

Conducting Behavioral Interviews

STAYING WITHIN LEGAL GUIDELINES

PURPOSE OF THE INTERVIEW PROCESS

A well-executed hiring interview should achieve the following:

- Gather relevant information to make an informed hiring decision.
- Ensure a fair and respectful experience for every applicant.
- Comply with all applicable employment laws.

KEY EMPLOYMENT LAWS AFFECTING INTERVIEWS. (BASIC LIST ONLY)

Interviewers must be mindful of the following laws when interacting with candidates:

- **Title VII of the Civil Rights Act** prohibits discrimination based on race, color, sex, religion, or national origin.
- **Age Discrimination in Employment Act (ADEA)** prohibits decisions based on age for individuals age 40 and older.
- **Americans with Disabilities Act (ADA)** prohibits discrimination based on physical or mental disabilities.
- **Fair Employment and Housing Act (FEHA) in California** offers additional protections, including marital status, sexual orientation, and gender identity.

BEST PRACTICES FOR STAYING COMPLIANT AND EFFECTIVE

- Keep all questions and discussions job-related and focused on the applicant's ability to perform the essential functions of the role.
- Avoid conversations, whether formal or informal, that relate to protected characteristics under federal and state laws.
- Ensure notes and documentation remain professional and relevant to job requirements.

TIPS FOR CONDUCTING FAIR AND LEGAL INTERVIEWS

- **Be consistent.** Use a structured interview approach that fits your communication style while maintaining fairness across all candidates.
- **Be empathetic.** Consider the applicant's perspective and avoid questions or comments that could be perceived as intrusive, irrelevant, or biased.
- **Be prepared.** Develop your interview questions in advance and review them with your Talent Acquisition partner to ensure they are appropriate and aligned with legal guidelines.