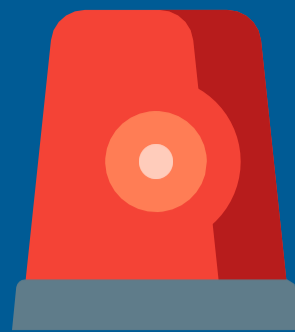
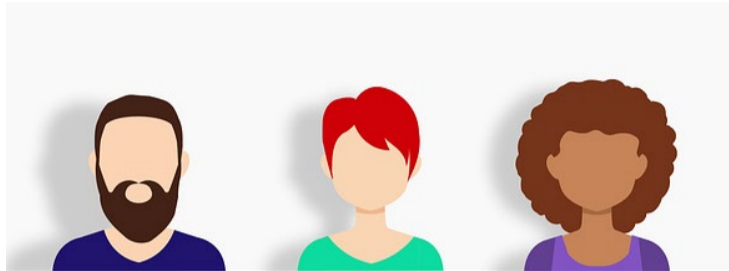


RECRUITING RED FLAGS



Stay Away From These Pre-Employment Questions

- Maiden name?
- Birthplace?
- Parents' birthplace?
- Age?
- Birthday?
- Race?
- Nationality?
- Religion?
- Height?
- Weight?
- Do you have kids?
- Who babysits while you work?
- Are you married?
- Gender?
- Medical history?
- Sexual orientation?
- Do you have a disability?
- How many sick days last year?
- Have you ever filed for WC?
- Are you addicted to drugs?
- Are you an alcoholic?
- Taking any medications?



Recruiters and hiring managers should take caution when asking about arrest records and any questions regarding physical or mental conditions not directly relating to the position.



Common Confusion:

Drug testing: Employers can have policies requiring drug free workplaces. However, drug testing laws can vary from state to state. The rules regarding drug testing applicants vs. employees could also vary greatly.

Addiction: Employers cannot discriminate against recovering addicts or alcoholics. The ADA prohibits discrimination against individuals based on past drug problems.

Arrest Record: Employers also need to be careful when considering arrest records vs. convictions. With arrests, charges can be later dropped and using an arrest record alone could be a form of discrimination. A conviction could be a valid reason to reject an applicant especially if it is related to the position.

Ban-the-Box: There could also be an issue before the interview even takes place. If an employer is in a city or state that passed "ban-the-box" laws, then employers are prohibited from asking about criminal records on job applications.

Rejected Applicants: If an employer chooses not to hire an applicant, some federal and state laws require that the application be kept on file for at least a year. Employers should review all record-keeping requirements and train all hiring managers on the proper protocol.



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RECRUITING RED FLAGS



Recruiting Reminder:

Recruiters, hiring managers, and employers must perform proper hiring practices or risk a potential violation of local, state and federal laws.

Employment laws don't just kick in once a job offer is accepted. Job descriptions and job postings should also be carefully crafted to avoid potential litigation. Employers should review these topics with their team to ensure the regulations are understood and the proper protocol is followed.



Recruiting Checklist

- Employment Application
- Application
- Resume
- Job Description
- Market Analysis
- Interview Documents
- Scoring Templates
- Completed Reference Checks
- Letters of Reference
- Proof of Education / Certification
- Background Check Policy
- Background Check Results
- Pay Request
- Offer Letter

