



2-1 Discussion: Discussion 2

If your employer asked you to review the decision not to hire an applicant that was qualified for the position, what elements of fair hiring practices would you need to consider in the review?

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Rubrics

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Week Two Discussion: Fair Hiring Practices

Amanda Blandford posted Jan 14, 2021 10:44 PM  [Subscribe](#)

Hello Class,

When reviewing the decision not to hire a qualified applicant you would need to consider sex/gender, age, color, disability, national origin, race, religion, and other characteristics of the applicant that are protected by federal law. Your main focus and goal of conducting the review is to determine that the decision not to hire is a valid, status-blind decision. In order to do this, you need to eliminate any reasons that could be related to any and all of the above-mentioned characteristics. One way to ensure a complete and accurate review of the decision is to make sure you are familiar with and have a good understanding of laws such as:

- The Civil Rights Act of 1964

- The Civil Rights Act of 1991
- The Americans with Disabilities Act
- The Age Discrimination in Employment Act.

And many more...(Mathis, et al, 2015).

There are numerous laws and legislation in place that protects individuals from employment/hiring discrimination. Being familiar with these laws can help you quickly spot reasons listed not to hire that could be problematic in the future. Once eliminating the possibility that the reason not to hire could be related to reasons consider to be discriminatory, it would be beneficial to review interview notes and references carefully. The reason behind the decision not to hire and the base for validity of that decision may be found in these documents. Providing proof of a status-blind decision based on the applicant's experience, past performances, and/or overall qualifications for the position.

References

Mathis, R., Jackson, J., Valentine, S., & Meglich, P. (2015). *Human Resource Management 15th Edition*. Boston, MA: Cengage Learning

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2-1 Discussion: Discussion 2

Ashley Colon posted Jan 10, 2021 8:19 PM [★ Subscribe](#)

Hello everyone-

If your employer asked you to review the decision not to hire an applicant that was qualified for the position, what elements of fair hiring practices would you need to consider in the review?

I am really excited for this discussion because this is always something that crosses my mind, when a Recruiter comes back and tells me to cancel an interviews, assessment or request, because they are moving forward with another candidate that is more qualified. It always makes me wonder what makes one candidate more qualified than another. Did the first candidate not sell themselves as well as the second candidate, or was the HM being super picky and went with someone that checked all the boxes, and not the one that missed one box. It always makes me feel bad when a candidate asked me why they weren't chosen, or why their interview was cancelled. However, the first thing that I would review would be to ensure that the interviewing team and management were following the state and federal laws to ensure that they were not discriminating against the candidate they decided not to move forward with since the candidate was qualified enough to make it passed the recruiter screening. The next thing I would review would be to see if there were any other open positions within the company that the candidate may be align with, that way we are still giving the candidate a chance, and ensuring that we are filling open requisitions within a certain time frame, and ensuring we are doing everything we can to retain top talent as it comes in.

Ashley Colon

References:

Mathis, R., Jackson, J., Valentine, S., & Meglich, P. (2017). Human Resource Management 15th Edition. Boston, MA: Cengage Learning

Sarokin, D. (2019). How to Avoid Discrimination When Hiring. Retrieve from: [How to Avoid Discrimination When Hiring \(chron.com\)](#)

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Last post **Tue at 8:07 PM** by
Deborah Guenther-Alexiou

Discussion 2

Autumn Dunaway posted Jan 11, 2021 5:02 PM [☆ Subscribe](#)

For an employer to not hire an applicant that was qualified, there would have to be a fair reason. There are fair reasons for not hiring someone that is qualified, including an agreement couldn't be made about wages or unsuitable personality. If I were asked to review the decision not to hire an applicant, I would need to consider if there was any discrimination going on. There are laws and rules about not hiring applicants based on discriminatory factors. These include things like age, color, disability, genetics, marital status, military status, nationality, pregnancy, race, religion and sexual orientation.

There are numerous different laws that are in place to prevent discrimination for these such factors. The Civil Rights Act of 1964 and Title VII states that it is illegal for organizations to discriminate in any way based on a person's sex, race, national origin, color, and/or religion. Coverage includes hiring decisions, terminations, promotions, demotions, compensation, working conditions, and many other personnel actions. In the Civil Rights Act of 1991, Congress amended the Civil Rights Act of 1964 to strengthen legal protection for employees, provide for jury trials, and allow for damages payable to successful plaintiffs in employment discrimination cases. For employers, this means that an individual's race, color, religion, sex, or national origin must play no role in employment decisions. The act allows people who have been targets of intentional discrimination based on sex, religion, or national origin to receive both compensatory and punitive damages.

Executive Orders 11246, 11375, and 11478 require federal contractors to take affirmative action to compensate for historical discrimination against women, minorities, and individuals with disabilities. The Pregnancy Discrimination Act (PDA) of 1978 amended Title VII to require that employers treat maternity leave the same as other personal or medical leaves. Closely related to the PDA is the Family and Medical Leave Act (FMLA) of 1993. The FMLA requires that qualified individuals be given up to 12 weeks of unpaid family leave and also requires that those taking family leave be allowed to return to jobs. The American with Disabilities Act Amendments Act (ADAAA) also expanded the definition of a disability to include less permanent and serious physical and mental issues, which can be interpreted to cover pregnancies.

The Equal Pay Act of 1963 requires employers to pay similar wage rates for similar work without regard to gender. A *common core of tasks* must be similar to justify similar wages. While there is no federal law prohibiting discrimination on the basis of sexual orientation, 18 states and the District of Columbia have passed laws to protect applicants and employees from such discrimination. The Rehabilitation Act was passed in 1973 and represents the earliest law regarding individuals with disabilities. The law applies only to federal contractors and requires

them to take affirmative action to employ workers with disabilities based on steps outlined in the contractor's AAP. The OFCCP recently established a rule that federal contractors should set a utilization goal of 7% for people who have disabilities. Two decades after passage of the first law prohibiting discrimination against individuals with disabilities, the Americans with Disabilities Act was enacted in 1990. This act applies to private employers, employment agencies, and labor unions with 15 or more employees.

In 2009, Congress passed amendments to the ADA, overruling several key cases and regulations and reflecting the original intent of the ADA. The effect was to significantly broaden the definition of individuals with disabilities to include anyone with a physical or mental impairment that substantially limits major life functions without regard for the helpful effects of medication, prosthetics, hearing aids, and so on. Congress passed the Genetic Information Nondiscrimination Act in 2009 to limit health insurance plans' use of genetic information and to prohibit employment discrimination on the basis of this information.

The Age Discrimination in Employment Act (ADEA) of 1967, amended in 1978 and 1986, prohibits discrimination in terms, conditions, or privileges of employment against all individuals age 40 or older employed by organizations having 20 or more workers. The Older Workers Benefit Protection Act is an amendment to the ADEA and protects employees who sign liability waivers for age discrimination in exchange for severance packages during reductions in force.

All of these laws and regulations need to be considered before hiring as well as firing. Lawsuits can be avoided by being conscious of these rules. Using proper language when addressing people can also help to avoid any accusations of unlawful discrimination. We want everyone to be treated fairly and have the same opportunities.

References:

Mathis, R. L. (2017). VitalSource Bookshelf Online.

<https://mbsdirect.vitalsource.com/#/books/9781337520164/cfi/6/26!/4/16/2/2@0:0>.

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Module 2: Fair Hiring Practices

Brian Rudrud posted Jan 12, 2021 6:40 PM [★ Subscribe](#)

"If your employer asked you to review the decision not to hire an applicant that was qualified for the position, what elements of fair hiring practices would you need to consider in the review?"

Hi Class-

I hope everyone is having a great start to week 2. In my professional life, working in the restaurant business we often employ one of the most diverse groups of people in any workplace. In my current restaurant unit, I have employees ranging in age from 15 to 90. In my time in the restaurant business, and more importantly in my time in a management role I have often seen first hand the benefits of having a diverse and unique workforce that enables everyone from all walks of life to work together and contribute to something fantastic. It is

incredibly important to ensure that all employment and job related decisions are just that... related to the job and the needs of the business, never on the individual or personality related characteristics.

"Equal employment opportunity means that employment decisions must be made on the basis of job requirements and worker qualifications. Unlawful discrimination occurs when those decisions are made based on protected characteristics, which are individual attributes such as race, age, sex, disability, or religion that are protected under EEO laws and regulations." (Mathis, et. al., 2017)

In my restaurant organization, we have created numerous programs to not only recruit the best talent, but to source from unique and diverse areas.

1. We work with local work coordinators of high schools to provide work-based credit to students seeking work experience and applying that real-world experience to learning in the classroom.
2. We work with many local employment agencies that assist those with special needs or developmental disabilities in finding meaningful work. -- I am proud to have hired many individuals from all walks of life, who contribute many positive things to our company culture, and bring everyone around them up to new levels of positivity and determination!

The decision to hire, or not hire an applicant can be a very touchy process, especially if you are a newer manager or have little experience in the process. I have worked on mentoring and training multiple managers within my restaurant to utilize effective hiring and interviewing practices via internal candidate interview guides which carry guidance from both local, state and federal sources to help ensure we make the best possible decision for the business and provide a diverse and welcoming environment for everyone. Our goal is to always be the best possible employer and reflective of the communities we serve, giving back daily to make an impact.

Have a great week, everyone!

-Brian

Reference

Mathis, R. L., Jackson, J. H., Valentine, S. R., & Meglich, P. A. (2017). Human resource management. Boston, MA: Cengage Learning.

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Last post **2 hours ago** by Brian Rudrud

2-1 Discussion

Brittany Garner posted Jan 10, 2021 5:48 PM [★ Subscribe](#)

The first thing that I would consider while reviewing the decision not to hire an applicant that was qualified is the question of why this applicant was not qualified to be hired even though the applicant has the necessary qualifications for the position. The hiring practices I would consider is that I follow federal laws. Under these laws, an employer must not discriminant within the hiring process based on the applicant's gender, pregnancy, age, disability, race, or religion (FindLaw, 2018). Furthermore, during the review, I must abide by anti-discrimination laws which include the final selection of a candidate to be hired. In addition, focusing on HR planning will ensure that the organization has the right number of individuals with the right skills to help with the organization's objectives. It's also important that I evaluate the future of the workforce and consider several variables including growing diversity of workers, availability of contingent workers, aging of the workforce, and outsourcing possibilities (Valentine,2020). These factors help plan a better workforce created two sufficiently cycle out employees and keep the business running to full capacity. Lastly, it would be wise for me to reflect on internal supply and workplace projections which consider the number of external hires, internal transfers, promotions recall, and demotions which project outflows and inflows to properly supply for the following year (Valentine,2020).

Reference:

FindLaw. (2018). Legal rights during the Hiring Process. Retrieved from <https://employment.findlaw.com/hiring-process/legal-rights-during-the-hiring-process.html>

Valentine, R.L.M.J.H.J.S. R. (2020). *Human Resource Management*. [MBS Direct]. Retrieved from <https://mbsdirect.vitalsource.com/#/books/9781337520164/>

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Deborah Guenther-Alexiou

Discussion 2

Danielle Disney posted Jan 11, 2021 6:37 PM [★ Subscribe](#)

My primary focus when reviewing a qualified applicant for my employer would be making sure they were not discriminated against in any manner. Our responsibility is to ensure an equal employment opportunity for all applicants. “Equal employment opportunity means that employment decisions must be made on the basis of job requirements and worker qualifications” (Mathis, 2017).

We would want to be sure no unlawful discrimination has occurred. “Laws have been enacted to prohibit making employment decisions based on age, color, disability, national origin, race, religion, and other protected characteristics” (Mathis, 2017). Protected characteristics are specific attributes that are protected under equal employment opportunity laws. These are factors that have nothing to do with work and should be of no consideration. Employers are not allowed under federal and state laws to make hiring decisions because of protected characteristics.

“Equal employment is an attempt to level the field of opportunity for all people at work” (Mathis, 2017). Equal Employment laws are designed to provide equal protection to all employees. This way laws cannot provide favor of some groups over the other.

Mathis, R. L., Jackson, J. H., Valentine, S. R., & Meglich, P. A. (2017). *Human resource management*. Boston, MA: Cengage Learning.

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Last post **yesterday at 10:50 AM** by Deborah Guenther-Alexiou

2-1 Discussion

Dominique Lynch posted Jan 13, 2021 6:13 PM  **Subscribe**

While reviewing the decision that was made, I would make sure the decision was fairly made and I would do that by making sure race, color, religion, sex, or national origin was not considered, which is the Title VII of the Civil rights Act of 1964. Also that if the applicant was 40 years old or older, that it wasn't part of the reason because the Age Discrimination in Employment Act of 1967 protects those individuals. To make sure the Title I and V of the Americans with Disabilities Act of 1990 and Sections 501 and 505 of the Rehabilitation Act of 1973 was taken into consideration if the applicant had any disabilities. Lastly, consider the Title II of the Genetic Information Nondiscrimination Act of 2008 which prohibits employment discrimination based on genetic information about an applicant, employee, or former employee (Fair Hiring Practices and Job Discrimination Laws for Employers, n.d.). I would also make sure the job posting was in access to all sources capable. So everyone has the chance to at least read the qualifications to see if they have the requirements or not.

Fair Hiring Practices and Job Discrimination Laws for Employers. (n.d.). Retrieved from <https://www.rocketlawyer.com/article/fair-hiring-practices-and-job-discrimination-laws-for-employers.rl>

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Last post **16 hours ago** by Danielle Disney

Discussion 2

Grant Carter posted Jan 14, 2021 11:45 PM  [Subscribe](#)

Good Evening Everyone,

I hope all of you are doing well and continuing to stay safe. There are many things that need to be considered. After making sure all laws were followed the first thing for me is evaluating the job description and resume of the applicant. I would look to see how there resume compared to the resume of the person who was chosen over them. I would look to see if anything stood out that might have been missed when making the decision. The next thing I would look at is the selection criteria. I would try and determine if it was adequate. I would review the companies core values. After that I would see "what specific requirements in terms of behaviors, skills, and knowledge that are essential to performing the job well." (Johnson 2020) Once again I would stack the applicant who did not get the job against the one who did and see what part of the criteria was and was not met. Overall for me the key is to stack up the person who was chosen verse the person who was not chosen and see what are the similarities and differences. That will ultimately tell the real story.

Johnson, Alexandra. (2020) 9 Ways to Ensure Fair Hiring Practices At Your Organization. Retrieved From

<https://harver.com/blog/fair-hiring-practices/#Selection>

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Discussion 2

Haley Garber posted Jan 11, 2021 8:19 AM  [Subscribe](#)

I have always wondered what the reasonings were when choosing who to hire, and who to not hire. I have been in the position (as everyone has) hoping for a call back for an interview, and sometimes it didn't happen. That would lead someone to wonder why. As many know, "Under the laws enforced by EEOC, it is illegal to discriminate against someone because of that person's race, color, religion, sex, national origin, age, or disability or genetic information" (Prohibited Employment Policies/Practices, 2021). Businesses are unable to not hire someone based on these reasonings. Some acceptable reasons to not hire someone would be that they have a bad work history, have a record, send in generic resumes, or do not act interested in the interview or familiar with the business. There are many other reasons, but this is to list a few. Also, different personalities work with different job settings. For instance, a football coach would not be good scheduling colonoscopies. Those are two totally different jobs, with different skill settings. Some reasons to reject a job candidate would include wrong skill setting, sloppy application or appearance, an unsuitable personality, or just not being on time (15 Reasons to Reject a Job Candidate, 2019). Many people also do not hold jobs well, and it will be noticeable on a resume that is done the correct way. Businesses want to be able to hire people long-term (unless otherwise noted on a job description) and they want people with long term potential, people with ambition, and someone who will act as a team player in the job setting. When people are not hired by a business, a business needs to make sure they are prepared to answer questions, if they are questioned why someone was not hired as it is unlawful to discriminate. However, businesses in the U.S. do not have to give reasoning on why they did not hire a candidate. If a business calls someone in for an interview, they need to make sure they are professional and give everyone a fair chance during the hiring process.

References:

15 Reasons to Reject a Job Candidate - Localwise. (2019, February 22). Retrieved January 11, 2021, from <https://www.localwise.com/a/292-15-reasons-to-reject-a-job-candidate>

Prohibited Employment Policies/Practices. (n.d.). Retrieved January 11, 2021, from [https://www.eeoc.gov/prohibited-employment-policiespractices#:~:text=Under%20the%20laws%20enforced%20by,\)%2C%20disability%20or%20genetic%20information.](https://www.eeoc.gov/prohibited-employment-policiespractices#:~:text=Under%20the%20laws%20enforced%20by,)%2C%20disability%20or%20genetic%20information.)

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Deborah Guenther-Alexiou

2-1 Discussion: Discussion 2

Heather Dobkowski posted Jan 14, 2021 9:31 PM [☆ Subscribe](#)

If asked to review why a qualified candidate wasn't chosen, I would look at the hiring process in place. As we have learned, laws have been legislated to prohibit making employment decisions based on age, color, disability, national origin, race, religion, and other protected characteristics (Mathis et al., 2020). So I would look at the applicants' applications, notes from the interviews and ask questions about the process. Why did they make their choice? Why didn't they pick the qualified candidate we are looking into? Did they ask every applicant the same questions or like-minded questions?

From personal experience, in one of my first interviews when I started in human resources, I was completely thrown for a loop and had to call my boss into the interview with me at one point. I was going through his application and resume. I kept asking about his experience and a few skills that were relevant to the position. He then asked me if it matters that he was recently incarcerated. I remember sitting there, jaw dropped and stuttering. I knew enough that I needed to keep moving forward and keep the interview on track, not to engage in that conversation. I answered no, and that wasn't relevant. He then proceeded to ask me, but what if I had murdered someone? I again stuttered and said, that is your history that I don't need to know about but asked him to hold on. I went to my manager and explained to her what was going on. She walked me through my next questions. I went back in and asked about his bonafide work requirements. Unfortunately, there was a bonafide requirement of being able to push, pull, and lift 50lbs. He was not physically able to and would need accommodation. I ended the interview, letting him know that we would contact him if there were any further steps to take, but it was a pleasure to speak with him.

About a month later, we received an investigation from the EEOC stating we discriminated against him because of his criminal record. Throughout the interview, I had taken notes. I had his accommodation request to prove it could not be accommodated as the requirement was a bona fide occupational qualification (BFOQ) (Mathis et al., 2020). We received a response from their investigation that we had not discriminated—an intense learning experience that I've taken with me and how I handle all my inquiries and meetings.

Reference

Mathis, R. L., Jackson, J. H., Valentine, S. R. (2020). Human Resource Management, 15th Edition. [[VitalSource Bookshelf version]]. Retrieved from vbk://9781305856189

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Week 2

Jacob Sharp posted Jan 14, 2021 11:21 AM  [Subscribe](#)

Hello Everyone,

I have been asked by multiple employers to review why people were not hired for a position in both the state and private industry. The state industry is a little easier to conduct since there are usually a set of 10-15 questions, and a panel of three or more, and you can look back on what the applicant said in his responses to the questions. Most of the time keywords and past history is looked on as better than just having the degree and necessary certifications. However, in the private industry field, it can be completely different. There usually isn't a panel and the questions are set in stone per applicant so there could be unintentional bias present. As long as all the questions are above board and are all job related questions, such as do you have the ability to travel and stay away from your house for a week or longer at a time, is an perfectly fine question if the job requires frequent out-of-town travel.

As the reviewer, I would try to look out for any questions that could come off as playing favorites, or discriminating at all. If any of these factors went into the decision of not hiring them such as their race, age, religion, military status, or disability (Mathis, L. et al. pg. 82-83), then I would state that what the person in charge of the interview did was illegal and bring it up in the report. I might also try to contact the applicant references, and the applicant themselves if I do think there was any elements of non-fair hiring practices involved.

Thank You

Jacob Sharp

[SHRM.org](https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/screeningandevaluatingcandidates.aspx) "Screening and Evaluating Candidates. Retrieved from: <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/screeningandevaluatingcandidates.aspx>

Mathis, R. L., Jackson, J. H., Valentine, S. R. (2020). Human Resource Management, 15th Edition. [[VitalSource Bookshelf version]]. Retrieved from [vbk://9781305856189](https://www.vitalsource.com/9781305856189)

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Patricia Bertulli

Discussion 2

Julissa Acosta posted Jan 14, 2021 10:03 AM [☆ Subscribe](#)

Hi all,

I would carefully review our current hiring practices to make sure they adhere to the requirements and regulations set by the EEO. Ensuring proper protocols for qualifications reviews decreases the chance for future lawsuits and puts the company on top for setting the path to practices that promote a good organizational culture. There are a few factors to consider that will foster a non discriminatory hiring environment. Disparate impact, disparate treatment, gender based discrimination, or discriminations based on sex, sexual orientation, religion, color, and race are some of the most common and constantly regulated basis for discrimination.

A good rule of thumb would be ensuring that the questions being asked can completely demonstrate a job-related necessity. This practice will allow the hiring or Human Resources departments to truly focus on the qualifications, skills, knowledge and abilities from applicant and disregard anything that could be posed as a threat or be considered discrimination.

References:

[SHRM.org](https://www.shrm.org/resourcesandtools/tools-and-) "Screening and Evaluating Candidates. Retrieved from:
<https://www.shrm.org/resourcesandtools/tools-and->

Valentine, R.L.M.J.H.J.S. R. (2020). *Human Resource Management*. [MBS Direct]. Retrieved from <https://mbsdirect.vitalsource.com/#/books/9781337520164/>

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Dulak Discussion 2-1

Justin Dulak posted Jan 10, 2021 8:44 PM [★ Subscribe](#)

Whenever engaged in the hiring process, a business must ensure that all decisions made are done in compliance with federal, state, and local equal opportunity laws. These acts dictate “that employment decisions must be made on the basis of job requirements and worker qualifications...[not] protected characteristics...such as race, age, sex, disability, or religion” (Mathis, Jackson, Valentine, Meglich, 2017). Failure to follow these laws can result in severe legal penalties for the business.

Recognizing the import of adherence to equal opportunity statutes, my first step in reviewing a hiring decision for possible bias would be to compare the applicant’s resume and any relevant notes from the recruiter/manager to the job description. Was the decision reached truly status blind, or “without regard to [the applicant’s] personal characteristics” (Mathis, Jackson, Valentine, Meglich, 2017). If there are discrepancies between the knowledge, skills, and abilities of the applicant and those required to complete the job as listed in the job description, I will have confidence that an appropriate decision was reached.

This, however, would not be the end of my analysis. I would also review the hiring process for signs of disparate treatment, which “occurs when individuals with particular characteristics that are not job related are treated differently from others” (Mathis, Jackson, Valentine, Meglich, 2017). This can be tricky to spot, as it can take many forms; but I would specifically

read over the questions asked of candidates, to check for consistency between men and women, the young and the old, the able and the disabled, essentially everyone.

Reasons for taking the time to conduct such a review are plentiful. First of all, there are legal and financial incentives; if noncompliance is proven in the court of law, heavy penalties can be assessed, depending on the particular infraction and the number of times it occurred. Secondly, when discrimination happens, it potentially deprives the company of talent. Diverse and inclusive teams build a better and more productive company, as evidenced by the fact that “Studies suggest that [diverse teams are smarter](#) and that considering different backgrounds, perspectives, and experiences [improves the decision-making process](#) in the workplace.”

References

Mathis, R. L., Jackson, J. H., Valentine, S. R., & Meglich, P. A. (2017). Human resource management. Boston, MA: Cengage Learning.

What Is Fair Hiring and Why Is It Important. (2020, September 10). Retrieved January 11, 2021, from <https://www.huntclub.com/blog/fair-hiring>

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Last post **yesterday at 11:00 AM** by Deborah Guenther-

Kimberly Fullmer - Discussion 2 - Module 2

Kimberly Fullmer posted Jan 14, 2021 8:48 PM [★ Subscribe](#)

If my employer asked me to review the decision not to hire an applicant that was qualified for the position, the first thing that I would do is to compare that individual to the "ideal candidate" and dissect the differences between the two. In order to determine what fair hiring practices that I would need to consider in the review, I would first need to determine where this otherwise qualified individual is lacking in comparison to the ideal hire as well as why either the hiring manager and/or myself decided not to hire this person. From this point, I would then need to determine if there is any discrimination involved in this decision. "As an employer, it is important to understand what practices are fair in hiring employees under federal law. Federal law dictates equal opportunity for employees." (*Fair Hiring Practices and Job Discrimination Laws for Employers* 2020)

Prior to examining fair hiring practices, I would first ensure that the organization is following fair chance policy if it has been accepted in the particular state of hire. I would then determine if there are any issues with fair chance hiring, often referred to as "Ban the Box". "The policy, adopted in 33 states and more than 150 cities and counties, removes the conviction history question from job applications and delays background checks until later in the hiring process." (Roth, 2019) "Ban the Box ensures that previously incarcerated individuals have a fair chance of getting to an interview stage to demonstrate whether he or she is the best candidate for the job." (Roth, 2019) If this were not an issue, I would then proceed to examine the more common fair hiring legislation to determine if there are any potential issues there.

I would first ensure that the decision was not based on race, color, national origin or sex in order to be in compliance with Title VII of the Civil Rights Act of 1964. If the decision was not based on any of these factors, I would move on to determining if pay was a factor in the decision in order to determine if there was any type of violation of the Equal Pay Act of 1963.

After determining that neither the civil rights act of 1964 or the equal pay act of 1963 were violated in this decision, I would move forward in examining if either age or disability was an issue in the decision. I would want to be sure that there are no violations in the Age Discrimination Employment Act of 1967, Titles I and V of the Americans with Disabilities Act of 1990 or Sections 501 and 505 of the Rehabilitation Act of 1973. If after examining these different equal hiring acts there were no factors that involved either age or disability in regards to the candidate in question, I would move on to determine if there are any genetic factors that were involved in the decision not to hire this individual ensuring compliance with Title II of the Genetic Information Nondiscrimination Act of 2008, which "prohibits employment discrimination based on genetic information about an applicant, employee, or former employee." (*Fair Hiring Practices and Job Discrimination Laws for Employers* 2020)

Ensuring that there are no issues with the above mentioned federal laws, I am also ensuring that as an organization we are in compliance with the Equal Employment Opportunity Commission (EEOC). After examining these items in order to ensure that we are in compliance with the EEOC, I would move forward to examining any scores of any/all pre-hire assessments that the organization utilizes for this specific position.

If pre-hire assessments exist for this position, I would compare the scores of this applicant to scores of other equally qualified applicants to determine if another applicant scored higher and that is why this particular applicant was not selected. If scores on any assessment pointed to the reason why another applicant was preferred to this individual, I would then explain to the employer the reasoning behind the decision to hire another applicant. "Valid employment tests help companies predict before hiring which applicants will likely be the most successful." (Valentine, 2020) "Many kinds of tests can be used to help select qualified employees. Literacy tests, skill-based tests, personality tests, physical ability tests, and honesty tests can be used to assess various individual factors that are important to determine P/E fit." (Valentine, 2020)

If after addressing all of these issues and ensuring the employer that the decision to not select this particular candidate was a valid one, I would then ask the employer why they think that this candidate should be hired over any other candidate. If the reasoning behind the employers response is a valid and in compliance with fair hiring practices, I imagine that the employer would have the final say.

References:

Valentine, R.L.M.J.H.J.S. R. (2020). *Human Resource Management*. [MBS Direct]. Retrieved from <https://mbsdirect.vitalsource.com/#/books/9781337520164/>

Roth, A., & Roth, A. (2019, September 18). Ensuring Fair Hiring Practices. Retrieved January 15, 2021, from <https://www.hrotoday.com/news/talent-acquisition/screening-selection/ensuring-fair-hiring-practices/>

Fair Hiring Practices and Job Discrimination Laws for Employers. (n.d.). Retrieved January 15, 2021, from <https://www.rocketlawyer.com/article/fair-hiring-practices-and-job-discrimination-laws-for-employers.rl>

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Discussion 2

Megan Koors posted Jan 13, 2021 11:48 AM [★ Subscribe](#)

Hello everyone,

The EEO, equal employment opportunity, laws state that employment decisions are to be based on if the applicant can meet the job requirements and is qualified (Mathis, L. et al. pg. 82). With that said we know that the applicant meets the qualification of the employer, but do they meet the job requirements and was or is there any discrimination? Are there any factors that went into the decision of not hiring them such as their race, age, religion, military status, or disability (Mathis, L. et al. pg. 82-83) to name a few and if so then the employer has not complied with the EEO. Yet, if the applicant does not meet the requirements of the position then the hiring process has not been tarnished.

Something else that could be done to ensure that the hiring practices is fair is to also investigate how the position was posted and what other applicants have applied. As well as what questions were asked during the interview and was there any background checks done on the applicant that would deter the employer because of the answers. Comparing this applicant to others that applied for the positions as well as other positions is also something to consider.

~ Megan Koors

References

Mathis, R. L., Jackson, J. H., Valentine, S. R. (2020). Human Resource Management, 15th Edition. [[VitalSource Bookshelf version]]. Retrieved from vbk://9781305856189

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Last post **14 hours ago** by
Danielle Disney

Week 2 Discussion

Noelle Fatello posted Jan 14, 2021 7:41 PM [★ Subscribe](#)

Hi Everyone,

If an employer asked me to review the decision not to hire an applicant that was qualified for the position, the elements of fair hiring practices I would need to consider in the review would be the protected characteristics under the equal employment opportunity (EEO) law. These protected characteristics include, age, color, disability, genetic information, marital status, military status, national origin, pregnancy, race, religion and sexual orientation(Mathis,Jackson,2011, pg.82). All workers should be treated fairly and be given equal protection against illegal discrimination. Employers should use status blind to make their employment-based decisions on potential applicants. "Status Blind is employment decisions that are made without regard to individuals' personal characteristics"(Mathis,Jackson,2011, pg.82). Employment based decisions should be made ethically without unlawful discrimination. It is especially important that Human Resources professionals learn and understand employment laws and rights.

Reference

Mathis, R. & Jackson, J. (2011).*Human resource management13thedition*. Mason, OH: Thomson Publishers.

Thank you,
Noelle

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Last post **3 hours ago** by Valerie
Carroll

2-1 Discussion (PB) Discussion 2

Patricia Bertulli posted Jan 11, 2021 7:39 PM [★ Subscribe](#)

Hi Class,

I currently hold a position as a recruiter at my company and I do the research first: 1) I conduct a phone screen, 2) do they meet the requirements set forth, 3) did they send in their application, 4) I conduct a background check, including fingerprints (we work in healthcare and this is a state requirement), 5) reference checks, 6) verify they hold a valid driver's license, car insurance (again required), I check the county to see if they have a criminal background, I check if they are wanted by the FBI or state, and I check to see if they are a sexual predator. Then if everything looks good, I pass the information along to the manager to verify, ask me questions and if she agrees we make an offer and get them in for a Phase 2 Interview (in person).

If your employer asked you to review the decision not to hire an applicant that was qualified for the position, what elements of fair hiring practices would you need to consider in the review?

If I were reviewing the decision my employer made not to hire someone, I would need some basic information first: 1) what is the job title, 2) what were the qualifications and responsibilities listed in the job description, 3) what qualifications does the candidate have, do they match the qualifications required, 4) did they follow all instructions to apply for the job: a) meeting any deadlines, b) any additional specifications that were asked.

I would of course follow all local, state and federal laws. This includes but is not limited to federal law, not discriminating based on the applicant's race, national origin, pregnancy, age, disability, or religion (LRDTHP, 2018).

I would review all that was mentioned above and take into consideration the reason my employer feels they do not want to hire the candidate: maybe something was overlooked by the hiring manager. If the candidate were qualified but the employer did not want to hire them, is it because they have someone with better qualifications, or would be a better fit for the position, after they interviewed the applicants.

"Basing employment decisions on factors other than worker qualifications is generally illegal in the United States, and the costs of litigation, penalties, and harm to the company's reputation can be

substantial when violations occur" (Mathis et al., 2017).

I would need to ensure we follow all laws, so nothing looks like we were biased, or that we discriminated against anyone.

Have a great week!

Pat

Reference:

(LRDTHP, 2018). Legal Rights During the Hiring Process. (2018, December 10). Retrieved January 11, 2021 from: <https://employment.findlaw.com/hiring-process/legal-rights-during-the-hiring-process.html#:~:text=Job%20applicants%20have%20legal%20rights,age%2C%20disability%2C%20or%20religion>

Mathis, R. L., Jackson, J. H., Valentine, S. R., & Meglich, P. A. (2017). Human Resource Management - 15th Edition. Retrieved January 04, 2021, from <https://mbsdirect.vitalsource.com/>

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Last post **Tue at 7:56 PM** by
Deborah Guenther-Alexiou

2-1 Discussion: Discussion 2

Paula Rojas posted Jan 14, 2021 6:06 PM  [Subscribe](#)

Good Afternoon,

If my employer asked me to review the decision not to hire an applicant that was qualified for a position, I would consider the following. First I would review the job posting, application and resume. I would review the job postings qualifications to see if the applicant was in fact qualified for the position. I would review the application to see if the candidate listed if they were related to anyone who works for the organization, and if they had applied for a position

before. I would review the resume to see if the applicant added any information such as age or the year the applicant graduated from high school/college. "Title VII of the Civil Rights Act states that it is illegal for organizations to discriminate in any way based on a person's sex, race, national origin, color, and/or religion. Coverage includes hiring decisions, terminations, promotions, demotions, compensation, working conditions, and many other personnel actions". I would also like to know who was on the interview panel and if there were any notes taken during the interview just to see if there was any information that may have been written down to describe the applicant. I would also like to review the interview questions to ensure the questions were asked of all the candidates. I would ask the attendees on the interview panel what were their thoughts on this particular candidate as well as the candidate that was chosen if they had decided upon one.


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Paula

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2-1 Discussion

Rachel Pisacane posted Jan 14, 2021 2:45 PM  [Subscribe](#)

In the event an applicant was not hired but qualified for the position, I would first review the Equal Employment Opportunity (EEO) laws to ensure that this applicant was not unfairly declined. The EEO laws protect against possible discrimination against applicants of different age, race, disability, religion, etc. I would also make sure that this decision was a status-blind decision. "Status-blind decisions are made without regard to individuals' personal characteristics" (Mathis, Jackson, Valentine, & Meglich, 2017). The next thing to consider is the answers that the applicant has provided

during the interviewing process. These questions and the interviewing process should clarify whether the applicant has had experiences that would effectively apply to the position they are applying for. It should display what they are confident with and the topics they may not be strong in. In some cases, an applicant may be qualified, but they may not be able to meet the required hours or shifts needed for the position. I would evaluate if the applicant was on time for the interview, if they were prepared, and had a clean and neat appearance. Other factors that could lead to an applicant not being considered even though they are qualified is if the applicant has unaffordable salary expectations, does not provide references, does not display clear interest in the position by asking follow-up questions, or the personality type will simply not fit the position.

Localwise, T. (2019, February 22). 15 Reasons to Reject a Job Candidate - Localwise. Retrieved January 14, 2021, from <https://www.localwise.com/a/292-15-reasons-to-reject-a-job-candidate>

Mathis, R. L., Jackson, J. H., Valentine, S., & Meglich, P. A. (2017). *Human resource management*. Boston, MA: Cengage Learning. Retrieved January 14, 2021, from <https://mbsdirect.vitalsource.com/#/books/9781337520164/cfi/6/22!/4/218/2@0:0>

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Last post **3 hours ago** by Valerie Carroll

Qualified Candidate

Scarlett Rogers posted Jan 14, 2021 11:56 PM  [Subscribe](#)

Aloha!

There could be many reasons why a qualified candidate wasn't chosen. The 1st thing I would look into would be the resume of the person who got the job and compare the two. I also would be curious to see if he is in a protected class.

race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability and genetic information are the protected classes in America. If the reason why he wasn't picked was because of one of those reasons than there is a bigger issue to be addressed.

I have personally have never been discriminated against, however I see it all the time in the military. The Military discriminants again age, disability, and sex. They are getting better at not discriminating once in, however there are always job requirement's.

One of the protected classes I agree with is sex. I think this class is always being discriminator against. One big change I think we are going to see are employers turning away people who don't get the COVID vaccine or other vaccines. Moving forward will be interesting to see how HR changes post COVID.

<https://www.eeoc.gov/employers/small-business/3-who-protected-employment-discrimination>

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2-1DiscussionS.G.

Shani Gomez posted Jan 14, 2021 10:13 PM  [Subscribe](#)

There are many things to consider in reviewing this decision. First, I would have to investigate whether any of the Equal Employment Opportunity rights were violated. These rights are all a part of Title VII of the Civil Rights Act of 1964. The "fair selection process consists of judging people on the their ability to do the job not on the basis of one's race, color, sex, age, national origin, religion, genetic information, disability, or EEO activity" (NIH, n.d.) An additional law amended in 1978 was the Pregnancy Discrimination Act.

If the applicant has enough evidence for burden of proof, the employer must provide me with verifiable proof their decision was due to a business necessity, job relatedness issue, or bona fide occupational qualification. If the employer can prove any of these then their decision to not hire the applicant is valid. However, if they cannot prove any of those, the applicant can sue the employer for violating their rights under the EEO laws.

References

Conducting a fair selection process. (n.d.). *National Institutes of Health (NIH)*. Retrieved from https://www.edi.nih.gov/sites/default/files/public/EDI_Public_files/guidance/toolkits/managers/manager-fair-selection-toolkit01.pdf

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Discussion 2

Tavara Lee posted Jan 11, 2021 7:54 PM [★ Subscribe](#)

Hello Class, hope everyone is doing well, if I were asked to review the decision not to hire an applicant that was qualified for the position a person's looks and personal background would have no bearing on my decision. Obviously I would review the resume and the job description and requirements to verify whether or not the applicant has the skills to perform the job duties and evaluate his or her experience with these duties. Also to make sure the job requirements are met. Next I would review the notes from the interview to see if any bias was there. These would be the most important item in determining if there was any bias or discrimination on the interview's part. I would also find it to be helpful in reviewing the applicant's communication and articulation skills.

I would review the applicant's references to verify information on the application and resume. Once all this information was gathered I would determine if the applicant has met all the qualities and requirements for the position applied for. If so then I would compare this applicant to the applicant who was actually hired and see if the other applicant was in fact more qualified. If in all my research I have not found a viable reason for the applicant to have been hired then I would be lead to believe there was some form of discrimination going on and report my findings. I have to remember to ensure that any decision-making criteria used in the process are job-related and documented. Treat every candidate equally, and they ALL must follow the exact same process and be held to the same standards.

References

<https://blog.psionline.com/talent/bid/182480/4-Key-Elements-in-an-Effective-Hiring-Process>

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Last post **8 hours ago** by Rachel Pisacane

2-1 Fair Hiring Practices

Valerie Carroll posted Jan 14, 2021 8:54 PM  [Subscribe](#)

Hello,

It is important to be sure that you are utilizing fair hiring practices during the recruiting and hiring process, as well as throughout an employee's life cycle. Beyond good business practice, there are laws in place to protect both potential and existing employees. To ensure fair hiring practices, the first consideration is the Equal Employment Opportunity (EEO) laws, which state that an employer cannot discriminate against a candidate based on a protected characteristic. These include: age, race, color, sex, marital status, pregnancy, religion, national origin, veteran status, and genetic information (Mathis, et. al, 2017).

While I have a good functional knowledge of the EEO requirements through my recruitment work, I found it interesting that race and color were called out separately, so I went to the EEOC website for a better definition. They note that while the two terms overlap, they are not the same. Title VII does not set up a specific definition of color, but it is understood to refer to differential treatment based on shade, tone, or pigment of skin, which can occur both between races or within the same race (EEOC, 2020). I will confess, I need to double check our job posting disclaimer and see if I need to make an adjustment.

-Valerie

Works Cited

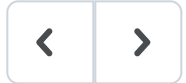
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Starts Jan 9, 2021 11:59 PM

Assessment



Discussion Rubric:
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