



Search Committee Handbook

Northern Essex Community College

Updated: January 16, 2015

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EXPECTATIONS FOR SEARCH COMMITTEE MEMBERS

- Clear understanding of NECC mission and vision
- Thorough familiarity with the position description and required qualifications
- Familiarity with interviewing guidelines
- Available and able to commit to attending all search committee meetings and interviews
- Positive attitude
- Open mind
- Ability to be a good ambassador for the college
- Ability to maintain confidentiality
- Base your decisions about a candidate on opinions you have developed through the interview process rather than information from outside the selection process
- Understanding that the result of the search committee is a recommendation to the President.

SOCIAL INCLUSION AT NORTHERN ESSEX COMMUNITY COLLEGE

NECC Culture of Inclusion Core Value: Northern Essex Community college strives to be a model of diversity and inclusion; the campus community reflects the layers of cultural and self identity that proudly make up our region, nation, and world. We respect, value, and celebrate the strengths, characteristics, and perspectives of all and promote an inclusive environment that leverages the unique contributions of each individual, group, and organization into all aspects of our work.

NECC 3rd Strategic Direction in the 2012 NECC Strategic Plan is Respect for Diversity: We are diverse in who we are and how we learn. Respecting diversity means seeing diversity as a strength that can be used to accomplish the goal of student success and recognizing that people may have diverse needs in achieving their goals. As we value what each of us can contribute to the goal of student success and attend to what each of us needs to achieve success, we are respecting our diversity.

NECC Vision Statement: To create a supportive learning environment of cultural inclusion that embraces all identities and inspires initiative and excellence.

Social inclusion at NECC honors our commitment to diversity & inclusion by recognizing the integrity, contributions, strengths, and value of different cultural, language, and social groups. Social inclusion includes, but is not limited to, race/ethnicity, physical abilities/qualities, disability, gender, sexual orientation, age, religious beliefs, class, educational background, and employment category.

True social inclusion implies a pluralistic campus, one that provides students, faculty, and staff the opportunities to learn about, respect, and appreciate each other's cultures and backgrounds. It encompasses everyone. It seeks to create an environment in which each person and every group and individual belongs and is welcomed.

NECC Commitment:

NECC's core values are: Student Engagement; Collaboration; Personal and Professional Growth; Respect; Diversity; Access and Opportunity; and Excellence

We are building a culture that appreciates diversity and the unique strengths of each employee; we are committed to fostering mutual respect that enables all employees to grow and work together in a supportive environment of shared governance, open communication, and fairness; we are committed to the personal and professional growth of every employee and to developing productive, collaborative relationships within the college community.

The Data:

In the spring 2007, the College had a workforce where 9.2% were persons of color. In the fall 2013, the percentage had increased to 10.8%.

In looking at the various employee categories (part-time and full-time; benefited and non-benefited), the classified staff has the largest minority representation of all the employee groups.

However, minority representation in the classified staff group decreased from 18.7% in 2007 to 15.7% in 2013. Professional staff increased from 10.3% in 2007 to 12.6% in 2013, and administrative non-unit staff increased from 6.2% in 2007 to 8.4% in 2013. Faculty has seen an increase from 6.1% in 2007 to 9.4% in 2013.

The % of racial minorities in our student population is 42.7% for the fall 2013 semester.

OVERVIEW

Hiring – and retaining – high quality faculty and staff are critical to the effective functioning of NECC. The hiring process, therefore, needs to be thoughtful, systematic, and broad enough to ensure we attract the highest number of well qualified candidates from the widest range of backgrounds and experience.

For the hiring process to be effective, we need to ensure the postings, selection of candidates to interview, the interviews, and the recommendations to hire are all done well. This booklet is intended to offer you an overview of how to maximize that process, explain the role you have to play in it, and provide you with information and resources to help you help the college become home to the best staff and faculty possible.

Let's start with the first critical step: The Posting.

THE POSTING

A good posting will attract candidates who meet your minimal requirements and will eventually enable you to select the best candidate. A poor posting will attract candidates who are not able to do the job you had in mind. But a *great posting* will not only attract candidates with the skill set you need, it will also attract candidates who can help your area or department grow, will be able to bring new ideas and perceptions to the college, and will enhance the work of your current colleagues.

It is critical to write the best, most carefully worded posting you can. Postings should be a group effort. Be sure to include in the discussion, the views of colleagues who have different perspectives or ideas.

The Job description

How you describe the position will have an important impact on whom you get. Start with the most critical tasks –and include meaningful details. For example, “This person will be teaching primarily Comp I to a wide range of students” is a better description than “will teach English”. We often include descriptions of “college service” in faculty and staff postings. It is a good idea to list several - covering a wide range, so applicants know we expect them to be active participants in the college. For example, you might say “service may include serving on a college governance committee, working with students on community projects; and/or participating in college wide initiatives such as Writing across the Curriculum”.

In your posting, make it clear we are seeking passionate, creative, collegial colleagues and that the college makes it a priority to support and provide professional development to all employees.

Minimum Requirements: *You cannot offer the position to an applicant who does not meet the minimum requirements listed in your posting.*

Remember the old adage “Be careful what you wish for...” Make sure your minimum requirements are *really* critical. Would you be happy with someone with a different degree if they not only could do the work, but brought something new and different to your department? If so, you may want to rethink listing your usual degree requirement as a “minimum” and list it later in the “preferred” section. This gives you flexibility you might need.

For faculty positions postings we will only indicate Master’s degree required. The Ph.D. preferred language will not be included in the posting.

For all other positions indicate minimum required academic credential as appropriate.

When creating the Core Requisite questions for the Interview Exchange system, only years of experience and education will be marked as required in an effort to ensure the applicants determined to be qualified are indeed minimally qualified, unless otherwise requested by the hiring manager.

Preferences

When you think about adding a new person to your area or department, what do you envision? What skills, characteristics, or experience might a new person bring to your department?

These characteristics should be listed in your “preferences”. They may include particular degrees, number of years of teaching; but be careful about this one... sometimes a novice teacher is great and you don’t want to discourage them from applying.

Be sure to include attributes other than task-skills. The college is committed to a continuous process of inclusion and equity so you should include a statement that states that in your posting.

Once the posting has been sent out, it’s time to gather a search committee.

HR Screening

Send the completed posting to HR along with up to ten Core Requirements via the Personnel Requisition function of the Interview Exchange Applicant Tracking System. Core requirements are those things that the applicant **MUST** have to be considered “qualified” for the position. One core requirement might be, for example, “has a Masters degree in Literature”.

In their online application through Interview Exchange, all applicants answer whether or not they meet each core requirement. How the applicants answer the Core Requirements questions determines whether they are placed in the Qualified Applicants’ or “All Applicants’ pool. **You**

may select candidates to interview from the “qualified” pool only, so choose your ten core requirements carefully.

Applicants who more than meet the core requirements (in the example above, they have a doctorate in literature, for example), are put in the “qualified” pool.

When the posting closes, within 48 hours the AAO or designee will prepare a report outlining the diversity of the overall applicant pool and the qualified applicant pool based on how the applicants self-identified. If there is not sufficient representation of diverse candidates in the qualified applicant pool, the hiring dean/manager and AAO will discuss to determine whether sourcing for additional candidates will continue. When determining whether or not there is sufficient diversity in the applicant pool the AAO will consider US Census information nationally and locally with regard to degree attainment as well as Sex, Race & Hispanic Origin (refer to US Census data tables in the Appendix and on Human Resources website). Once the qualified applicant pool is approved the chair may proceed with the search. Search Committee members will be given access to the candidate pool only after the qualified applicant pool has been approved by the AAO. Search Committee members will be provided with a Resume Filter Form listing the names of applicants and the minimum/preferred requirements for the position to aid in the applicant review process.

Faculty Search Committee

The hiring dean will work with HR and the Affirmative Action Officer (AAO) to identify members for the Search Committee. **The AAO will approve the Search Committee Members for each search.**

The Search Committee should have cognitive diversity, which is achieved by including members with different backgrounds, perspectives and expertise, and with a demonstrated commitment to diversity.

The Search Committee usually has five to seven members and includes at least one faculty member from outside the hiring department and one student. The hiring dean may choose to serve on the Search Committee. The hiring dean will appoint the committee chair.

All Search Committee members must have completed a search committee training within the last three years. The Search Committee chair will arrange Search Committee training for those members who have not completed a training within the last three years.

Search Committee members will be given access to the candidate pool only after the applicant pool has been approved by the AAO.

Search Committee for all other Positions

The hiring manager will work with HR and the Affirmative Action Officer (AAO) to identify members for the Search Committee. The AAO will approve the Search Committee Members for each search.

The Search Committee must have cognitive diversity, which is achieved by including members with different backgrounds, perspectives and expertise, and with a demonstrated commitment to diversity.

The Search Committee usually has three to five members and includes at least one member from outside the hiring department and one student where appropriate. The hiring manager may choose to serve on the Search Committee. The hiring manager will appoint the committee chair.

All Search Committee members must have completed a search committee training within the last three years. The Search Committee chair will arrange search committee training for those members who have not completed a training within the last three years.

Search Committee members will be given access to the candidate pool only after the applicant pool has been approved by the AAO.

Search Committees Responsibilities

The search committees will be responsible for:

- Participating in hiring committee training
- Setting timetable (from the close of the application process)
- Screening applications
- Creating interview questions and a common interview format

- Recommending three finalists to the appropriate VP

SCREENING APPLICATIONS

When the posting closes HR will open access to the applications so the approved search committee members may begin to review applications electronically.

The committee chair will be able to communicate with the candidates by email.

The notes section of each applicant's file should not be used to make comments about the candidate. It should only be used by the search committee chair to indicate if the person was interviewed and hired. If that is so, the chairperson should add the following to the notes section:

- a) Approval of the recommendation.
- b) Start Date
- c) Salary information
- d) Work schedule (days of the week & start/end time)

Establishing Screening criteria:

It is critical that all candidates are treated equally. The first step is for the committee to establish the criteria they will use to assess each application.

All candidates who meet the minimum requirements as set out in the written job posting and are assigned to the "qualified" pool by HR will be considered "qualified".

Before reviewing applicant files, the committee will agree on a relative order of importance for the attributes the written job posting lists as "preferred". Based on the college's commitment to a diverse faculty and staff and the composition of our student body, we will continue to express a preference for bilingual candidates (English/Spanish) and will proactively seek qualified minority candidates.

In her booklet, *Rising Above Cognitive Errors*, (2005; revised 2007); JoAnn Moody warns against stereotyping candidates; about the myth of the "good fit"; about elitism, first impressions, wishful thinking, and other cognitive errors.

Search committee members need to be aware of the cognitive error issues and be vigilant in resisting them.

For additional information, see: *Cognitive Errors* and *Rising Above Cognitive Errors: Guidelines for Search Committees, Tenure Review, and Other Evaluation Committees*. Both are available at

[http://www.nae.edu/nae/caseecomnew.nsf/65ca52e9d8eefef485256e010080ee03/862570b6006873128625724b007511b1/\\$FILE/Karen's%20Rising%20above%20Cognitive%20Errors.pdf](http://www.nae.edu/nae/caseecomnew.nsf/65ca52e9d8eefef485256e010080ee03/862570b6006873128625724b007511b1/$FILE/Karen's%20Rising%20above%20Cognitive%20Errors.pdf)

You might also want to check out www.virginia.edu/vpfa/tutorial-7.html for examples of how to apply this information.

Selecting Candidates to Interview

Chair may decide to have a preliminary Resume Review Session with a subcommittee of the Chair, the AAO and/or HR to do an initial screening of resumes to eliminate those who do not meet the minimum qualifications. **When creating the Core Requisite questions for the Interview Exchange system, only years of experience and education will be marked as required in an effort to ensure the applicants determined to be minimally qualified are indeed minimally qualified, unless otherwise requested by the hiring manager.**

The Search Committee reviews all applications using the Resume Filter Form and meets to determine whom they choose to interview. Limit the number of interviews to five or six unless there are extenuating circumstances. If you interview five or six good candidates, you should have a sufficient pool from which to select three finalists.

The committee chair will start this meeting with a discussion of the criteria and a review of the list of “preferred” attributes - *with emphasis on minority status, Spanish speaking/listening skills, interest and expertise in community engagement*, and the other skills/assets the college and the committee has predetermined it especially values.

The chair sends a list of applicants to interview to the AAO. The AAO analyzes the degree of diversity of the interview list and, if sufficient, within 48 hours approves the list. In determining whether the interview pool is sufficiently diverse the AAO will consider US Census data both nationally and locally, as appropriate, as well as the size of the qualified applicant pool. The AAO consults with the hiring dean/manager to determine appropriate resolution if the interview list is not sufficiently diverse, including sending the list back to the Search Committee or reopening the search.

Once the interview pool is approved by the AAO, the chair may begin to contact candidates to schedule interviews.

The applicants chosen for an interview will be moved to the Interview folder by the committee chair. Applicants not chosen for an interview may remain in the Inbox folder.

Chair reviews personnel files of internal candidates selected for interview. The chair shares information with the Search Committee as appropriate.

PREPARING FOR THE INTERVIEW – ASKING THE RIGHT QUESTIONS

Interviews typically last about 60 minutes. This is the one opportunity for you – and the interviewee – to get to know each other. You will be selecting someone who may be in your department and a colleague for a long time. The candidate will be making a big commitment to join the NECC community. The questions you ask –and the answers you get – may be the key to making this decision. Interviews can change lives.

Questions should elicit information that is not available through reading the CV/RESUME or the cover letter. *All candidates must be asked the same set of questions.* It is, of course, permissible to add questions based on information you learn from candidates' responses or details from their CV/RESUME or cover letters. For example, 'can you expand upon your response to...?' And you certainly want to offer the candidate a chance to ask questions of the committee.

Good interview questions are open-ended and give the candidate a chance to show you how they think, share their philosophical and pedagogical wisdom, and reveal something about their inner selves. This sounds hard and it is. But here's where the work you did in determining what you collectively want and value in a new colleague pays off.

Sample Interview Questions

Professional Maturity

- What are the major problems you've encountered at your current position and how have you handled them?
- What would you do if (name an adverse situation that he/she may likely encounter)?
- What attributes do you believe an effective candidate for this position should possess?
- If you disagreed with a superior's decision, what actions would you take?
- How do you think your subordinates would describe you as a manager and supervisor?
- What recommendations do you have on how your current organization could improve its product, financial position, etc.?

Skill Level

- What are your responsibilities in your present position?
- What skills do you have that would apply to this position?
- What do you feel you can learn from this position?
- What are your greatest strengths? Your weaknesses?
- What was the biggest contribution you made in your current position?

Character

- What is the most important aspect of a job to you?
- What plans do you have for self-development in the next 12 months?
- Where do you see yourself in five years? In ten years?
- How would you describe your ideal work environment?

Compatibility

- What interests you about our organization?
- How would your co-workers rate you as a team player?
- What questions do you have about the position?
- Why are you leaving your current company/college?
- What do you expect to get from this position that you're not getting now?

Cultural Competencies

- Describe an example that illustrates your demonstrated competencies to work effectively with a student population that is diverse by a wide range of group memberships such as age, parental status, race, ethnicity, economic class, gender identity, national origin, 1st language, sexual orientation, educational status of parents, etc.
- Describe a time you were not as inclusive as you would have wanted to be; what did you learn from that experience?
- Talk about how you have developed your skills and competencies to serve our increasingly diverse student population.
- What are some of your strengths in serving a diverse student population; and what are some you need to develop to further increase your capacity to serve the full breadth of students on campus?
- Describe situations that demonstrate your ability to advise students who are different from you?
- Describe situations that demonstrate your ability to supervise and/or collaborate with people who are different from you?

See <http://cgi.stanford.edu/~dept-ctl/cgi-bin/tomprof/posting.php?ID=912> for some additional suggested interview questions.

THE INTERVIEW

The interview process, from initial candidate contact through the job offer, demonstrates to a potential employee what the college values. Each step of the process needs to be done with this in mind.

Communicating with the interviewees

You have several opportunities to communicate with the interviewees. The first one comes when you call to set up an interview appointment

It is fine to have a staff member make the call to set up the interview time. S/he should have a list of available dates and time, and should know the college's policy on paying interviewee's expenses. For faculty searches, our current policy is to pay up to \$500 in travel expenses for out of New England candidates. If the candidate is coming from out of state, the caller should offer to make hotel and rental car arrangements.

The welcome

This is the candidate's first impression of the college. The committee chair or a member should be available to greet the candidate when s/he arrives on campus. If this is not possible, a staff member with good people skills may do this.

Ideally, there will be time to give the candidate a tour of campus before or after the interview. During this tour, pay attention to the candidate's questions and concerns. Be prepared to discuss both the good and difficult aspects of the Haverhill/Lawrence area, and to give candidates suggestions for newspapers or websites that deal with local housing, etc.

If you can take the candidate to lunch, that would be great. As a caution, if you take one candidate to lunch, you should take all candidates to lunch. So if you can not take all candidates to lunch, you should take no one to lunch.

If there is not time to offer a tour, have the candidate "report" to the staffer's office a few minutes before the scheduled interview time so s/he can freshen up or relax. Have the staffer bring the candidate to the interview at the scheduled time. If you are running late, inform the staffer – and the candidate – as far in advance as possible.

Pitfalls to Avoid in Interviewing

Some of the common mistakes in interviewing include:

| <u>Mistakes</u> | <u>Comments</u> |
|---|--|
| Concentrating exclusively on the applicant's personal characteristics. | The interviewer should focus on comparing an applicant's demonstrated abilities and experience with the actual job requirements. |
| Not remaining silent, or listening, long enough. | The interviewer does too much talking and fails to obtain meaningful information from the applicant. |
| Incorrectly interpreting information obtained from applicant. | The interviewer draws the wrong conclusion about the applicant's ability to perform. It is better to ask clarifying questions |
| Being unaware of or not dealing directly with biases for or against certain types of applicants (stereotyping). | This includes how you feel about appearance, personality, educational background, etc. ("I have never hired a good employee from that college.") |
| Making a decision based only on intuition or "first impression" | Any decision regarding candidates' should be based on insight and analytical judgment. |
| Asking questions answerable by a simple "yes" and "no." | The interviewer must endeavor to draw the candidate out. This requires minimizing "yes" and "no" answers. |

The actual interview

It's taken a lot of work and time, but you are now ready for the interview.

The committee should assemble several minutes before the candidate is due to arrive. Be sure everyone has the set of questions and knows the order and who's scheduled to ask each one.

The committee chair should greet the candidate at the door. After the candidate has been comfortably seated (not looking into the sun, able to see all committee members easily, etc.), committee members should introduce themselves, saying their names and their functions at the college.

At this point, it would be helpful for the chair to set the tone for the interview. S/he should indicate s/he understands this is stressful for the candidate and the committee will do everything it can to make the interview comfortable. Remind the committee and the candidate to be as candid about themselves as they can, because we all understand candidates are assessing us as much as we are assessing them. We want the candidate to know us as well as we can so s/he can make a reasoned decision about whether or not NECC is the place s/he would like to work.

Tell the candidate how the interview is structured. One logical structure is to ask the candidate the preplanned questions, followed by questions the candidate has for the committee, followed by a summary from the chair. You might choose to intersperse questions from the candidate. Watch the clock to ensure you leave time for the candidate's questions and a summary.

In the summary, thank the candidate again for coming. Repeat that we appreciate their interest in the college.

Tell them the timeline: When they will hear from you about whether or not they're a finalist; when a decision to hire will be made.

Remind them they can contact the chair for a day or two after they leave the interview if they remember something important they didn't tell us.

A “demonstration” interview for Faculty positions

Sometimes, we would like the candidate to *demonstrate* their skills, rather than talk about them. In this case, you need to decide if you'd rather do this in the initial interview or bring candidates back for a second interview. Before you decide, review your interview questions. If they are thoughtfully devised, and if you ask candidates to send samples of student work and their responses to them to you prior to the interview, you may decide you don't need a demonstration. See Appendix A: “Demonstration or Demolition?” (reprinted with permission of the author from *The Chronicle of Higher Education*, January 30, 2009) for an interviewee's eye view of demonstrations...

If you do want to have the candidate do a demonstration, think about the following:

Be sure to give them clear directions about what you want them to demonstrate. It is better to say, “Please do a demonstration lesson of an introduction to basic addition for a class of students who are struggling with math”, than it is to say, “Please do a demonstration of how you would teach addition”

Set aside a reasonable amount of time for the demonstration. It is not reasonable to expect someone to teach a new concept in 20 minutes.

Ask them what materials and equipment they will need and be sure it is there and functioning.

Tell them what role the committee will play. Will you act as students? Who on the panel has expertise in this area?

POST INTERVIEW

Selecting finalists

After you have completed the interviews, it's time to select three finalists. When possible, you should send the names of *three* candidates on to the VP.

As a committee, review each interviewee:

First, eliminate those candidates who didn't "wow" the committee in the nature and requirements of the position and their responses to the interview questions. It is better to make no hire than it is to make a so-so one. Resist the temptation to say "we need someone in that post and this person will be good enough". Remember, we are likely to have this person as a member of the college family for 20 or more years! You want to hire someone with passion, a clear vision, a sense of collegiality, and a commitment to work hard to meet the mission of the college. Anything less will condemn the department to a constant struggle to stay above mediocrity.

The chair sends the names of the finalists to the AAO. The AAO analyzes the degree of diversity of the finalist list and, if sufficient, within 48 hours approves the list. In determining whether the finalist list is sufficiently diverse the AAO will consider the size of the interview pool. The AAO consults with the hiring dean/manager to determine appropriate resolution if the finalist list is not sufficiently diverse, including sending the list back to the Search Committee or reopening the search.

Once the finalist list is approved by the AAO, the chair will send the names of the finalists to the VP. The names should be in alphabetical order. It would be helpful to the VP if the committee lists the strengths of each candidate.

The VP will phone each finalist. (Finalists who are currently employed by the college may have a face-to-face interview.) The hiring dean or manager will also take part in this conversation. After speaking with all the finalists, the VP and the hiring dean or manager will confer. The VP makes the final hiring decision.

After the VP has made the decision about which candidate to hire, the Dean or Manager calls the candidate of choice and the Search Committee chair calls the others. **(ALL interviewed candidates receive calls)**. The calls to the interviewed candidates not selected should be short and very polite. Tell them the committee and the VP, if applicable, found them interesting and skillful, but unfortunately, we have found a candidate who better meets our needs.

Do NOT tell them why they were not selected. Do not try to soften the blow by explaining the idiosyncrasies of the VP, or the weird hiring rules... Simply remind them they were good enough to make it to the final round, we really appreciate their interest in the college, and we have decided to hire another candidate because "they more closely meet our needs, are better qualified". Do not allow the candidates to "force" you into telling them more. Hold your ground. It may seem cruel, but the reality is there is nothing you can say that will make them feel better... and a whole lot you can say that will make them feel worse (or even open the college up to a discrimination suit or other appeal.) So be sympathetic and brief.

Before the dean or manager calls the candidate of choice, s/he will calculate the salary offer and check it with the VP. The phone call to this candidate starts with an offer of a position. We tell her/him we are excited about them coming to work here. Then we ask if there are any questions. The best outcome

from this phone call is the candidate accepts the post. Other likely outcomes are the candidate will ask for more time, will ask for housing and other information – and occasionally, will turn down the post. If this happens, the VP will select a second candidate or, failing that, the position will remain open until it is reposted.

FINAL STEPS

After the candidate has accepted the position – or we determine no candidate is suitable, the work of the Search committee is nearly over. The Chair of the committee must now move the hired candidate from the Interview folder to the Hired folder in the Interview Exchange system. If any minority or other special group candidates were interviewed and not hired, the search committee chair must provide the reason the minority candidate was not hired in the notes section of that candidate's file. It is sufficient to say "Hired candidate had skills and experience better matching our needs".

Hiring dean/manager notifies HR of candidate's acceptance of offer. After the recommendation has been made and the applicant has accepted the job the following needs to be added to the note section of the applicant's Interview Exchange file.

- a) Approval of the recommendation.
- b) Start Date
- c) Salary information
- d) Work schedule (days of the week & start/end time)

In addition, the hiring manager must complete the online Account Application form via NECC Self-Service https://ssb.necc.mass.edu:9030/pls/PROD/twbkwbis.P_ValLogin to request Banner, email, and other necessary accounts for the new employee.

As the last task, the committee chair should thank all the committee members for their hard work and commitment to hiring the best colleague. Without their efforts, none of this would be possible.

**Massachusetts Commission against Discrimination (MCAD)
Pre-Employment Inquiries Fact Sheet**

Massachusetts law guarantees that no person shall be denied the right to work because of his or her race, color, religion, national origin, sex, sexual orientation, age (over 40), criminal record, or mental or physical handicap/disability. In order to comply with this law, an employer should generally not ask on a job application or during an interview any question that:

- identifies a person as being within a protected category;
- results in the screening out of members in a protected category; or
- is not a valid basis for predicting successful job performance.

Employers with fewer than six employees are not subject to this law.

Non-profit clubs, associations or corporations which are exclusively social are also not subject to this law.

As a general rule, an employer may seek information which is directly related to the applicant’s ability to perform the job for which he or she is applying. The following chart compares questions that may appropriately be asked on employment application forms or during employment interviews with questions that should not be asked.

| TOPIC | EMPLOYER MAY ASK | EMPLOYER MAY <u>NOT</u> ASK |
|------------------------------|--|---|
| Age | Are you under 18? Questions about age may be allowed if necessary to satisfy provisions of a state or federal law (for example, certain public safety positions have age limits for hiring and retiring). | When were you born? How old are you? Are you over 40? What is your date of birth? |
| National Origin/ Ancestry | Are you legally authorized to work in the United States? | Where were you born? Where is (are) your parents/spouse from? What is the origin of your name? <i>An employer may not ask the language, national origin, ancestry or ethnicity of an applicant, his/her parents or spouse.</i> |
| Race/Color | No questions (except for affirmative action purposes only) | What is your race? color? <i>An employer may not ask for a photograph to accompany an application</i> |
| Religious Creed | No questions | To what religious denomination, church or synagogue do you belong (or any related organizations)? What are your religious obligations? What religious holidays do you observe? Do you go to church/temple regularly? |

| | | |
|-------------------------|---|--|
| Sex (Gender) | Generally, no questions. However, questions regarding gender may be permissible if they relate to a legitimate requirement for a particular position (for example, the sex of an applicant for an acting role of a female character, or a prison guard, who performs strip searches). | What is your maiden name? (or any question that pertains to only one sex). Do you have/plan to have children? Do you have child care arrangements? <i>No questions may be asked of only one sex.</i> |
| Sexual Orientation | No question. | Are you gay/lesbian/bisexual/heterosexual? Why aren't you married? Are you engaged? Do you plan on getting married? <i>Questions about relationships or living arrangements.</i> |
| Handicap/ Disability | <p>Can you perform any or all of these specific job functions?</p> <p>Please describe or demonstrate how you would perform a specific task. (This request should be asked all applicants unless there is an obvious disability or voluntarily disclosed hidden disability related to a job function. The employer may need to provide reasonable accommodation for the demonstration).</p> <p>Can you meet the attendance requirements?</p> <p>What was your attendance record at your prior place of employment?</p> <p><i>An employer may invite applicants to voluntarily disclose their disability for purposes of assisting the employer in its affirmative action efforts. An employer should make it clear that information will be used solely in connection with its affirmative action efforts, will be kept confidential, and that non-disclosure will not subject the applicant to adverse treatment.</i></p> | <p>Do you have a handicap/disability? Do you have any job-related handicaps/limitations that would prevent you from doing the job? Have you ever received Workers' Compensation? Have you ever been hospitalized/treated for medical or mental conditions? Have you ever been addicted to illegal drugs or treated for drug abuse/alcoholism? Have you ever been absent from work due to illness? Do you have AIDS?</p> <p><i>No application for employment shall contain any questions or requests for information regarding the admission of an applicant, on one or more occasions, voluntarily or involuntarily, to any public or private facility for the care and treatment of mentally ill persons, provided that such applicant has been discharged from such a public or private facility or facilities and is no longer under treatment directly related to such admission.</i></p> <p><i>An employer may not inquire as to the nature, severity, treatment, or prognosis of an obvious disability or of a hidden disability voluntarily disclosed by the applicant.</i></p> |

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| <p>Criminal Record</p> | <p>Employers may ask the following series of questions:</p> <ol style="list-style-type: none"> 1. Have you ever been convicted of a felony? 2. Have you ever been convicted of a misdemeanor within the past 5 years (other than a first conviction for any of the following misdemeanors; drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? 3. Have you ever completed a period of incarceration within the past 5 years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? 4. If the answer to question number 3 above is "yes" please state whether you were convicted <u>more than 5 years ago</u> for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace). <p><i>Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law.</i></p> <p><i>Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L.c.276 §100A.</i></p> | <p>It is unlawful for an employer to make any inquiry of an applicant or employee regarding:</p> <ol style="list-style-type: none"> 1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted. 2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations (moving traffic violations other than reckless driving, driving to endanger and motor vehicle homicide), affray or disturbance of the peace. 3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting there from, whichever date is later, occurred 5 or more years prior to the date of inquiry, unless such a person has been convicted of any offense within 5 years immediately preceding the date of the inquiry. <p><i>No person shall be held under any provision of law to be guilty of perjury or of otherwise giving a false statement by reason of his/her failure to recite or acknowledge such information as he/she has a right to withhold by 804 C.M.R.3.02.</i></p> |
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| <p>Education/ Experience/ References/ Organizations</p> | <p>What school, college or vocational program did you attend? Did you graduate? What is your work experience? Do you have any references?</p> <p>Inquiry into the work experience shall also contain a statement that the applicant may include in such history any verified work performed on a volunteer basis.</p> | <p>Questions about education or work experience designed to determine an applicant's age.</p> <p>Inquiry into the organizations which the applicant for employment is a member, the nature, name or character of which would likely disclose the applicant's protected class status.</p> |
| <p>Military Experience</p> | <p>Are you a U.S. Veteran? What is your U.S. military service history?</p> | <p>Are you receiving a service-connected disability pension?</p> <p>What is your foreign military service history? What was the nature of your discharge?</p> |
| <p>Medical Examinations</p> | <p>Once an offer of employment has been made, an employer may condition that offer on the results of medical examination conducted solely for the purpose of determining whether the employee, with or without reasonable accommodation, is capable of performing the essential functions of the job.</p> | <p>An employer may not ask an applicant to take a medical examination prior to making an offer of employment to that applicant.</p> |
| <p>Lie Detector Test</p> | <p>No questions</p> | <p>It is unlawful to require or administer a lie detector test as a condition of employment or continued employment</p> |

Of course, there are other questions not listed above that could be construed as attempting to elicit information for the purpose of discrimination on the basis of a protected category. If you require further information about the legality of certain pre-employment inquiries, refer to the Director of Human Resources, Justine Caron, at ext. 3956.

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