ROLES & RESPONSIBILITIES OF THE SCREENING COMMITTEE

GOAL: Selection of the qualified applicant who best meets the needs of the District

Identify Screening Criteria

- Review the position announcement
- If identified on the position announcement, include extent to which applicants have and demonstrate a sensitivity to diversity
- Agree on screening criteria evaluation "tool"
- Ensure that criteria can be paper screened
- Every committee member must screen

Screen Applications

- Be consistent
- Use screening as a guide to select interviews

Schedule

- Screening dates
- Meeting date(s) to select applicants for interview
- Interview dates
- Reference checking, if applicable
- Meeting date to recommend finalists (could follow last interview)

Develop job-Related Questions

- Review position requirements/responsibilities
- Decide what you want to know, why you want to know it and what would constitute an acceptable response
- Have a variety of questions -- basic information/knowledge, situational, how-to, etc.
- Incorporate diversity inquiries throughout the questions and/or include a specific question regarding diversity
- Determine whether to include a demonstration and/or a written exercise
- Develop interview evaluation form

Interview

- Be clear and consistent
- Ask only job-related follow-up questions that focus on the intent of the question or appropriate information in the initial response
- Use interview and screening information to select finalists
- Do not discuss candidates between interviews

Determine Finalists

- Consider all information about the candidates
- Check references

Maintain confidentiality throughout the process and after. DO NOT share personal opinions of applicants and candidates with the Committee.
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.
<table>
<thead>
<tr>
<th>ACCEPTABLE</th>
<th>SUBJECT</th>
<th>UNACCEPTABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>NAME</td>
<td>• Maiden name</td>
</tr>
<tr>
<td>Place of residence</td>
<td>RESIDENCE</td>
<td>• Questions regarding owning or leasing.</td>
</tr>
<tr>
<td>Statements that hire is subject to verification that applicants meet legal age requirements.</td>
<td>AGE</td>
<td>• Age</td>
</tr>
<tr>
<td>• Birth date</td>
<td></td>
<td>• Date of attendance/completion of school</td>
</tr>
<tr>
<td>• Questions which tend to identify applicants over 40</td>
<td></td>
<td>• Birthplace of applicant or applicant’s parents, spouse or other relatives.</td>
</tr>
<tr>
<td>Statements/inquiries regarding verification of legal right to work in the United States.</td>
<td>BIRTHPLACE,</td>
<td>• Requirements that applicant produce naturalization or alien card prior to employment.</td>
</tr>
<tr>
<td>CITIZENSHIP</td>
<td></td>
<td>• Questions as to nationality, lineage, ancestry, national origin, descent or parentage of applicant, applicant’s spouse, parent or relative.</td>
</tr>
<tr>
<td>Languages applicant reads, speaks or writes if use of language other than English is relevant to the job for which applicant is applying.</td>
<td>NATIONAL ORIGIN</td>
<td>• Questions regarding applicant’s religion.</td>
</tr>
<tr>
<td>• Religious days observed.</td>
<td></td>
<td>• Religious days observed.</td>
</tr>
<tr>
<td>Statement by employer of regular days, hours, or shifts to be worked.</td>
<td>RELIGION</td>
<td>• Questions to indicate applicant’s sex, marital status, number/ages of children or dependents.</td>
</tr>
<tr>
<td>Name and address of parent or guardian if applicant is a minor.</td>
<td>SEX,</td>
<td>• Questions regarding pregnancy, child birth, or birth control</td>
</tr>
<tr>
<td>Statement of company policy regarding work assignment of employees who are related.</td>
<td>MARITAL STATUS,</td>
<td>• Name/address of relative, spouse or children of adult applicant.</td>
</tr>
<tr>
<td>FAMILY</td>
<td></td>
<td>• Questions to applicant’s race, color, or sexual orientation.</td>
</tr>
<tr>
<td>• Questions regarding applicant’s complexion, color of eyes, hair or sexual orientation.</td>
<td>RACE, COLOR,</td>
<td>• Questions as to employer’s height/weight.</td>
</tr>
<tr>
<td>SEX, MARITAL STATUS, FAMILY</td>
<td>SEXUAL ORIENTATION</td>
<td>• Requiring applicant to affix a photograph to application or submit one at his/her option.</td>
</tr>
<tr>
<td>• Questions as to employer’s height/weight.</td>
<td></td>
<td>• Require a photograph after interview but before employment.</td>
</tr>
<tr>
<td>• Any report which would indicate information which is otherwise illegal to ask, e.g., marital status, age, residency, etc.</td>
<td>CREDIT REPORT</td>
<td>• Any inquiry into the applicant’s general health, medical condition, or mental/physical disability.</td>
</tr>
<tr>
<td>Statement that a photograph may be required after employment.</td>
<td>PHYSICAL</td>
<td>• Requiring a psychological/medical examination of any applicant.</td>
</tr>
<tr>
<td>DESCRIPTION, PHOTOGRAPHS, FINGERPRINTS</td>
<td></td>
<td>• Questions as to applicant’s height/weight.</td>
</tr>
<tr>
<td>Employer may inquire if applicant can perform job-related functions.</td>
<td>MENTAL/PHYSICAL</td>
<td>• Requiring applicant to affix a photograph to application or submit one at his/her option.</td>
</tr>
<tr>
<td>Statement that employment offer may be made contingent upon passing a job-related mental/physical examination.</td>
<td>DISABILITY, MENTAL CONDITION (APPLICANTS)</td>
<td>• Require a photograph after interview but before employment.</td>
</tr>
<tr>
<td>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.</td>
<td>MENTAL/PHYSICAL DISABILITY, MEDICAL CONDITION (POST-OFFER/PRE-EMPLOYMENT)</td>
<td>Any inquiry into the applicant's general health, medical condition, or physical/mental disability, if not job-related and consistent with business necessity.</td>
</tr>
<tr>
<td>A medical/psychological examination/inquiry may be made as long as the examination is job-related and consistent with business necessity.</td>
<td>MENTAL/PHYSICAL DISABILITY, MEDICAL CONDITION (EMPLOYEES)</td>
<td>Any inquiry into the employee's general health, medical condition, or mental/physical disability, if not job-related and consistent with business necessity.</td>
</tr>
<tr>
<td>Job-related questions about convictions, except those convictions which have been sealed, or expunged, or statutorily eradicated.</td>
<td>ARREST, CRIMINAL RECORD</td>
<td>General questions regarding arrest record.</td>
</tr>
<tr>
<td>Questions regarding relevant skills acquired during U.S. military service.</td>
<td>MILITARY SERVICE</td>
<td>General questions regarding military service such as dates/type of discharge, questions regarding service in a foreign military.</td>
</tr>
<tr>
<td>Requesting lists of job-related organizations, clubs or professional societies omitting indications of protected bases.</td>
<td>ORGANIZATIONS, ACTIVITIES</td>
<td>General questions regarding organizations, clubs, societies and lodges.</td>
</tr>
<tr>
<td>Name of persons willing to provide professional and/or character references for applicant.</td>
<td>REFERENCES</td>
<td>Questions of applicant's former employers or acquaintances which elicit information specifying applicant's race, etc.</td>
</tr>
<tr>
<td>Name and address of person to be notified in case of accident or emergency.</td>
<td>NOTICE IN CASE OF EMERGENCY</td>
<td>Name, address, and relationship of relative to be notified in case of accident or emergency.</td>
</tr>
</tbody>
</table>

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

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EXCERPTS FROM CALIFORNIA CODE OF REGULATIONS (CCR)

TITLE V

Section 53021 - Recruitment

Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all new openings. This shall include outreach designed to ensure that all persons, including persons from monitored groups, are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all new full-time and part-time openings in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry and posting job announcements with the Registry. Recruitment for part-time faculty positions may be conducted separately for each new opening or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.

Section 53022 – Job Announcements & Qualifications

Job announcements shall state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For faculty and administrative positions, job requirements shall include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. Job specifications, including any “required,” “desired” or “preferred” qualifications beyond the state minimum qualifications (set forth in subchapter 4, commencing with section 53400 of this chapter) which the district wishes to utilize, shall be reviewed before the position is announced, to ensure conformity with the requirements of this subchapter and state and federal nondiscrimination laws.
Section 53023 — Applicant Pool

The application for employment shall afford each applicant an opportunity to voluntarily identify his or her gender, ethnic group identification and, if applicable, his or her disability. This information shall be kept confidential and shall be used only in research, validation, monitoring, evaluating the effectiveness of the district's equal employment opportunity program, or any other purpose specifically authorized in this subchapter, or by any applicable statute or regulation.

(b) After the application deadline has passed, the composition of the initial applicant pool shall be analyzed to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary, the application deadline shall be extended and additional recruitment shall be conducted that eliminates discriminatory recruitment procedures and ensures that recruitment efforts provide a full and fair opportunity for participation to a wide diversity of potential applicants. When recruitment efforts have offered an opportunity for participation to a wide diversity of potential applicants or further recruitment efforts would be futile, applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement.

Section 53024 — Screening or Selection Procedures

All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

(1) Provided to the Chancellor upon request;

(2) Designed to ensure that for faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

(3) Based solely on job-related criteria; and

(4) Designed to avoid an adverse impact, as defined in section 53001(a), and monitored by means consistent with this section to detect and address any adverse impact which does occur for any monitored group.

(b) If monitoring pursuant to subsection (a)(4) reveals that any selection technique or procedure has adversely impacted any such group, the chief executive officer or his/her designee shall suspend the selection process and
timely and effective steps shall be taken to remedy the problem before the selection process resumes. The equal employment opportunity officer, or other official charged with responsibility for monitoring selection procedures, may assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed. If adverse impact results from locally established qualifications beyond state minimum qualifications that have not been verified as described in section 53023(c)(2) or replaced with suitable alternatives having a lesser adverse impact, the use of such qualifications shall be immediately discontinued and any applicant eliminated on the basis of that qualification shall be continued in the hiring process. Where necessary, the position may be re-opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

(c) A district may not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identification, race, color, national origin, religion, age, gender, disability, ancestry or sexual orientation, or engage in any other practice which would result in discriminatory or preferential treatment prohibited by state or federal law. Nor may a district apply the district's equal employment opportunity plan in a rigid manner which has the purpose or effect of so discriminating.

(d) Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of section 53022.

(e) Selection testing for employees shall follow procedures as outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."

(f) Whenever possible, screening committees shall include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications.

(g) Notwithstanding any other provision of this division, the governing board or its designee shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and to order further review by the screening committee or to reopen the position where necessary to further achievement of the objectives of the equal employment opportunity plan or to ensure equal employment opportunity. However, a consistent pattern of not hiring qualified candidates from a monitored group who are recommended by screening committees may give