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HIRING MANAGER TOP 10 LIST -- WAYS TO STAY OUT OF COURT

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1. **Before** beginning to consider candidates, decide on the process that will be followed in filling the position and stick to it.
2. Find out whether a process already exists that applies to your situation. If it does, either follow it or, if you want to go about the process in a different way, then confer with HR about the changes you want to make and obtain management approval **in advance**.
3. If a process does not exist already, consult with HR to decide on the process that will be used in your situation.

Note: Managers in other companies who failed to decide at the outset on a process to be followed or failed to follow existing processes have faced accusations in court that their conduct was undertaken to violate applicable hiring laws. To avoid accusations such as these, it is important that you determine whether a process exists, follow it if it does or get authorized approval in advance to make changes.

4. **Before** screening resumes, review and if necessary update the job description of the position in question to ensure that any requirements of the job that might be grounds to reject or select candidates are reflected.
5. Be sure that **all** the candidates you consider have satisfied **all** requirements for being considered (e.g., timely submission of a resume, etc.)
6. To assist the company in complying with federal recordkeeping requirements, make sure that a record is made and submitted to HR of **all** individuals you consider for the position (even to initially screen out a resume). Likewise, retain and submit to HR interview notes and other records made during the process.

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7. Treat all friends, relatives and others who are recommended for your consideration strictly in accordance with the selection process – no better; no worse.
8. Apply the criteria you use to screen candidates to **all** candidates consistently. For example, if you screen out one candidate because he or she does not have mechanical experience, then ordinarily other similarly qualified candidates without mechanical experience should be screened out unless other job-related circumstances warrant different treatment.
9. There are many questions that by law cannot or should not be asked. Do **not** ask them. See the attached checklist.
10. Use the company's established reference/background checking procedures to obtain information about candidates. Do **not** talk informally or "off-the-record" with friends, relatives or others you know to get information about candidates. While these efforts may be well-meaning, they can subject you, the company and those with whom you talk to civil and, in some cases, even criminal liability.