and awards for pain and suffering may be granted.

5. 29 C.F.R. § 1607.5.
6. Romine, 518 F.2d at 332.
7. United States v. Chicago, 549 F.2d 415 (7th Cir. 1977) aff'd ndm 567 F.2d 730 (7th Cir. 1977).
8. Id.
10. Id.
The University of Tennessee does not discriminate on the basis of race, sex, color, religion, national origin, age, disability, or veteran status in provision of educational programs and services or employment opportunities and benefits. This policy extends to both employment by and admission to the University.

The university does not discriminate on the basis of race, sex, or disability in its education programs and activities pursuant to the requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act (ADA) of 1990.

Inquiries and charges of violation concerning Title VI, Title IX, Section 504, ADA or the Age Discrimination in Employment Act (ADEA) or any of the other above referenced policies should be directed to the Office of Equity and Diversity (OED), 1840 Melrose Avenue, Knoxville, TN 37996-3560, telephone (865) 974-2498 (TTY available) or 974-2440. Requests for accommodation of a disability should be directed to the ADA Coordinator at the UTK Office of Human Resources, 600 Henley Street, Knoxville, TN 37996-4125.