



2017 Behavioral Interview Training

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Disclaimer

This PowerPoint is provided by SEMA in order to provide its members with an overview of the issues arising from the latest developments in employment law. This presentation is designed to be informative and should not be considered legal advice.

All SEMA member must be aware of local, city, and county laws or ordinances, as well as state specific laws, that may provide greater employment-law related protections to employees working in that particular city, county or state than under federal law.

Agenda

- Legislation affecting employee rights
- Equal employment opportunity law
- Anti-discriminatory guideline
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- Being aware of bias
- Cost of bad hire
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- What are job descriptions/competencies
- Different interview styles
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Legislation Affecting Employee Rights

- **Title VII, Civil Rights Act (1964):** Prohibits discrimination or segregation based on race, color, national origin, religion and gender in all terms and conditions of employment.
- **Americans with Disabilities Act (1990):** Prohibits discrimination against a qualified individual with a disability because of the disability of such individual.
- **Equal Pay Act:** The federal government demands that members of protected groups are not discriminated against.
- **Age Discrimination in Employment Act (1967):** ADEA prohibits discrimination in employment for persons age 40 and over.
- **Bona Fide Occupational Qualifications (BFOQ):** Title VII of the 1964 Civil Rights Act and the Age Discrimination in Employment Act (ADEA) permit an employer to rely on sex, religion, national origin, or age in making employment decisions in certain limited situations.
- **The Immigration Reform and Control Act (IRCA):** It is unlawful for employers to recruit, hire or employ illegal aliens.

Equal Employment Opportunity Laws

The U.S. Equal Employment Opportunity Commission provides oversight and coordination of all federal equal employment regulations, practices, and policies.



Equal Opportunity Policy

Equal opportunity for ALL!! No organization can discriminate on the basis of gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, religion, veteran status, or other legal protected characteristics.

Anti-Discriminatory Guidelines

<u>Category</u>	<u>May Ask</u>	<u>Discriminatory/Potentially Discriminatory</u>
Gender and family issues	<ul style="list-style-type: none"> -If applicant has relatives already employed by the organization 	<ul style="list-style-type: none"> •Number of children/child-care arrangements •Marital Status •Spouse's occupation •Health-care coverage through spouse •Maiden name
Race	<ul style="list-style-type: none"> •No questions may be asked 	<ul style="list-style-type: none"> •Applicant's race or color of skin
National origin or ancestry	<ul style="list-style-type: none"> •Whether applicant has a legal right to be employed in the U.S. •Ability to speak/write English fluently (if job-related) •Other languages spoken (if job-related) 	<ul style="list-style-type: none"> •Ethnic association of surname •Birthplace of applicant/applicant's parents •Nationality, lineage, national origin •Nationality of applicant's spouse •Whether applicant is citizen of another country. •Applicant's native tongue
Religion	<ul style="list-style-type: none"> •Whether applicant is able to work on the days/times required by the job. *No further questions should be asked. 	<ul style="list-style-type: none"> •Religious affiliation •Religious holidays observed

Anti-Discriminatory Guidelines

Disability	<ul style="list-style-type: none"> ·Whether applicant can perform essential job-related functions, with or without reasonable accommodations. 	<ul style="list-style-type: none"> ·If applicant has a disability ·Nature or severity of disability ·Whether applicant has ever filed workers' compensation claim ·Recent or past surgeries and dates ·Past medical problems
Age	<ul style="list-style-type: none"> ·If applicant is over age 18 ·If applicant is over age 21 if job-related 	<ul style="list-style-type: none"> ·Date of birth ·Date of high-school graduation ·Age
Other	<ul style="list-style-type: none"> ·Academic, vocational, or professional schooling ·Training received in U.S. military ·Membership in trade or professional association related to the position ·Job references ·What applicant's expectations are 	<ul style="list-style-type: none"> ·Height or weight except if a bona fide occupational qualification ·Veteran status, discharge status, branch of service ·Contact in case of emergency ·Minimum salary applicant will accept

Anti-Discriminatory Guidelines

Other Unlawful Subjects to Avoid:

- Sexual preference or orientation
- Reproduction
- Marital status
- Graduation years
- Dependents
- Criminal record: Have you ever been arrested?
- Military service: Are you on reserve status? Were you dishonorably discharged?
- There may be additional laws dependent on state (i.e. salary history, etc...)



Legal Payouts of Discrimination

- Chantal Charles v. City of Boston and Vivian Leo Verdict for Plaintiff for US\$11,000,000 (Oct-29-15).
- \$3M Settlement Reached in Publicis Gender Discrimination Class Action Lawsuit (Oct-14-15).
- Laura Z. Bonas Benjamin v. New York City Health & Hospitals Corporation et al Verdict for Plaintiff for US\$725,000 (Jan-27-15).
- Wanda Sinclair et al v. City of New York et al Verdict for Plaintiff for US\$680,000 (Jan-27-15)
- Alida Mattos v. City of New York, Peter Jenik, and James Sheehan Verdict for Plaintiff for US\$550,000 (Jan-27-15).
- \$8M Preliminary Settlement Reached in Costco Gender Discrimination Class Action Lawsuit (Dec-23-13).
- Bank of America and Merrill Lynch Agree \$39M Gender Bias Class Action Settlement (Sep-12-13).

Being Aware of Bias

- **Stereotyping:** forming generalized opinions about how people of a given gender, religion, or race appear.
- **Inconsistency in questioning:** asking "different" questions of "different" candidates.
- **First-impression error:** interviewer makes snap judgments and lets his or her first impression (positive or negative) cloud the entire interview.
- **Negative emphasis:** rejecting the candidate on the basis of a small amount of negative information.
- **Halo/Horn Effect:** Interviewer allows one strong point that he or she values highly to overshadow all other information.
- **Similar-to-me error:** Picking candidates only based on personal characteristics that they share with the interviewer.

Cost of Bad Hire

- The Harvard Business Review points out that as much as 80% of employee turnover is due to bad hiring decisions.
- Labor Department estimates it can cost on average one-third of a new hire's annual salary to replace him or her and that those costs increase the higher up in the organization the turnover occurs.
- Expenses associated with hiring include interview expenses such training and orientation, employment testing, termination costs such as Cobra, unemployment and potential litigation expenses should the candidate decide to sue you for wrongful dismissal, and more. The entire hiring process must be repeated.

About Competencies

Measurable or observable knowledge, skills, and behaviors critical to successful job performance.

Competencies help to:

- Organize and develop the work of employees.
- Recruit and select the best employees.
- Effectively manage and train employees.
- Allow you to develop succession plans and prepare for future job openings.



Why Competencies?

Benefits for Leaders

Identify hiring, performance, and selection criteria

Provide more objective performance standards

Benefits for Employees

Identify behavioral standards of performance excellence

Support a more specific objective assessment of their strength and areas of professional development

What Are Job Descriptions?

- Job descriptions explain the duties and other aspects of the job, including the competencies needed to perform the job.
- The job description and competencies form a basis for recruiting, hiring, training, developing, and managing the performance of employees.
- Competencies convey, to employees, what level of knowledge, and skill is required to successfully perform the job duties.

Different Interview Styles

- **Structured Interview-** the interviewer asks every applicant the same questions. These interviews ensure that similar information will be gathered from all of candidates. This makes it possible to compare qualifications and reduce equity concerns.
- **Patterned Interview-** the interviewer asks each applicant questions that are from the same knowledge, skill, or ability area; the questions are not necessarily the same.
- **Nondirective Interview-** the interviewer asks open questions and provides general direction. A response to one question indicates the next questions the interviewer asks.
- **Behavioral Interview-** the interviewer focuses on how the applicant previously handled situations. Questions being asked are specific and are used to determine if the individual possesses the job competencies necessary for the job.
- **Situational Interview-** the interviewer asks questions designed to elicit stories and examples that demonstrate the applicant's skills and qualifications for the position. The intent is to try to predict future behavior by describing a hypothetical situation and asking a candidate to comment on how he or she would handle them.

Why Competency-Based Behavioral Interviewing?

Competency-based Behavioral Interviewing assists the hiring manager to:

- Identify if the candidate has the skills, knowledge, and ability (competencies) to perform the job.
- Ensure culture and organizational fit.
- Hire top talent for a “best in class” organization.
- Retain the best talent and in a high performing organizational.
- Remain competitive in an environment of increased competition for talent.

How to Conduct a Behavioral-Based Interview

- ❑ Perform a thorough job analysis.
- ❑ Develop and write job descriptions with behavioral competencies. Including knowledge, skills, and abilities required to perform the job.
- ❑ Develop interview questions about past behavior, actions, and experiences.



Behavioral-Based Interviewing

When conducting a behavioral-based interview, the goal is to have the candidate provide you with an overview of:

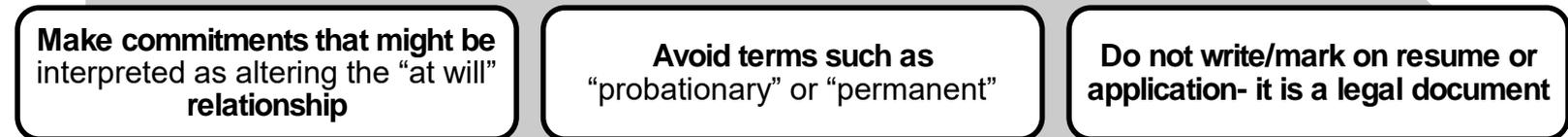
- The **S**ituation (What happened?)
- The **T**ask
- The **A**ction or Behavior (What did they do?)
- The **R**esult or Outcome (What was the end result of outcome?)

During The Interview

ALWAYS CONSIDER:



NEVER CONSIDER:



Do's & Don'ts of Interviewing

Do	Don'ts
Open meeting by introducing self and putting the applicant and yourself at ease with some casual remarks	Don't use casual remarks that might be "indirectly revelatory" and that may be EEO sensitive and not job-related.
Be aware of your personal prejudices & biases	<i>Be mindful of employment laws discussed in previous slides</i>
Use open-ended, behavioral, & situational questions (job specific)	Don't get trapped by the halo effect, the mirror image or the reversed halo effect. Generally avoid closed-ended questions and double questions.
Allow for periods of silence to allow applicant to clarify thoughts	Don't fill every second of the interview with words, but don't allow silence to become over-extended either
Summarize the applicant's statements	Don't use the exact words as the applicant used to summarize or paraphrase the applicant's thoughts and feelings
Take notes	Don't let note taking interfere with the flow of the interview
Ask job-related questions	Don't ask any non job-related questions which deal with race, sex, nationality, age, disability, marital status, etc...

Sample Questions

Smart Questions

1. Tell me about yourself
2. Can you work overtime? Weekends? Night shifts?
3. Are you able to travel?
4. Do you have any limitations that would keep you from performing an essential function of this job with or without reasonable accommodation?
5. In what way has your education prepared you for this job?
6. Why did you leave (or do you want to leave) your previous job?"

Dangerous Questions

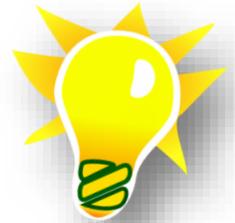
1. How old are you?
2. Do you have children? If so, how many and how old are they?
3. Do you own or rent your home?
4. What church do you attend?
5. Do you have any debts?
6. Do you belong to any social or political groups?

Restrict your questions to real-life circumstances

What are Behavioral Interview Questions?

Behavioral-based interview questions ask for specific examples of a candidate's past experience. Examples are:

- “Tell me about a time when...”
- “Share with me when...”
- “Give me an example of a situation when...”
- “When have you been...”



Examples of Questions and Responses

Question:

The position involves providing exceptional customer service to our customers. Tell me about a time when you provided exceptional service or went the extra mile for a customer?

Star Technique

1. **Specific situation:** Candidates need to include the particular setting and details of the circumstance. Example: “The most difficult problem I’ve encountered at work so far occurred about three years ago when I had just been promoted to Sales Director with twelve people reporting to me. They were spread across ten states working remotely, and there was no sense of camaraderie or teamwork....”
2. **Task(s):** What exactly was the piece of work to be done, or challenge to overcome? Ideally the candidate describes the mission or desired goal. Example: “Despite distance and unfamiliarity with one another, my responsibility was to build a cohesive productive sales team who excelled in open communication, cooperation, and trust, while meeting quota.”

Star Technique

- 3. Action:** Listen for the action verbs which describe what the person actually did in the situation to accomplish the task (or not). What behaviors did they demonstrate? Example: “I recommended that management approve funding for a quarterly in-person meeting with my team. When they were reluctant to do so, I produced a cost-benefit report showing the return on investment, which persuaded them to agree...”
- 4. Results:** What was the outcome of the person’s actions? How did their behavior determine the consequences? Who gained or grew from the experience? Example: “After three quarterly meetings across nine months, every team member had already exceeded their quota for the year. They attributed their success to the regular face-to-face meetings which enabled them to get to know one another, earn mutual trust, share leads, learn best practices, and collaborate on deals. The company experienced a 30% boost in sales and management now realizes the importance of face time when it comes to building effective teams.”

Tips To Remember

Allow plenty of time for the person to formulate their answer. Behavioral questions require more thought and processing than a pat rehearsed reply to “Tell me about your past experience.” Be patient. If you ask, “Can you think of a time when....” and the person can’t come up with an example, say, “That’s okay. We’ll come back to that one.” However, if the candidate continues to stumble and struggle with how to answer the questions, that tells you something about his or her potential and readiness for the job.

Tips To Remember

Craft clear, specific, and descriptive questions. Be sure to instruct the candidates to use the best story or example they can think of. Specify if you want the experience to come from the workplace or everyday life. Set them up for a successful answer by asking a well-defined question.

As an interviewer, be prepared to politely ask the candidate to provide more details if they appear to be vague, misleading, or stretching the truth.

Exercises

Step#1

Review a job description and define the competencies needed for the position...

Step#2

Develop behavioral-based interview questions.

Summary

Remember:

- ❑ The importance of identifying the legal issues related to the interview process.
- ❑ The role of competencies in developing optimal behavioral-based interview questions.
- ❑ Components of optimal behavioral-based interview questions.
- ❑ The specific factors that determine optimal candidate responses (STAR model).