



Maryland National Guard



Structured Interview Guidelines

27 April 1990

MARYLAND DEPARTMENT OF PERSONNEL
STRUCTURED INTERVIEW GUIDELINES

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STRUCTURED INTERVIEW GUIDELINES

Introduction

The interview is an important part of the selection process. Many applicants are denied employment as a result of interviews which were conducted in a discriminatory manner, and as a result, many complaints of discrimination are filed alleging discrimination on the basis of pre-employment, non-job-related inquiries. Inappropriate inquiries are those which the answers--whether or not so intended--would tend to limit a person's employment opportunities because of their race, religion, national origin, age, marital status, sex, physical and mental handicap. Another aspect of the interviewing process is proper documentation. Without proper documentation, objective evaluations of applicants may be difficult when final selections are made.

Therefore, the Department of Personnel, in keeping with its commitment to equal employment opportunity for all employees and applicants, and to establish accountability among the appointing authorities, has developed the "Structured Interview Guidelines" to be used uniformly throughout the State. It is important that the personnel responsible for interviewing applicants know how to conduct job-related interviews. Also, equally as important is for the interviewer(s) to know the affirmative action posture of the department/agency.

The material contained in the guidelines, which is consistent with Federal and State Laws and Regulations regarding selection decisions, is designed to provide the interviewer with information as to how to conduct a non-discriminatory job-related interview, and provides the mechanism for proper documentation.

For further information, contact the Division of Equal Employment Opportunity at 225-4793.

STRUCTURED INTERVIEW GUIDELINES

OBJECTIVES:

1. To eliminate potentially discriminatory practices which may occur during the interview process.
2. To encourage uniformity in conducting job interviews throughout the department/agency.
3. To enhance awareness of high risk pre-employment inquiries and how they may become complaints of alleged discrimination.
4. To provide a mechanism for documenting the results of an interview.
5. To conduct job-related interviews.

STRUCTURED INTERVIEW GUIDELINES

Directions for the Interviewer(s):

1. Read all the materials carefully prior to an interview.
 - a. "Checklist for the Interview"
 - b. "Pre-Employment Inquiries"
 - c. "Interviewing Applicants"
 - d. "Suggestions for Conducting Interviews and Selecting Applicants"
2. Documentation: Form I is to be completed for each applicant interviewed. When completed, Forms II-A,B will show the necessary data for all applicants interviewed for the same position.
3. Forms I, II (A,B), and III are kept on file by the appointing authority.

STRUCTURED INTERVIEW GUIDELINES
SUGGESTIONS FOR CONDUCTING INTERVIEWS
AND SELECTING APPLICANTS

- I. Select an Interview Panel.
 - A. Represented by race and sex.
 - B. Brief panel members on how to conduct an interview.
 - C. Select someone to monitor the interview (optional).

- II. Maintain a Structured Format.
 - A. Determine in advance what areas you want to cover.
 - B. Discuss the same areas with each person applying for the same position.
 - C. Decide what form of questions to ask.
 - D. Control the interview.

- III. Interview Errors to Avoid.
 - A. Prejudgment.
 - B. Prejudice.
 - C. Stereotyping.
 - D. The "Halo Effect" (allowing a single prominent characteristic to overshadow all others. It may be a major positive or a negative trait).

- IV. Making the Final Selection Decision.
 - A. Affirmative action goals.
 - B. Consider the evaluation criteria included in the Checklist for Interviewer.
 - C. Complete the Equal Opportunity Personnel Transaction EEO Review Form. Complete in detail sections One (I) through Five (V).
 - D. Forward Interview Panel rating sheets and the EEO Transaction Review Form to the Department of Personnel, Military

-- Department, Fifth Regiment Armory, Baltimore, Maryland.

NOTE: Interview and Hire Positions. The Hiring Official will complete the EEO Transaction Review Form and forward to the Military Department Personnel Office prior to notification of employment is made.

E. The Military Department Personnel Office will forward all EEO Personnel Transaction Review Forms to the State EEO Program Manager for EEO review and recommendation.

F. Within three (3) working days the State of Maryland EEO Program Manager will forward the Transaction Review Form to the Personnel Director.

G. The Personnel Director will notify Hiring Official of approval of selectee or the re-institution of the interview process.

H. Upon notification by the Personnel Officer the Hiring Official may notify the selectee of position acceptance.

CHECK LIST FOR THE INTERVIEW

Preparing for the Interview

1. Has a location with sufficient privacy been obtained for the interview?
2. Have I obtained sufficient information about the job to be filled?
3. Have I determined and defined the important factors to be measured?
4. If a prepared rating form is used, have I familiarized myself with it?
5. Have I decided on the type or types of interview questions to be used and the areas to cover for all candidates?
6. Have I learned what the other selection methods used are intended to measure?
7. Have I determined which of the factors to be measured have already been well measured by the other selection methods used?
8. Have I reviewed the results of the other selection methods to determine particular points which should be emphasized during the interview of each applicant?
9. Have I obtained cues from the results of the other selection methods which will enable me to pattern the interview in such a way as not to be misled in my judgment of ability to perform the job by such things as high verbal ability?
10. Have I refrained from drawing any premature conclusions about the candidate based on review of the other selection methods?

Conducting the Interview

1. Did I refrain from making any judgment about the candidate during the first few minutes of the interview?
2. Did I put the candidate at ease? Was I able to establish rapport?
3. Did I pause after the candidate seemingly finished a remark to give him/her a chance to talk further?
4. Did I occasionally repeat parts of the key sentences of the candidate in a questioning tone to secure elaboration?
5. Did I ask one question at a time?
6. Did I make my questions clear?
7. Did I avoid wording questions in a manner to suggest the answers wanted?
8. Did I appear interested in the candidate, giving my full attention?
9. Did I avoid expressing approval or disapproval of the candidate?
10. Did I avoid indicating my own attitude?

11. Did I use language appropriate to the candidate? Did I avoid or explain government jargon?
12. Did I leave difficult questions until well along in the interview after rapport had been established?
13. Did I allow the candidate to digress briefly without abruptly returning him/her to the point?
14. Did I talk the minimum amount myself?
15. Did I control the direction of the interview effectively?
16. Did I obtain maximum information on all relevant points?
17. Did I follow-up leads?
18. Did I spend most of the time exploring areas on which information could not be obtained as well from other sources (e.g., reference checks)?
19. Were interpretations, explanations, and judgments concerning the facts of the applicant's personal history discussed?
20. Did I take notes of important points?
21. Did I avoid taking notes when the candidate was under stress?
22. Did I observe the voice and other mannerisms of the applicant as well as what he/she said?
23. Did I give the candidate an opportunity to ask questions?
24. Did I answer questions truthfully?
25. Did the candidate leave with a feeling of having had an opportunity to do his or her best?

Evaluating the Applicant

1. Have I avoided coming to conclusions before I have fully analyzed all the information?
2. Have I made an effort to control "halo effect"? Have I separately analyzed the information relevant to each factor?
3. Have I avoided stereotyping and over-generalization?
4. Have I looked at the candidate in terms of his/her growth potential if this is relevant to the job?
5. Have I avoided projecting my own preferences and personality into the rating?
6. Have I considered strengths as well as weaknesses?
7. Have I avoided drawing conclusions based on verbal fluency alone?

8. Are the rating standards I have used appropriate for the specific job?
9. Have I taken into consideration explanations of facts and not jumped to conclusions?
10. Have I recognized contradictions and gaps in information?
11. Have I paid adequate attention to the voice, the mannerisms, and the hesitations of the applicant and taken them into consideration in rating?
12. Have I taken all information into account in making my rating?
13. If I am to make the determination as to whether or not the candidate should be referred to the hiring official, have I integrated interview information with all the other information available about the candidate?

Source: Adapted from the U.S. Office of Personnel Management,
New York Regional Training Center/Alvin Lederman, Consultant

PRE-EMPLOYMENT INQUIRIES

The Equal Employment Opportunity Commission issued guidelines on lawful and unlawful pre-employment inquiries. Even though the guidelines refer to application forms, many of the pre-employment inquiries are asked during the interview. According to the Equal Employment Opportunity Commission "Title VII of the Civil Rights Act of 1964 does not expressly prohibit pre-employment inquiries concerning a job applicant's race, color, religion, or national origin. The legislative history of the statute is silent as to the Congressional intent on the subject".

"Although, Title VII does not make pre-employment inquiries concerning race, color, religion or national origin per se violations of law, the Commission's responsibility to promote equal employment opportunity compels it to regard such inquiries with extreme disfavor. Except in those infrequent instances where religion or national origin is a bona fide occupational qualification (BFOQ) reasonably necessary for the performance of a particular job, an applicant's race, religion and the like are totally irrelevant to his or her ability or qualifications as a prospective employee, and no useful purpose is served by eliciting such information. The Commission is also mindful that such inquiries traditionally have been used to deprive individuals of employment opportunities and to discriminate in ways now proscribed by Title VII. Accordingly, in the investigation of charges alleging the Commission of unlawful employment practices, the Commission will pay particular attention to the use by the party against whom charges have been made of pre-employment inquiries concerning race, religion, color or national origin, or other inquiries which tend directly or indirectly to disclose such information. The fact that such questions are asked may, unless otherwise explained, constitute evidence of discrimination, and will weigh significantly in the Commission's decision as to whether or not Title VII has been violated."

"Pre-employment inquiries which are made in conformance with instructions from, or the requirements of, an agency or agencies of the local, State, or Federal Government in connection with the administration of a fair employment practices program will not constitute evidence of discrimination under Title VII".

The following is a list of pre-employment questions to avoid as outlined by the E.E.O.C.:

1. AGE? DATE OF BIRTH?

The Age Discrimination In Employment Act of 1967 (29 USC-621-34) prohibits discrimination on the basis of age against individuals who are between the ages of 40 and 64, inclusive (amended 1978 (40-70)). A majority of states also have laws prohibiting age discrimination. Thus, the answer to this question could be used unlawfully.

2. ARRESTS?

Consideration of arrest records is almost certainly unlawful. An arrest is no indication whatsoever of guilt, and historically minorities have suffered proportionately more arrests than others (See Carter v. Gallagher, 451 F. 2nd 315 (8th Cir. 1971) and Gregory v. Litton Systems, Inc., 316 F. Supp. 401 (C.D. Cal. 1970)). The U.S. Department of Labor has also recognized the potential

for discrimination in the consideration of arrest records. See 60-2.24(d) (3) of Revised Order No. 4 (41 CFR-60.2), establishing standards and guidelines for the affirmative action programs required of government contractors.

3. AVAILABLE FOR SATURDAY AND SUNDAY WORK?

This question may serve to discourage applications from persons of certain religions which prohibit their adherents from working on Saturday or Sunday. On the other hand, it may be necessary to know whether an applicant can work on these days. Section 701(j) of Title VII, as amended in 1972, prohibits discrimination on the basis of religion and defines religion to include "all aspects of religious observance and practices, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business". See also "EEOC Religious Discrimination Guidelines," 29 CFR 1605.1. If this kind of question is asked, it would be desirable to indicate that a reasonable effort will be made to accommodate to the religious needs of employees.

4. CHILDREN UNDER 18? NUMBER OF CHILDREN? AGE OF CHILDREN? WHAT ARRANGEMENTS WILL YOU MAKE FOR CARE OF MINOR CHILDREN?

The purpose of these questions is to explore what the employer believes to be a common source of absenteeism and tardiness. But why explore this area in such an indirect way, and in a way that applies only to women for all practical purposes? There are a number of common causes of absenteeism and tardiness which affect both men and women and which would be worthy of exploration if this is a matter of substantial concern to the employer. The U.S. Supreme Court has ruled that in the absence of proof of business necessity, Title VII prohibits an employer from having one hiring policy for women and another for men - each having pre-school age children. See *Phillips v. Martin Marietta*, 400 U.S. 542 (1971). It is also important to note that any selection procedure which has an adverse effect on persons with dependent children will affect minorities and Catholics more than others, since they have, on the average, more children.

5. CITIZEN OF WHAT COUNTRY?

The Commission has adopted Guidelines on Discrimination because of National Origin (29 CFR 1606) which contain the following statement: "Because discrimination on the basis of citizenship has the effect of discrimination on the basis of national origin, a lawfully immigrated alien who is domiciled or residing in this country may not be discriminated against on the basis of his/her citizenship", except pursuant to national security requirements required by a federal statute or executive order. At least one federal court has expressly agreed with this analysis (*Guzman v. Polich and Benedict Construction Co.*, --F. Supp.-- 2EFD 10,156 (C.D. Calif. 1970) and one has disagreed (*Espinoza v. Parah Mfg. Co.*, 313 U.S. 811 (1973)). In addition, this question asks what country the applicant is a citizen of, thus permitting discrimination on the basis of particular national origin.

6. CONVICTIONS (OTHER THAN TRAFFIC VIOLATIONS)?

To the extent that this question implies an absolute bar to the employment of an applicant who has a conviction record, it is probably unlawful. See Carter v. Gallagher, supra. (see page 00). This is because some minority groups in our society have conviction records substantially in excess of the average, taking into consideration their relative numbers and the extent of their "criminal" activity. On the other hand, an employer probably has the right to exclude persons who have been convicted of certain offenses from certain kinds of job, at least if this is done on a carefully considered basis. To avoid frightening off qualified applicants who have irrelevant criminal records, the best practice would be to obtain conviction information through local police departments rather than from applicants. If this is not possible, the application form might state that the existence of a criminal record does not constitute an automatic bar to employment. In addition, each person who will evaluate information concerning criminal records should be given careful instructions as to its limited usefulness.

7. CREDIT RECORD: (CHARGE ACCOUNTS? OWN YOUR OWN HOME? OWN YOUR OWN FURNITURE? OWN A CAR?)

Because minority persons are far poorer on the average than whites, consideration of these factors has an adverse effect on minorities and is probably unlawful unless required by considerations of business necessity. See CD 72-0427, CCH 6312. The U.S. Department of Labor has also recognized the potential for discrimination in the consideration of credit records. See Revised Order No. 4 (41 CFR 60-2.25 (d) (3)) establishing standards and guidelines for affirmative action programs required of government contractors.

8. EYES? HAIR?

Eye color and hair color are not related to the performance of any job and may serve to indicate an employee's race or religion.

9. FIDELITY BOND EVER REFUSED TO YOU?

This question presumably represents an indirect effort to find flaws which may exist in an individual's past. The difficulty with this means, however, is that a fidelity bond may be denied for totally arbitrary and discriminatory reasons which the individual does not have an adequate opportunity to know of or challenge. Thus this method of ascertaining an individual's past history should be dropped in favor of some other method which is not so likely to be infected with bias. The Maryland Commission on Human Relations has issued an order prohibiting an employer from asking about bond refusals because of the discriminatory impact this kind of question may have. See CCH 5047.

10. FRIENDS OR RELATIVES WORKING WITH US?

This question may reflect for friends or relatives of present employees. Such a preference would be unlawful if it has the effect of reducing employment opportunities for women or minorities. It would have this unlawful effect if present work force differs significantly in its proportion of women or minorities from the

population of the area from which workers are recruited. This question may also reflect a rule that only one partner in a marriage can work for the employer. There is a growing recognition that such a rule hurts women far more often than men and that the rule serves no necessary business necessity.

11. GARNISHMENT RECORD?

In *Johnson v. Pike Corporation of America*, 332 F. Supp. 490 (C.D. Calif. 1971), the court ruled that an employer violated Title VII by discharging a black employee because his wages had been garnished several times. This district court based its conclusion on the reasoning of the Supreme Court's testing ruling, *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), and on the district court's findings that minorities suffer wage garnishments substantially more often than whites, and that wage garnishments do not affect a worker's ability to perform his/her work effectively.

12. HEIGHT? WEIGHT?

Some employers have imposed minimum height or weight requirements for employees which are not related to the job to be performed and which have the effect of excluding above-average percentages of women and members of certain nationality groups. Unless height or weight is directly related to a job requirement, these questions should not be asked.

13. LOWEST SALARY WILL ACCEPT?

Women generally have been relegated to poorer paying jobs than men, and have been paid less than men for the same work. As a result of this discrimination, a woman might be willing to work for less pay than a man would find acceptable. It is unlawful, however, to pay a woman less than a man would be paid because of community wage patterns which are based on discrimination. See *Hodgson v. City Stores, Inc.*, 332 F. Supp. 942 (M.D. Ala. 1971).

14. MAIDEN NAME?

This is not relevant to a person's ability to perform a job and could be used for a discriminatory purpose. For example, a woman's maiden name might be used as an indication of her religion or national origin. This item also constitutes an inquiry into marital status which is discussed below.

15. MARITAL STATUS?

Some employers have refused to hire a married woman for certain jobs. Most airlines, for example, refused for many years to permit a married woman to be a flight attendant, though other employees could be married. This practice was held to violate Title VII of the Civil Rights Act of 1964 in *Sprogis v. United Air Lines*, 444 F. 2d 1194 (7th Cir. 1971), and the E.E.O.C. Guidelines on Sex Discrimination (29 CFR 1604. (a)) expresses the same conclusion. It would also violate Title VII for an employer to refuse to hire a married woman or pay a married woman less than a married man for the same work because the woman's pay represents a second income while the man's does not. Finally, an employer could not refuse to hire a married woman for any job or for a particular job because of the employer's

beliefs concerning morality for family responsibility.

16. MR., MISS OR MRS.?

This is simply another way of asking the applicant's sex and (for women only) marital status (see No. 15). Even asking an applicant's first name normally serves no other pre-employment purpose than to indicate the applicant's sex.

17. PRIOR MARRIED NAME?

This question asks, in effect, whether an individual has been divorced. By its nature, however, it asks this question only of women because only a woman changes her name on marriage. Thus, the question is discriminatory unless the employer must have the information for purposes of pre-employment investigation.

18. SEX?

Title VII prohibits discrimination in employment on the basis of sex except in the few instances in which sex may be a "bona fide occupational qualification" reasonably necessary to the normal operation of the employer's business. There are virtually no jobs which can be performed only by one sex or the other. For this reason it would be desirable to omit any questions asking the applicant's sex from an application form which is intended for general use.

19. SPOUSE'S NAME?

To the extent that this question asks for marital status, the comments on marital status (No. 15) apply. A spouse's name may also be used as an indication of religion or national origin.

20. SPOUSE'S WORK?

To the extent that this question asks for marital status, the comments on marital status (No. 15) apply. In addition, some employers have been reluctant to hire a woman if that would make her the second breadwinner in the family, whereas there is seldom any objection to hiring a man if that would make him the second breadwinner in the family. Such a policy is unlawful under Title VII and other non-discrimination law.

21. WIDOWED, DIVORCED, OR SEPARATED?

Recent statistics show that many more black than white persons are either widowed, divorced or separated and that a much larger proportion of women than men in the labor force is either widowed, divorced or separated. Thus, this question has a potential for adversely affecting women and blacks.

STRUCTURED INTERVIEW GUIDELINES
INTERVIEWING APPLICANTS

R E M E M B E R !!!

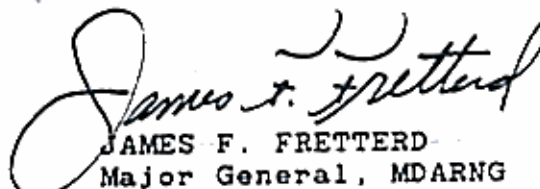
- Greet the applicant in a friendly, cheerful manner...
- Try to put the applicant at ease... a few minutes of small talk is normal and sometimes expected but avoid potentially discriminatory topics... let the applicant know when the interview itself begins...
- Begin by explaining your position and methods... a little information about who you are... what you do... don't flaunt your position...
- Don't discuss the person who previously held the job...
- Give a brief overview of the department and the division...
- Discuss in detail the all aspects of the job... be familiar with the job description...
- Explain to the applicant the status of his or her application... don't mislead the applicant...
- Inform the applicant how and approximately when he or she will be notified regarding the final selection decision...
- Take notes... be sure to inform the applicant why you are keeping notes...
- Write notes in job-related terms...

27 April 1990

MD Mil Dept Pam 1-4

The proponent agency for this pamphlet is the State of Maryland Military Department Equal Employment Opportunity Office. Users are invited to send comments to The Adjutant General, State of Maryland; ATTN: MDNG-AG-SPMO-EEO, Fifth Regiment Armory, Baltimore, Maryland 21201-2288

FOR THE GOVERNOR:


JAMES F. FRETTERD
Major General, MDARNG
The Adjutant General

Distribution: A

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STRUCTURED INTERVIEW GUIDELINES

Documentation Forms

FAIR PRACTICE CERTIFICATE

POSITION TITLE, CLASSIFICATION

NAME OF INTERVIEWEE SELECTED

The following information must be submitted for each vacancy being filled by entry (classified, unclassified, and contract) lateral transfer, promotion or demotion.
- This completed certificate must be returned with request for placement action.

1. Is the selected candidate Black, Hispanic, or other minority?

___ YES ___ NO

If yes, state which group _____

Is the candidate? ___ FEMALE ___ MALE

2. Was there a minority or female on the interview list? ___ YES ___ NO

If yes, explain why such candidate was not chosen.

3. Explain what efforts were taken to recruit minority and female personnel to fill this position.

4. Provide any suggestions which you feel would assist in achieving the goals established in the affirmative action program.

CERTIFICATION

I certify that the above statements and answers are true and correct to the best of my knowledge and belief; that no facts which should have been contained therein have been omitted.

Signature of Interviewer(s)

Date

EQUAL EMPLOYMENT OPPORTUNITY OFFICER
REVIEW

COMMENTS

Signature of Officer

Date

ATTACH THIS FORM TO SELECTION PAPERS

STRUCTURED INTERVIEW GUIDELINES

Interview Report Form I

Division: _____ Classification: _____

Date of Interview: _____ Grade Level: _____

Applicant's Name: _____ Race/Sex: _____

Interview Panel (if applicable) or Interviewer:

Name	Title	Race/Sex
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

For the Interviewer(s):

List at least five (5) major questions you plan to ask each applicant during the interview. If there is an interviewing panel, the five questions will suffice for the entire panel. Please write the justification for asking each question. This form is to be completed for each applicant interviewed.

Question I:

Justification:

Question II:

Justification:

Question III:

Justification:

Question IV:

Justification:

Question V:

Justification:

Additional Notes:

Completed By: _____
Name Title Date

**EQUAL EMPLOYMENT OPPORTUNITY
PERSONNEL TRANSACTION EEO REVIEW FORM II-B**

I. Position Title: _____ Grade: _____

Division: _____ Unit: _____

Members of Interview Panel: _____

II. List of Candidates Interviewed:

Name	Race/Sex	Candidate Rating (if applicable)
1.		
2.		
3.		
4.		
5.		
6.		
7.		

III. Pending Candidate for Selection: _____

Reason(s) for Selection: _____

IV. Circle Type of Pending Selection:

Priority 1 - Reinstatement, Layoff

Priority 5 - Transfer

Priority 2 - Special Optional Eligible

Rule 13 - Reclassification

Priority 4 - Open Promotion

Agency Promotion

V. _____
Signature/Title Date

VI. EEO Review:

Recommendation: _____

EEO Division - Signature/Title

Date

