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• Legal Hiring
• Recruiting
• Applications
• Interviewing
• Background & Reference Checks

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Legal Hiring

- Sex
- Age
- Race
- National Origin
- Religion
- Physical Disability
- Veteran Status
- Marriage to a Co-Worker
- Sexual Orientation (incl. transgender status)
- Retaliation for Engaging in Protected Activity

Bona Fide Occupational Qualifications

Questions should focus on business and the position.
Legal Hiring

• Work Compensation Claims

• Appearance and Dress
  • Cannot be rejected if is Typical of their Culture / Religion.
  • Can set standards necessity such as safety requirements and business practices.
Legal Hiring

Social Media

Social Media Access – State Laws

• User Name or Password
• Compel an employee or applicant to add anyone.
• Change Privacy Settings

Back Ground Checks – National Labor Relations Bureau

• Discrimination because of reviewing social media
Legal Hiring

• At-Will Employment

• Implied Contract

Not to Say

• As long as you do a good job
• You will always have a position with the company.
• You are by far the strongest candidate for this job.

• Probationary period
Legal Hiring

Ban The Box

January 4 2019

- Can NOT ADVERTISE that someone with a criminal history can not Apply.
- Can NOT put a statement to that affect on an application.
- Can NOT ask on the application. *

*Exceptions –
Assisted Living Resident Owners & Administrators
Home Care Agency Owners, Applicants, Licensees or Employees
Legal Hiring

Ban The Box

January 4 2019

House bill 19-1025

- Does not prohibit asking about applicants criminal history during the interview process.

- Employers CAN run a background check.

- NO private action lawsuits – Colorado Department of Labor

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Legal Hiring

- **Affirmative Action**
- **Mandated by Federal Law**
  - Recipients of Federal Funds of $50,000 / Required by law
  - Locate Qualified Persons in Protected Classes
  - Set Specific, measurable and attainable goals for hiring.

- **Small Talk – develops confidence, ease initial tension and build rapport**

  That’s quite an accent you’ve got. Where does it come from? – National Origin

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# Recruiting

## Job Advertisements

**Pitfalls in job ads.**

<table>
<thead>
<tr>
<th>Don’t Use</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salesman</td>
<td>Salesperson</td>
</tr>
<tr>
<td>College Student</td>
<td>Part time Worker</td>
</tr>
<tr>
<td>Handyman</td>
<td>General Repair Person</td>
</tr>
<tr>
<td>Gal Friday</td>
<td>Office Manager</td>
</tr>
<tr>
<td>Married Couple</td>
<td>Two-Person Job</td>
</tr>
<tr>
<td>Waiter</td>
<td>Wait Staff</td>
</tr>
<tr>
<td>Young</td>
<td>Energetic</td>
</tr>
</tbody>
</table>

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Recruiting

Traditional

- Newspaper
  - Expensive
  - Not many resumes

- Job Services
  - Unemployment fillers
Recruiting

Non - Traditional

- Craigslist
  - $10.00 for 30 days each category (cost varies by states)
  - One Area
  - Drops down list

- Facebook - InstaGram - Twitter

- Company Web Page

- Linked In - InDeed.com - Monster
Recruiting

Non - Traditional

WE ARE HIRING
INSULATION LABOR
Recruiting

Non –Traditional

- Participate in College Functions
  - Move in Day
  - Career Day

- Add to Sales Advertisements
  - Company Vehicles
  - Chamber Newsletters

- Trade Shows

- Fairs
Recruiting

Employee Referral Program - Sign on Bonuses

• Policy

• Detail how paid
  • 33% hire, 33% after 6 Months, Remaining 33% after one year
  • Less taxes

• Employed at time of payment

• Different pay amounts – Different positions

• Applicants not employed currently by company

• Has not been referred previously.

• Has not previously applied for position.
Recruiting

SELL YOUR BUSINESS

- Benefits Offered
- AFLAC - * Do not Sell Work Comp *
- Flexible Hours
- Vacation Time
- Health Insurance
- Work with people with YOUR Passion!

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If you were to create a maintenance schedule for an average 10 year old car, what mileage/month intervals would you recommend the services be for:

<table>
<thead>
<tr>
<th>Oil Changes</th>
<th>Coolant</th>
<th>“Lifetime” Coolant</th>
<th>Hoses</th>
<th>Belts</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATF Service</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shocks/Struts</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brake Fluid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Applications

Expand YOUR Applications

- An essential function of the sales position job is being on your feet 6-8 hours a day. Are you able to perform this essential function of this job with or without reasonable accommodations? _____Yes _____ No

- How did you find out about your last job?

- Are you currently engaged in any home sales of similar products sold by Adam & Eve. _____Yes _____ No
**Interviewing**

Questions you CAN & CAN’T ask!

All question need to be job specific and asked to all applicants.

<table>
<thead>
<tr>
<th>Avoid</th>
<th>Try Instead!</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is your maiden name? Do you go by Ms. or Mrs. That is a interesting last name is that Irish?</td>
<td>What is your name?</td>
</tr>
<tr>
<td>What is your date of birth? How old are you?</td>
<td>Are you over the age of 16/18?</td>
</tr>
<tr>
<td>When did you graduate from high school? College?</td>
<td>Did you graduate from high school? College? Job Specific</td>
</tr>
<tr>
<td>Are you an American citizen? Where were you born? What is your nationality?</td>
<td>Are you eligible to work in the United States. Must ask all applicants for that position.</td>
</tr>
</tbody>
</table>
# Interviewing

## Questions you CAN & CAN’T ask!

<table>
<thead>
<tr>
<th>Avoid</th>
<th>Try Instead!</th>
</tr>
</thead>
<tbody>
<tr>
<td>What language did you speak growing up?</td>
<td>Do you speak any languages other than English that could be applied to this position or company?</td>
</tr>
<tr>
<td>Which religious holidays do you observe?</td>
<td>This position requires employees to work holidays and weekends, will that be a problem?</td>
</tr>
<tr>
<td>Have you been arrested?</td>
<td>This position requires employees to pass a background check (credit check, Department of Motor vehicles check) upon receiving a conditional offer of employment. Would you sign a release for this check?</td>
</tr>
</tbody>
</table>
Interviewing

Before the Interview

Interviewers need to familiarize themselves with the Job Description.

- Major Duties and Responsibilities of the position.
- Essential knowledge, skills and behaviors necessary to perform the job.

Compare Interview Questions with the Job Description.
Interviewing

The Art of the Interview

“Success comes from listening. I have never learned anything from talking.”
Larry King

- Everyone Lies

- Studies show Half of all applicants LIE

- One Half Million have bogus degrees

- Be aware of Your personal biases.
Interviewing

Effective Hiring

• Look for *skills* & the *desire* to work!
  
  • Older Workers
  • Younger Workers
  • DUI’s — Misdemeanors

THINK OUTSIDE OF THE BOX
Interviewing

Effective Hiring

- Applicant talks a lot but never answers the question –
  - Can not list specific computer programs
  - Tools
  - Examples

- Applicants that constantly interrupt during examples.
Interviewing

Effective Hiring

• Why someone took a action is more revealing then what action they took.
  • Judgment
  • Motivation
  • Personal Structure

• Watch for attitudes and reactions.
  • Facial Reactions
  • Body Movement
Interviewing

Effective Hiring

• Information should be accepted without surprise of disapproval.
  • Applicant will find it easier to discuss additional negatives.

• Pauses are remarkably effective – Applicants will elaborate
  • Not breaking eye contact
  • Raised Eye
  • Tilted Head
Interviewing

Question 1

• Go back to a specific job point and proceed chronologically through jobs.

• Suppose you begin by telling me about your previous jobs, starting with ** and working up to the present. I would be interested in how you obtained each job, your duties and responsibilities, level of earnings, likes and dislikes and any special achievements along the way.

Simple Version

• I would like to know how you got each job, what you did, your likes, dislikes, earnings and so forth.
Interviewing

Question 1

• Make sure you go back and get information before moving on to next job.
  
  • Obtained Job
  
  • Duties and Responsibilities
  
  • Earnings
  
  • Likes and Dislikes
  
  • Special Achievements
Interviewing

Question 1

- When applicants wander – interrupts and brings back to topic.

- Watch for redirecting to other subjects.

- Job Responsibilities VS Company Services

- Encourage them to talk in some detail about what the ACTUALLY did on these jobs.
Interviewing

Question 2

- Open ended questions do not telegraph a anticipated response.

<table>
<thead>
<tr>
<th>Were you successful on that job?</th>
<th>To what extent were you successful on the job?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did you enjoy that experience?</td>
<td>To what extent did you find that experience satisfying?</td>
</tr>
<tr>
<td>Did you like the people there?</td>
<td>How did you feel about the people there?</td>
</tr>
</tbody>
</table>

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# Interviewing

## Questions 2

<table>
<thead>
<tr>
<th>Too Direct</th>
<th>More Appropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why did you leave that job?</td>
<td>How did you happen to leave that job?</td>
</tr>
<tr>
<td>Why do you think you had trouble with your boss?</td>
<td>To what do you attribute the minor difficulties you experienced with your supervisor?</td>
</tr>
<tr>
<td>Do you lack self – confidence?</td>
<td>To what extent is self – confidence a trait that you might want to improve?</td>
</tr>
<tr>
<td>Are you overly sensitive?</td>
<td>How might you be overly sensitive to criticism?</td>
</tr>
</tbody>
</table>

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Back Ground Checks

Assisted Living Residence Owners & Administrators

Home care agency owners, applicants, licensees or employees.

All are required to submit to a fingerprint – based criminal history check through the Colorado Bureau of Investigations,
References / Background Checks

Background Checks

• Drug Testing
  • Colorado Marijuana regulations do not restrict employee testing.
  • No State Law
  • Boulder – Must notify applicants that drug test is part of employment screening process. Can only test finalist.
References / Background Checks

Background Checks

• Fair Credit Reporting Act
  • Release
  • A Summary of Your Rights Under the Fair Credit Reporting Act
  • Notice if adverse action is taken

• Social Media
  • Access to information about age, race, religion, medical history, nationality.

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References / Background Checks

References

- Supervisors NOT Fellow Employees
- Question the Reference
  - Home number not business
- Not just references listed
  - Consent needed for current employer
- Specific dates of employment
- Applicants next job

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Do NOT ASK About

• Work Compensation Claims

• Sick Leave Use

• Anything Protected by Law