

BRIEF GUIDELINES FOR CONTEMPORARY EMPLOYMENT INTERVIEWING

The University of Wisconsin-La Crosse is totally committed to a program of affirmative action, ensuring equal opportunities for all faculty, staff and students. Concern for fellow human beings dictates these principles. At the same time, federal regulations have created a need for employers to have specific knowledge of legal obligations concerning employment. This brochure is a summary of "Guidelines for Contemporary Employment Interviewing" and serves as a reference guide about appropriate kinds of questions to ask on application forms or during interviews. It is intended to serve as a useful tool for departments and units in the interviewing process, and it is designed to help make the university's philosophy of equal opportunity a reality for all. Information provided here should not be taken as a substitute for legal counsel or a full study of employment laws.

LEGISLATION

A number of federal and state laws and regulations are applicable to ensure fair employment practices. Most of the items contained in the four-panel table in this brochure reflect several of the usually quoted laws. For your convenience, these laws and regulations are cited in part below.

TITLE IX (of Education Amendments of 1972)

"No person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..."

WISCONSIN'S FAIR EMPLOYMENT ACT (Chapter 111.31 to 111.37)

Prohibits discrimination on the basis of age, race, color, handicap, sex, creed, national origin, ancestry, arrest or conviction record or sexual orientation. The act also prohibits harassment or retaliation against employees or applicants for employment or licensing.

WISCONSIN CIVIL SERVICE REFORM LAW (Chapter 230)

It is the policy of Wisconsin State government to provide equal employment opportunity without regard to age, race, creed or religion, color, handicap, sex, national origin, ancestry, political affiliation or sexual orientation, and to take affirmative action to correct civil service workforce racial, ethnic, gender or handicap imbalances and to eliminate the present effects of past discrimination.

AMERICANS WITH DISABILITIES ACT OF 1990

Prohibits employers from discriminating against applicants or employees with disabilities in regard to any employment practices or terms, conditions, and privileges of employment including: application, testing, hiring, assignments, evaluation, disciplinary actions, training, promotion, medical examinations, layoff/recall, termination, compensation, leave or benefits.

EXECUTIVE ORDER 11246

(as amended by 11375)

Prohibits discrimination in employment - including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment - on the basis of race, color, religion, national origin or sex.

REHABILITATION ACT OF 1973

(as amended by the Amendments of 1974)

Prohibits discrimination in employment under any program or activity against any qualified handicapped person on the basis of handicap.

TITLE VII (of the Civil Rights Act of 1964)

Prohibits discrimination on the basis of race, color, sex, national origin, and religion under any program or activity receiving federal financial assistance.

AGE DISCRIMINATION ACT OF 1975

It is unlawful to discriminate against employees or job applicants on the basis of age.

EQUAL PAY ACT OF 1963 (as amended by the Educational Amendments of 1972)

Prohibits discrimination in salaries - including almost all fringe benefits - on the basis of sex.

AGE DISCRIMINATION ACT OF 1967 (as amended in 1978)

It is unlawful to discriminate against employees or job applicants because of age when they are between the ages of 40 and 70.

VIETNAM ERA VETERANS READJUSTMENT ACT OF 1974

To promote the employment of, and job advancement opportunities for, qualified disabled veterans of the Vietnam era.

Additional copies of this publication may be obtained by contacting:
Affirmative Action & Diversity
235 Graff Main Hall
University of Wisconsin-La Crosse
(608) 785-8541

A BRIEF GUIDE TO WHAT YOU MAY AND MAY NOT ASK DURING THE SCREENING AND HIRING PROCESS

AREA OF INQUIRY	WHAT YOU MAY NOT ASK	WHAT YOU MAY ASK
NAME	Whether a person has worked under a different name, or questions which divulge marital status or ancestry.	Correct legal name.
ADDRESS/HOUSING	Any inquiry which may indicate ethnicity or national origin.	Place and length of current and previous address. Phone number or how he or she can be reached. Address may be requested so that the applicant can be contacted. Names of persons with whom applicant resides may be requested for compliance with the nepotism policy.
AGE	Questions which require giving age.	NOTHING before hiring.
SEX/SEXUAL ORIENTATION	Questions which would indicate sex unless job related. Questions regarding sexual orientation.	NOTHING
MARITAL STATUS	Whether person is married, single, separated, divorced or engaged.	NOTHING
FAMILY	About family planning, family size, children's ages, child care plans, spouse's employment or salary.	Freedom to travel if job required and ability to meet work schedule requirements. All applicants must be asked.
PREGNANCY	About medical history concerning pregnancy and related health matters.	Anticipated duration on, or absences from, the job. Same questions must be asked of males and females
HEIGHT/WEIGHT	Unless related to job requirements, laws indicate that unless employer proves otherwise, height and weight requirements are discriminatory.	For proof of ability to perform the job requirements.
DISABILITIES	Any pre-offer questions about disability.	Whether person can perform specific tasks with or without accommodation. Within certain limitations, the person can be asked to describe or demonstrate how tasks will be performed.
CITIZENSHIP	Whether a U.S. citizen.	Whether visa/immigration status prevents person from lawful employment.
RACE/ORIGIN/RELIGION	About race, religion, ancestry, birthplace of applicant, parents or spouse.	Ability to speak, read or write English or a foreign language if job requires it.
PHOTOGRAPHS	Any requirement or suggestion that a photo be supplied or taken before hiring.	Statement that a photo may be required after hire for purposes of identification.
WORK SCHEDULE	Willingness to work any particular religious holiday.	Willingness to work required work schedule. If applicant has military reservist obligations.
EDUCATION	About education that is not related to job performance.	About training and experience related to job requirements.
REFERENCES	For references specifically from clergy or any other persons who might reflect race, color, religion, sex, national origin or ancestry, or disability.	For general and work references not relating to race, color, religion, sex, national origin, ancestry or disability.
MILITARY SERVICE	For military service records. About military service in the armed services of another country. About discharge type.	About service in U.S. armed forces. About branch of service, rank and any job-related experience.
SALARY LEVEL	What is the lowest salary you will accept?	Are you interested in the position at the level that has been budgeted?
ORGANIZATIONS	For a list of all clubs applicant belongs to or has belonged to.	About professional organizations or union membership and offices held.
CREDIT RATING	Anything, unless specifically job related.	NOTHING , unless specifically job related.
CRIMINAL RECORD	About arrests. About convictions, unless the information is related to job performance.	Should ask all candidates about job-relevant convictions.
DRUG AND ALCOHOL USE	Prior to offer of employment – cannot ask if applicant is a drug addict or an alcoholic, what medications they are currently taking, or if applicant has been in a rehabilitation program.	Prior to offer of employment – can ask if applicant currently uses any illegal substances, or any legal substances illegally. After conditional offer of employment – any questions concerning past or present drug/alcohol use, but applicant can only be excluded after careful consideration.
RELOCATION	Any question related to spouse's attitudes or other subject that is likely to be perceived by covered group members, especially women, as discriminatory.	Would you be willing to relocate?