

# **KEY POINTS OF CONSIDERATION & SAMPLES OF CRITERIA / QUESTIONS**

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## **ALL HIRING CLASSIFICATIONS**

These samples are to aid the committee in the establishment of criteria and questions. They are meant to be a guide to assist in the process.

# California Department of Fair Employment & Housing Fact Sheet

## EMPLOYMENT INQUIRIES

### WHAT CAN EMPLOYERS ASK APPLICANTS AND EMPLOYEES?

The Department of Fair Employment and Housing has developed this guide to provide employers with guidance relating to inquiries that can be made to applicants and employees.

The California Fair Employment and Housing Act (FEHA) prohibits any non-job-related inquiries of applicants or employees, either verbally or through the use of an application form, that express, directly or indirectly a limitation, specification or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, or any intent to make such a limitation, specification, or discrimination.

The regulations of Fair Employment and Housing Commission indicate that inquiries that, directly or indirectly, identify an individual on a basis enumerated in the Act are **unlawful**. However, it is not unlawful for an employer to collect applicant flow data and other record keeping data for statistical purposes. Misuse of this data constitutes a violation of the Fair Employment and Housing Act.

#### APPLICANTS

The FEHA also prohibits an employer from requiring any medical or psychological examination or inquiry of any applicant or to make any inquiry whether an applicant has a mental or physical disability or medical condition. It is also unlawful to make an inquiry regarding the nature and severity of a mental or physical disability or medical condition. However, an employer may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request for reasonable accommodation.

Once an employment offer has been made to an applicant, but prior to the commencement of employment duties, an employer may require a medical or psychological examination provided that:

- the examination or inquiry is job-related and consistent with business necessity and;
- that all entering employees in the same job classification are subject to the same examination or inquiry.

#### EMPLOYEES

An employer may not require any medical or psychological examination or make any inquiry of an employee, or inquire whether an employee has a mental or physical disability or medical condition or inquire into the severity of the disability or condition.

However, an employer may require any medical or psychological examination or make inquiries that it can show are job-related and consistent with business necessity. An employer may conduct voluntary medical examinations, including medical histories, which are part of an employee health program available to the employee at the work site.

The Employment Inquiries table is a guide and is not intended to be an exhaustive list of all acceptable and unacceptable inquiries. Those questions considered unacceptable are likely to limit the employment opportunities of persons protected by the Fair Employment and Housing Act.

A medical/psychological examination/inquiry may be made as long as the examination/inquiry is job-related and consistent with business necessity and all applicants for the same job classification are subject to the same examination/inquiry.	<b>MENTAL/PHYSICAL DISABILITY, MEDICAL CONDITION (POST-OFFER/PRE-EMPLOYMENT)</b>	<ul style="list-style-type: none"> <li>Any inquiry into the applicant's general health, medical condition, or physical/mental disability, if not job-related and consistent with business necessity.</li> </ul>
A medical/psychological examination/inquiry may be made as long as the examination is job-related and consistent with business necessity.	<b>MENTAL/PHYSICAL DISABILITY, MEDICAL CONDITION (EMPLOYEES)</b>	<ul style="list-style-type: none"> <li>Any inquiry into the employee's general health, medical condition, or mental/physical disability, if not job-related and consistent with business necessity.</li> </ul>
Job-related questions about convictions, except those convictions which have been sealed, or expunged, or statutorily eradicated.	<b>ARREST, CRIMINAL RECORD</b>	<ul style="list-style-type: none"> <li>General questions regarding arrest record.</li> </ul>
Questions regarding relevant skills acquired during U.S. military service.	<b>MILITARY SERVICE</b>	<ul style="list-style-type: none"> <li>General questions regarding military service such as dates/type of discharge.</li> <li>Questions regarding service in a foreign military.</li> </ul>
Requesting lists of job-related organizations, clubs or professional societies omitting indications of protected bases.	<b>ORGANIZATIONS, ACTIVITIES</b>	<ul style="list-style-type: none"> <li>General questions regarding organizations, clubs, societies and lodges.</li> </ul>
Name of persons willing to provide professional and/or character references for applicant.	<b>REFERENCES</b>	<ul style="list-style-type: none"> <li>Questions of applicant's former employers or acquaintances which elicit information specifying applicant's race, etc.</li> </ul>
Name and address of person to be notified in case of accident or emergency.	<b>NOTICE IN CASE OF EMERGENCY</b>	<ul style="list-style-type: none"> <li>Name, address, and relationship of relative to be notified in case of accident or emergency.</li> </ul>

**NOTE: Any inquiry, even though neutral on its face, which has an adverse impact on persons on a basis enumerated in the Fair Employment and Housing Act, is permissible only if it is sufficiently related to an essential job function to warrant its use.**

For more information, contact the Department  
toll free at: **(800) 884-1684**

TTY Number: **(800) 700-2320**

or visit our Web site at: [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

This publication can be made available in Braille, large print, computer disk, and tape cassette.

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# CRITERIA

**DIRECTIONS:** Assign value 0 to 3 to each criterion as it pertains to the applicant's experiences and total each individually on your screening matrix.

In this example 15 points would be the highest total obtained; 5 questions with a highest rating of 3 on each criteria.

- 0 – No background
- 1 – Limited background
- 2 – Adequate background
- 3 – Excellent background

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CRITERIA FOR: \_\_\_\_\_ {Position}

1. **Work Experience:** Depth and breadth of experience in a closely related area  
Note: What duties of the available position are the top priorities to the support of department? How much experience does the applicant have in those duties? Recent experience in a large institution, public service agency, or educational setting is preferred. Does the applicant have this experience? Look at what the individual has done in the past. Past performance is a good indicator of future performance.
2. **Technical Experience:** Experience using computers, information systems related to the hiring department.  
Note: Such as databases, integrated computer systems (i.e., Microsoft Word, Excel, Banner, etc) other word processing, and spreadsheet software.
3. **Written Communication Skills:** Look at the quality of the paper work submitted to see whether it presents good written communication skills, ability to follow instructions, attention to detail, relate experience to this job, good organizational skills.  
Note: Does the applicant mention any other written communication skills? Are they directly applicable to the position to which this recruitment pertains?
4. **Up-to-date Knowledge:** Maintains currency in details pertaining to this job (if applicable: regulations, state laws, updated training).  
Note: Look for evidence of continuing education, professional development in related workshops, and membership in professional organizations
5. **Competence in Interpersonal Skills:** Look for evidence of experience dealing with various personality types and various groups of individuals (i.e. students, faculty, administrators, supervisors, co-workers); experience dealing with various outside contacts (i.e. agencies, groups, general public, organizations, etc.); teamwork, giving presentations, participation in meetings, delegation, leadership; customer service orientation.

- Clerical Duties
- Customer Service
- Team Player

# SAMPLE

## QUESTIONS – GENERAL (3 Pages)

- A. KNOWLEDGE & WORK EXPERIENCE:** *TELL US IN DETAIL ABOUT*  
1. ~~Please take up to 5 minutes to highlight your background including education, training, and work experience that qualifies you for this position. *IN DETAIL.*~~

**Key Pts to Consider:** Depth and breadth of experience in a closely related area (i.e., answering phones and customer service are closely related). Look at what the individual has done in the past. Past performance is a good indicator of future performance.

**B. TECHNICAL EXPERIENCE:**

1. Please tell us about your technical experience in using computers, databases, integrated computer systems, word processing and spreadsheets. ~~Include examples of the type of work you perform and frequency of use.~~ *Please elaborate*

**Key Pts to Consider:** Look at experience using computers, databases, integrated computer systems (Microsoft Word, Excel, Banner, PeopleSoft, etc.) other word processing, and spreadsheet software.

**C. ORAL/Written COMMUNICATION SKILLS:**

1. Describe a time when you were particularly successful making a large or small presentation?

**Key Pts to Consider:** The interviewer is looking for evidence that you are comfortable at presenting to others. They may also ask about your preparation before presentations and the general response that those presentations received. A good candidate will always be striving to improve his or her communication skills.

**D. ATTENTION TO DETAIL:**

1. Tell me about a time when you were given an assignment, but you were not clear of how to go about it. How did you tackle this situation?

**Key Pts to Consider:** Job seeker should know whom to deal with to get the relevant information, how to assess the details of the project and decide what he/she is supposed to do.

**E. FLEXIBILITY AND ADAPTABILITY:**

1. Describe a work situation when you had to reconsider how to interact or behave because you weren't getting the results you needed.

**Key Pts to Consider:** With all the changes that take place in the workplace, candidates should be able to give you concrete examples of times when they had to be flexible. Asking the candidate the follow up question "How did you feel about that?" is an important way to assess the candidate's underlying assumptions about changes. Do they enjoy change or do they like things to remain the same? Look for a picture to emerge about how the candidate views change.

# SAMPLE

**K. DECISION-MAKING ABILITY:**

1. You have a project or an assignment that has a deadline that is fast approaching and you don't have all of the information you need to complete it. What do you do? Take us through the steps as to your plan of action.
2. Follow up: How do you think you could have avoided this type of last minute situation?

**Key Pts to Consider:** This question is used to assess your ability to think independently. A good response will show your resourcefulness in arriving at a decision despite a lack of information. You should focus more on how you arrived at the decision, than the decision itself.

**L. PROBLEM-SOLVING ABILITY:**

1. Give an example of a time when a work project you were responsible for was not going to be completed on time. What did you do?

**Key Pts to Consider:** Applicant should have the ability to problem solve, handle competing priorities, be able to multi-task and have the ability to effectively process and re-organize to ensure a successful conclusion.

**M. TEAMWORK/INTERPERSONAL SKILLS:**

1. Describe a recent teamwork experience. How did you relate to the people who you found to be the most challenging.

**Key Pts to Consider:** The interviewer will be comparing the experience you describe with that of their own work environment. They will be looking at how you interacted with your co workers in the example provided and whether you would have similar interactions within their company.

**N. EDUCATION & TRAINING:**

1. Tell us how you have kept current with the ever changing technology as it relates to this position? Other related topics?

**Key Pts to Consider:** Maintains currency and ensures compliance with a variety of computer software, takes training seminars and classes in related fields, is the applicant pursuing further academic education?

**O. EVIDENCE OF SENSITIVITY TO DIVERSITY:**

1. Describe a past experience where your knowledge and past experiences working or interacting with groups or individuals from backgrounds different from your own enabled you to resolve a problem, conflict or misunderstanding?

**Key Pts to Consider:** Is the applicant sensitive to the diverse needs of others and how did they explain their approach to the situation?

**SAMPLE**

## DIVERSITY QUESTIONS

FROM SCCCD ERC 9/21/07 WORKSHOP - FROM MODEL PLAN TO YOUR PLAN:  
DEVELOPING COMPLIANT EEO PLANS THAT WORK

### General questions:

1. Give us an example of how you've adapted your instruction to deal with these students?
2. What challenges have you faced in incorporating diversity into your instruction and how have you overcome them?
3. How do the assigned text and readings reflect diversity?
4. Please describe a scenario you would use in your instruction to address stereotyping.
5. What is your professional experience with diverse backgrounds?
6. Please describe a classroom situation about stereotypes; what would you do differently?
7. Here at AVC College we have a diverse community, student, and staff population. What techniques and skills do you use to effectively communicate with students and staff of diverse economic, socioeconomic, cultural, and ethnic backgrounds?
8. Please give a detailed example of how you have adapted your teaching style to meet the needs of a diverse student population.
9. AVC students come from a diverse population of ages, cultures and backgrounds. Give an example about the most challenging student you have experienced teaching who was from a diverse cultural, socioeconomic or ethnic background.
10. How were you personally challenged by this interaction and what would you have changed, if anything? (follow up to 11. above)
11. What techniques and skills do you use to communicate to diverse student populations?

# SAMPLE

Add "Key Points to Consider" below questions to guide committee members in what exactly you may be looking for from the question presented. See the "Sample Behavioral Questions and Key Points to Consider" pages provided in this packet, for examples.