

4.1: Hiring

Learning Objectives

1. Locate ethical tensions affecting the breadth of a hiring search.
2. Define applicant screening and mark its ethical boundaries.
3. Define applicant testing and consider what makes an appropriate test.
4. Draw the lines of an ethical interview process.

Help Wanted, but from Whom?

The Central Intelligence Agency's hiring practices are widely known and well depicted in the movie *The Recruit*. After discretely scouting the special capabilities of a young bartender played by Colin Ferrell, Al Pacino catches him at work, orders a drink, carries on a one-sided and cryptic conversation, performs a magic trick with a ripped newspaper, announces that "things are never quite as they appear," and finally admits that he's actually a job recruiter.

Ferrell seems annoyed by the man's presence.

Pacino returns to the newspaper, pulls out a page covered by an ad announcing "Two Day Specials." He circles the letters *c*, *i*, and *a* in "Specials" and walks out. Colin Ferrell follows. R. Donaldson (director), *The Recruit* (Burbank, CA: Touchstone Pictures, 2003), film.

Actually, that's not true. The CIA doesn't hire that way. They advertise on CareerBuilder just like any other company. You can understand, though, why they wouldn't mind scouting out their applicants even before allowing people to apply; they don't want to end up hiring double agents.

Something like that happened soon after Procter & Gamble grew jealous of a competitor's hair-care products. Salon Selectives, Finesse, and Thermasilk were all doing so well for Unilever that P&G contracted people to get hired over at Unilever and bring back secrets of their success. The corporate espionage—which P&G executives characterized as a "rogue operation"—led to a multimillion-dollar settlement between the companies and left behind the lesson that when you're the boss and you're hiring, you've got to make sure that the people you bring in will be loyal to the company. "Fortune: P&G Admits Spying on Hair Competitors," *Business Courier*, August 30, 2001, accessed May 24, 2011, <http://cincinnati.bizjournals.com/cincinnati/stories/2001/08/27/daily43.html>.

The problem is you've also got to make sure that they're going to do good work, the best work possible.

Between the two requirements there's a tension stretching through every decision to hire a new worker. On one side, you want to limit the people you even consider to those few who, for one reason or another, you know won't be a total disaster. On the other side, no company can survive playing it safe all the time; generally, the corporations able to hire the best talent will win over the long run. And one way to get the best talent is to cast as large a net as possible, let a maximum number know that a position is available, and work through the applications carefully no matter how many pour in.

Conclusion. Hiring employees can be safe or risky depending on how broadly you announce a job opening.

Three Strategies for Announcing a Job Opening: Nepotism, Internal Public Announcement, Mass Public Announcement

Start on the safe side of hiring. **Nepotism** is granting favored status to family members. In the case of hiring, it means circulating information about open jobs only to your relatives. Naturally this happens at many small businesses. A sales representative at a small firm importing auto accessories meets a woman at work. She's also a rep. Marriage follows. A year later he decides to quit his job and strike out on his own with a new website project that reviews and sells the same kind of car products. Things go well, page hits climb, sales increase, and soon he needs help so he hires...his wife. They've worked together before, and they both know the field. Most important, the risk is minimal. Since he's waking up with her in the morning he can figure she's not going to skip out on work just because it's a nice spring day. And is she going to steal office supplies? A little money from the payroll? An important client? Probably not. This is a case where nepotism makes sense.

But what about the other way? What if the husband's solo venture flops, and at the same time, his wife's career flourishes. Now he needs a job, and she's got the power to hire. A job opens up. Probably, she's got junior staff ready for the post, but can she push

them aside and bring her husband in?

There is some justification: she's worked with him before, and she knows he performs well. Plus, as a boss of his own (failed) business, he's obviously got leadership experience and he has demonstrated initiative. All that counts for something. But if she goes with him she's going to breed resentment in her group. You can hear it:

"Hey, what do you need to get a promotion around here?"

"A last name."

And

Now you might be asking why nepotism bugs me so much. It's the presumption. It's the attitude. It's just one more example of how life isn't fair. Am I jealous? I don't know. I guess I take advantage of the company in other ways...LOL. What can I learn from this? That life is good if you're born into the right family? That I need to control my attitude and stop letting petty crap drive me to drink? Marti's Musings, "Nepotism Sucks," August 30, 2004, accessed May 24, 2011, businessethicsworkshop.com/Chapter_8/Nepotism_sucks.html.

That last paragraph comes from a blog entry titled "Nepotism Sucks." It does for his company too: few firms can be successful with employees musing about how they "take advantage of the company" while they're punctuating comments about their work with LOL. As for the central issue, he's right. Basic fairness isn't being honored: people are getting considered for a job because of who they're related to, and it's not this blogger's fault that his last name is wrong.

On the other hand, "Is Nepotism So Bad?" titles an article on Forbes.com that compiles a list of large companies—including *Forbes*—where nepotism has been the norm...and successful. According to the article, experts estimate that executive-level nepotism works out about 40 percent of the time. What are the advantages to bringing in your own? Familiarity with the business and trust are noted. Another advantage is also underlined: frequently, relatives don't want to let their own relatives down. Sons work harder for fathers, cousins for cousins, brothers for sisters. There's a productivity advantage in nepotism. Arguably, that factor weighs more heavily than the bitterness arising when deserving workers already employed don't get a chance to apply for a job because it already went to the boss's sister-in-law. Klaus Kneale, "Is Nepotism So Bad?," *Forbes*, June 20, 2009, accessed May 24, 2011, <http://www.forbes.com/2009/06/19/ceo-executive-hiring-ceonewtork-leadership-nepotism.html>.

Finally, at least theoretically, there's a creative solution to the bitterness caused by nepotism: make virtually every post a nepotism-first position. Oil-Dri, a producer of absorbent materials, celebrated its fiftieth anniversary with a party for all employees. "Would everyone," the group was asked at one point, "who is related to someone else in the company please stand up?" Of the seven hundred employees, about five hundred left their seats.

Internal public job announcements occupy a middle spot on the continuum between playing it safe (only letting selected people you're *certain* will be loyal and at least moderately capable know when a job is available) and going for the best talent (broadcasting the post as broadly as possible and accepting applications from anyone).

An example of an internal public job announcement comes from the *National Review*, a political magazine and website run by the kind of people who wear suits and ties to baseball games. Their blog is called *The Corner*, and the magazine's editors fill it with thoughts and arguments about the day's political debates in Washington, DC. There's also a bit of insider humor, provocation, and satire tossed back and forth between posters. If you keep reading for a few weeks, you'll start to sense an intellectual soap opera developing along with the libertarian-conservative politics; there's an undercurrent of shifting alliances, snarkiness, and thoughtful jabs.

You'll also notice that *National Review* places job announcements on *The Corner* blog. There aren't a lot of openings, but every couple of weeks a little announcement appears between posts.

The National Review Online is seeking an editor with web capabilities. Send applications to ____@nationalreview.com.

It's pretty ingenious. The *only* people who are going to be reading *The Corner* are

- *sincerely* interested in the wonkish subjects these guys publish about;
- not out there just looking for *any* job (at the time they see the announcement, they're not looking for a job at all because it's not a job site);
- compatible on a personal level with the *National Review* crew. The posters let personalities shine through, and if you don't have chemistry with their style of humor and talk, you're simply not going to be reading them.

What an internal public job announcement seeks to do is get the most applications in the hopper as possible, and so the announcement is published on a free Internet page that anyone can see. That's the public part. *But* because the page is only commonly followed by people who are *already inside* the world of public policy defining the employees at *National Review*, the bosses don't need to worry about the wrong kind of people sending in résumés. That's the "internal" part. Recruiters can get a lot of applicants—increasing their chances of finding really talented people—without worrying too much about a bunch of lefties who really prefer websites like *Daily Kos* trying to fake their way into the organization.

Mass public job announcements are just what they sound like. You need someone and you post the position at Monster, CareerBuilder, TheLadders. Here you're giving up confidence that applicants will fit into the organization naturally, and you're even risking corporate spying moles like those that infested Unilever. In exchange, however, you're getting the broadest selection possible of people to toss their hat into the ring, which maximizes your chances of finding stellar work performance.

Beyond the advantage of many applicants, there are good ethical arguments for mass public job announcements. The simplest is *fair play*: everyone should get an equal opportunity to take a run at any job. Just past that, there are concerns about discrimination that are eased by mass announcements. While there's no reason to launch charges of inherent racism at nepotistic hiring practices, it might well be true that if a small business is initiated by an Asian family, and they start hiring relatives, the result at the end of the day is a racial imbalance in the company. Again, no one is equating nepotism with racism, but the *appearance* can develop fairly easily whenever job announcements are not publicized as widely as possible. The parallel case can be made with respect to internal public job announcements. If 90 percent of the people who come in contact with the "help wanted" message happen to be women, sooner or later, there's going to be some guy out there who complains. So, one argument in favor of mass announcements is the stand it helps take against illegal and unethical discrimination.

Another argument for mass announcements is *reciprocity*. If a company is trying to sell a product to the general public, to anyone who's willing to pay money for it, then shouldn't they allow everyone a shot at becoming an employee? It doesn't seem quite right to profit from anyone—to try to sell, say, a car to anyone who walks in the door—and then turn around and not give all those consumers a decent chance at earning a living there at the dealership.

Conclusion. Announcing a job opening is not automatic. You can announce the spot more publicly or less so. There are advantages and disadvantages to the various approaches, but there's always an ethical responsibility to clearly account for the reasons why one approach is selected over another.

Ethical Perils of Job Announcements

Ethical perils of job announcements include

1. describing a position in ways that don't correspond with the reality,
2. announcing a post to people who really have no chance for the job.

Once you've identified the demographic pool you'd like to recruit from, it's easy to oversell the job in the announcement you post. The most blatant cases—*You can earn \$300 per hour working from home!*—are obvious frauds, but even sincere attempts can cause misunderstandings. Say a job requires "occasional travel." Fine, but does that mean occasionally during the year or occasionally during the month?

The much more severe case of insincerity in job announcements is posting one before an audience that has no reasonable chance of getting the job. When Hooters posts a "server wanted" sign, we all know what they're looking for just like when the rough bar next door advertises for a bouncer. But what if it's a formal restaurant advertising for a waiter? If the place is across town, you can't just drop in to check out the kind of people they hire. So maybe you go through the application process and make the telephone calls and finally go in for the interview. As you walk through the door, the first thing they check out is your weight profile. Then your jawline, haircut, eyes, and the rest. They want to see how you compare with the other waiters who all look like they model on the side.

If you're lucky, you see yourself fitting right in, but if you're like most of us, you know the interview's over before it started; the whole thing has been a huge waste of time.

Now put yourself on the other side. As the restaurant manager trying to fill the position, you know you *should* put the requirement that applicants be devastatingly handsome into the ad. The duty to be honest requires it. The duty to treat others as an end and not a means requires it. The idea that our acts should be guided by the imperative to bring the greatest good to the greatest number requires it. Almost every mainstream ethical theory recommends that you tell the truth about what you're looking for when you

announce a job. That way you don't waste peoples' time, and you spare them the humiliation of being treated as irrelevant. So you should want to put in the ad something about how only potential movie stars need apply.

But the law virtually requires that you *don't* put the line in. If you explicitly say you'll *only* consider exceptionally attractive men for your job, you open yourself to a slew of lawsuits for unfair and discriminatory hiring practices. In fact, even Hooters isn't safe. In 2009 the chain was sued by a Texas man named Nikolai Grushevski because they refused to hire servers who looked, well, like him. When it gets to that point—when hairy guys can get away with calling lawyers because they aren't hired to serve food in short shorts and halter tops—you can understand why restaurants don't want to publicly admit exactly what they're looking for. “Texas Man Settles Discrimination Lawsuit Against Hooters for Not Hiring Male Waiters,” *Fox News*, April 21, 2009, accessed May 24, 2011, www.foxnews.com/story/0,2933,517334,00.html.

Bottom line: if Hooters just comes out and states what it is that makes their kind of employee, they can get sued. So they're much better off just making the announcement ambiguous. That way, when it turns out that no hairy guys ever seem to get hired, they can always say it's because they didn't seem so adept at dodging tables while shooting around with trays of beers and sandwiches. Or whatever. One lie is as good as another so long as it keeps the restaurant out of the courtroom.

For managers, this is a tight spot. They're caught between what's right and the law. In ethical terms, they're stretched between two conflicting duties: to tell the truth and to get the famous Hooters Girls into the restaurant.

Screening

Reducing a large pool of applicants to a manageable selection of people for serious consideration is **applicant screening**, sometimes referred to as filtering. Screening begins with the job announcement. Requirements like “three or more years of experience” and “willingness to work the night shift” go a long way toward eliminating applicants.

It's impossible, though, to completely define the perfect applicant beforehand, and even if you could, there's almost always going to be someone like Nikolai Grushevski who shows up. So screening continues as the preliminary review of applications and applicants to see who can be quickly crossed off the list without any serious consideration.

Legally, who can be crossed out? The default response is no one. In its broadest form, civil rights employment law guarantees equal opportunity. *All* applicants deserve to be considered and evaluated *solely* on their ability to do the job, and the federal government's Equal Employment Opportunity Commission is stocked with lawyers who are out there doing their best to make sure the rules are upheld. For managers, that means they've got to take all applicants seriously; they've got to pursue interview questions about ability, training, experience, and similar. Now, this is where a guy like Grushevski can come in the door and say, “Look, I can deliver a round of burgers and beer as well as any woman.” He's probably right. Still, he's not the right person for the job; there's no reason for a manager to lose valuable time dealing with him.

Similarly, a wheelchair-bound man shouldn't be a beach lifeguard; an eighty-year-old shouldn't be flying commercial jetliners; the seven foot one and 330-pound Shaquille O'Neil isn't going to be a horse jockey. There is a legal way for companies to summarily screen out inappropriate applicants: by appealing to **bona fide occupational qualifications (BFOQs)**. BFOQs are exceptions granted to equal opportunity requirements. A form of legalized discrimination, they let managers cross off job applicants for reasons that are normally considered unfair: gender, physical size, religious belief, and similar. (As a note, race isn't allowed to be considered a BFOQ.)

When do bosses get this easy way out? When they can show that the otherwise discriminatory practices are required because of a *business' nature*. So while it's clear that Shaquille O'Neil's intimidating size doesn't mean he'll be a bad accountant, the nature and rules of horse racing require that riders be diminutive, and that means Shaq would be a disaster. A horse owner can show that the job *requires* a physically little person to be successful. Thus size becomes a BFOQ and a legitimate way of screening applicants for that particular job.

A maker of men's clothes can reasonably screen out women from the applicant pool for models—but they can't eliminate female applicants from consideration for a *sales* position. Or they could, but *only* if they could show that maintaining a masculine public image was integral to the success of the company. For example, you could imagine a company called Manly Incorporated, which sold products based on the premise that every employee was a quality control officer.

Along similar lines, a Catholic school may screen atheists from the search for a teacher, but it's harder to justify that filter for janitors. At the airport security line women can be assigned to pat down women and men to men, but either may apply for the job to hand check the carry-on bags.

Another common screen is **education**. Imagine you have just opened a local franchise of Jan-Pro, which offers commercial cleaning services to car dealerships, gyms, banks, churches, and schools. “2011 Fastest-Growing Franchise,” *Entrepreneur*, accessed May 24, 2011, <http://www.entrepreneur.com/franchises/fastestgrowing/index.html>. What level of education will you be looking for in potential employees? Since the job involves mixing chemicals, it seems like requiring some basic education is a fair demand, but is a college degree necessary for the work? You may have one as a manager, but that doesn’t mean you should necessarily demand that much from employees. And on the other side, is it fair to screen out someone who’s got *too much* education, say a master’s degree in chemistry? It does seem reasonable to suspect that this kind of person will soon become bored pushing a vacuum over carpets.

Then again, do you *know* that will happen? Is it fair to screen based on what you *suspect* might occur?

Another type of screening catches **high-risk lifestyles**. Smoking is one of the most often cited, and the Humana company in Ohio is one of a growing number that’s directly banning smoking—on or *off* work—by new employees. Megan Wasmund, “Humana Enforces Mandatory Stop Smoking Program,” *wcpo.com*, June 16, 2009, accessed June 7, 2011, www2.wcpo.com/dpp/news/local_news/Humana-Enforces-Mandatory-Stop-Smoking-Program.

These healthy lifestyle policies set off firestorms of ethical debates. With respect to smoking and in broad strokes, the company has an interest in prohibiting smoking because that should mean healthier workers, fewer sick days, lower health insurance premiums, and higher productivity. In short: better working workers. On the other side, job applicants (at least the smokers) don’t believe that they’re less productive than everyone else, and anyway, they resent being excluded for a recreational habit pursued on their own time. In long discussion boards—there are hundreds online—the debate plays out. Here’s one exchange from a typical board:

bonos_rama:	I wouldn’t hire anyone that has a habit of leaving their desk every hour to stand outside for 10 minutes. Doesn’t matter if it’s to smoke, drink coke, or pass gas that they’re leaving, it’s bad for productivity.
Mother of a Dr.:	But it’s OK to stand by the coffee pot and discuss sports and politics? Productivity actually improves when you get away from the computer every hour.
matt12341:	Even discounting the productivity argument, smokers tend to have more long-term health problems, leading to higher insurance premiums so companies end up paying more.
jamiewb:	What if we apply this logic to people who are overweight? What about people who have a family history of cancer? Or a higher incidence of diabetes? As long as it doesn’t impact job performance, I don’t think it’s fair to refuse to hire smokers.
happily-retired:	I think it is a great idea to not hire smokers. Up next should be obesity, as it leads to diabetes, heart problems, joint problems, etc. Companies following that path would be demonstrating good corporate citizenship by fostering a healthier America.
Zom Zom:	Yes, the good citizenship of fascism. Now my employer has the right to dictate what I do with my body? “Land of the free,” unless your boss doesn’t like the choices you make. “Humana: We Won’t Hire Smokers,” <i>Newsvine.com</i> , June 16, 2009, http://sorrelen.newsvine.com/_news/2009/06/16/2935298-humana-we-wont-hire-smokers .

You can see that underneath the back-and-forth, this is ultimately a debate about ethical perspectives. One side tends toward a utilitarian position: the greater good in terms of health and related issues justifies the filtering of smokers in hiring decisions. The other side tends toward a fundamental rights position: what *I* do with *my* time and body is my decision only. Both sides have strong arguments.

Criminal record screening is another common filter for job applicants. Most states won't allow employers to deny someone fair consideration for a job *only* because of a prior criminal conviction. There's wiggle room, though. In New York, Article 23-A of the correction law certifies that employment *may* be denied if

- there's a direct relationship between the criminal offense committed and the employment sought,
- the applicant would pose an unreasonable risk to property or the safety or welfare of others.

Those are big loopholes. The first one means the Brinks armored car company can legally refuse to consider ex-bank robbers for a position. It may also apply to the shoplifter who wants to be a cashier or the drug dealer who wants a job in the pharmacy.

The second exception is still broader and applied in *Grafter v. New York City Civil Service Commission*. *Grafter v. New York City Civil Service Commission*, 1992. In that case, the Fire Department of New York refused to hire Grafter because he'd been caught drunk driving on his last job. A potentially drunken fireman *does* seem like a risk to the welfare of others. Pushing that further out, the same would probably go if he applied to be a taxi driver. In fact, the list of jobs that may seem dangerous for others if the worker is drunk extends a long way, probably everything in construction, transportation, or anything with heavy equipment. So the law *does* allow employers to resist hiring convicts across a significant range of wrongdoing.

Finally, the basic ethical tension pulls in three competing directions for any manager facing a criminal hiring decision:

1. **The ethical responsibility to recovering criminals.** Rehabilitation (via honest work) is good for ex-convicts.
2. **The manager's responsibility to the company.** Managers need to avoid problems whenever possible and keep the machine running smoothly so profits flow smoothly too.
3. **The company's responsibility to the general public.** If a taxi syndicate is hiring ex-drunk drivers, you've got to figure something's going to go wrong sooner or later, and when it does, the person who put the driver behind the wheel will be partially responsible.

Social media is another potential filter. Fifty-six percent of millennials believe that the words and pictures they put on Facebook and Twitter shouldn't be allowed to factor into hiring decisions. Wei Du, "Job Candidates Getting Tripped Up By Facebook," *MSNBC.com*, August 14, 2007, accessed May 24, 2011, <http://www.msnbc.msn.com/id/20202935/page/2>. Recruitment officers, they're saying, shouldn't be going through online photo albums to check out the kinds of things you and your buddies do on Friday nights.

From the employers' side, however, the argument in favor of checking the pages is simple. If an applicant is sufficiently incautious to leave pictures of massive beer funnel inhalations available for just anyone to see—and if they do that while they're trying to put their best face forward as job seekers—then God knows what kind of stuff will be circulating once they've got a job. As a manager, it's part of *your* job to protect the company's public image, which means you've got to account for clients and others maybe running the same Google and Facebook searches that you are.

It's an easy scenario to imagine: you hire someone with a flamboyant online life. Soon after, a client working with her gets nosy, does a Google image search, and what comes in at the top of the list is a picture of your new employee slamming beers, chain-smoking cigarettes, or maybe inhaling something that's not legal. This isn't good and the person who looks really bad is the supposedly mature manager who allowed the whole thing to happen by hiring her.

Of course there's always the standard but still powerful argument that what employees do after hours is their own business, but one of the realities inherent in the Internet is that there is no such thing as "after hours" anymore. Once something goes online, it's there all the time, forever. Managers need to take account of that reality, which might mean rethinking old rules about privacy.

Testing

Once an ad has been placed, and applicants have been pooled, and the pool has been screened, the real hard work of hiring begins: choosing from among apparently qualified people. One tool used in the selection process is **applicant testing**. There are various sorts of tests, but no matter the kind, for it to be legitimate, it should itself pass three tests. It ought to be

- **Valid.** The test must measure abilities connected to the specific job being filled. A prospective roadie for Metallica shouldn't be asked to demonstrate mastery of Microsoft Excel, just as there's no reason to ask an accountant to wire up his cubicle with speakers blasting 115 decibels.
- **Normalized.** The test must be fair in the sense that results are adjusted for the circumstances of the testing session. If you're checking to see how frequently applicants for the post of TV weatherman have predicted sunshine and it turned out to rain, and

one woman gets tested in Phoenix while another takes Seattle, it's pretty easy to see who's going to win in terms of raw numbers. Those numbers need to be adjusted for the divergent levels of difficulty.

- **Constant.** The results any test taker achieves over time should be similar. Just like a broken clock is right twice a day, an applicant for an interior design job who happens to be color-blind might once in a while throw together a carpet-sofa combination that doesn't clash. A good test eliminates the lucky hits, and also the unlucky ones.

Of the many kinds of hiring tests now in use, the most direct try to measure the exact skills of the job. **Skill tests** can be simple. They're also relatively easy to control for validity, normalization, and constancy. For example, applicants for a junior-level position in copyediting at a public relations firm may be given a poorly written paragraph about a fictional executive and asked to fix up the spelling and grammar.

Psychological and personality tests are murkier; it's more difficult to show a direct link between the results and job performance. On one side, you've got a test that probes your inspirations and fears, your tastes and personal demons. On the other side, the test's goal is to reveal how well you can handle plain work assignments. Here's an example of the disconnect. The following is a true-or-false question that Rent-A-Center placed on one of its employee application tests: I have no difficulty starting or holding my bowel movement. Martin Carrigan, "Pre-Employment Testing—Prediction of Employee Success and Legal Issues," *Journal of Business & Economics Research* 5, no. 8 (August 2007): 35–44.

Well, it's hard to see the link between bathroom performance and the ability to rent washer and drier sets. Rent-A-Center wouldn't be asking, though, if they didn't think the link was there. And they could be right; there may be some connection. One of the firmest sources of belief in the link between personality profile and job performance is the very interesting Minnesota Multiphasic Personality Inventory (MMPI). That specific test is the origin of the bathroom question. Other true-or-false choices on the long test include the following:

- I am very attracted to members of my own sex.
- Evil spirits possess me sometimes.

Now, the MMPI is a real test with a long and noble history. One of the things it tries to do is establish *correspondences*. That is, if we take a group of successful executives at Rent-A-Center and we discover that they nearly universally have trouble in the bathroom, then it may make sense to look for people who suffer this discomfort when looking to recruit future company leaders. As for the *why* question—as in *why is there a link between bathroom habits and success?*—that doesn't matter for a correspondence test; all that matters is that some link is there. And if it is, then you know where to look when you're hiring.

Theoretically, correspondence testing makes sense. Still, it's hard to know how *applicants* are going to react to questions about sexual attraction and evil spirits. Obviously, some are going to find the whole thing too weird and not turn in responses that actually match their profile. As for applicants and employees of Rent-A-Center, they filed a lawsuit. *Karraker v. Rent-A-Center*, 2005.

Inescapably, correspondence-type personality tests are vulnerable to lawsuits because they're explicitly based on the premise that no one knows *why* the results indicate who is more and less suitable for a post. The administrators only know—or at least they think they know—that the correspondence is there. It's not obvious, however, like it is with a simple skill test, so it makes sense to imagine that some are going to doubt that the test is valid; they're going to doubt that it really shows who's more and less qualified for a job.

So the problems with psychological tests include validity failure and lawsuits. Problems with constancy and normalization could also be developed. Added to that, there are invasion of privacy questions that are going to get raised whenever you start asking perspective employees about their bathroom habits and bedroom wishes.

On the other hand, it needs to keep being emphasized that the tests do happen, and that's not a coincidence. At the Universal Studios Hollywood theme park, recruiter Nathan Giles reports that the tests he administers—with true-or-false questions including "It's maddening when the court lets guilty criminals go free"—actually do produce valuable results. They correlate highly, he says, with personal interviews: if you do well on the test, you're going to do well face to face. And though the application and interpretation of these tests are expensive, in the long run they're cheaper than interviewing everyone. Finally, if that's true, then don't managers have a responsibility to use the tests no matter how heated the protests? Ariana Eunjung Cha, "Employers Relying on Personality Tests to Screen Applicants," *Washington Post*, March 27, 2005, accessed May 24, 2011, www.washingtonpost.com/wp-dyn/articles/A4010-2005Mar26.html.

Lie detectors in the Hollywood sense of wires hooked up to the fingers for yes-or-no interrogations are illegal except in highly sensitive and limited cases, usually having to do with money (bank guards) and drugs (pharmaceutical distribution). Written **honesty tests** are legal. Generally, the questions populating these exams resemble those found on psychological tests, and

deciphering the results again works through correlation. Obviously, the test can't work directly since both honest and dishonest people will answer "yes" to the question "are you honest?" Here are some typical questions that do get asked:

- I could help friends steal from my company.
- I'm not an honest person and might steal.
- I return quarters I find on the street to the police station.

Medical tests are generally only considered appropriate when the specific job is labor intensive. As always, there's a difference between testing and prying, and it's your responsibility as a manager to limit the questioning to specifically work-related information. Questions about *past* physical problems are generally considered off limits as are *future* problems that may be indicated by family health history. A simple example of an appropriate medical test would be a vision examination for a truck driver.

When Michael Phelps—the thick-grinned Olympic swimming hero—got photographed pulling on a bong, he immediately failed the **drug test** with one of his employers: Kellogg's breakfast cereal. He wouldn't be hired again, the company explained, because smoking pot "is not consistent" with the company's image.

The National Organization for Reform of Marijuana Laws rushed to disagree, insisting that the problem's not that the drugs are bad; it's the *law* that's outdated and wrongheaded. They were supported, NORML claims, by the *Washington Post* and *Wall Street Journal*. Paul Armentano, "The Kellogg Company Drops Michael Phelps, The Cannabis Community Drops Kellogg's," *NORML* (blog), February 6, 2009, accessed May 24, 2011, <http://blog.norml.org/2009/02/06/the-kellogg-company-drops-michael-phelps-the-cannabis-community-drops-kelloggs>.

However that might be, it seems difficult to object to Kellogg's argument. The *reason* they'd hire Michael Phelps in the first place is to brand their product with the image of beaming, young health, not zoning out in front of the TV eating Doritos. Whether it's legal or not, pot smoking is going to clash with the job description.

But what if he hadn't been caught by someone with a camera? Would Kellogg's have the right to demand a drug test before signing Phelps up as a representative? It depends where you are. Because there's no broad federal law on the subject, the rules change depending on your state, even your city. If you're looking for a job and you share a pastime with Michael Phelps, you may be in trouble in Alaska where any employer can test any applicant at any moment. In Arizona, on the other hand, you have to get written warning beforehand, which might allow for some cleanup. And if you're applying for a government job in Berkeley, California, you can party on because a local ordinance prohibits testing. American Civil Liberties Union, "Testing Chart," [aclu.org](http://www.aclu.org/FilesPDFs/testing_chart.pdf), accessed May 24, 2011, http://www.aclu.org/FilesPDFs/testing_chart.pdf.

Looking at the Berkeley law allows a sense of the central ethical conflict. On one side, the employers', the obvious and strong argument is that drug use negatively affects work performance, so evaluating job prospects in terms of their future productivity implies, it almost *requires*, making sure they're not distracted or disoriented by drug habits. In contrast, the Berkeley ordinance persuasively states that mandatory drug testing fails two distinct tests:

1. It assumes guilt instead of innocence.
2. It invades the individual's privacy.

Deciding about drug tests seems to come down to deciding whose legitimate rights deserve higher billing: the employer's or the employee's.

In 1971 the US Supreme Court banned **intelligence quotient (IQ) testing** except in very limited circumstances after finding that the tests disparately affected racial minorities. Further, serious IQ tests (as opposed to seven-question Internet quizzes) are extremely expensive to apply, so even if it were legal, few employers would use the test with any frequency.

Conclusion. Tests applied by employers to job applicants include those probing skills, psychological profile, honesty, medical condition, and drug use.

Interviewing

In 1998 the Indianapolis Colts had a very good problem. Holders of the top pick in the National Football League draft, they had to choose between two exceptional players: two that everyone agreed radiated Super Bowl talent. Both were quarterbacks. Peyton Manning had a better sense of the field and smoother control of the ball; Ryan Leaf had a larger frame and more arm strength. Which would make the better employee? The call was so close that the team with the *second* choice, the San Diego Chargers, didn't care much who the Colts selected; they'd be happy with either one.

The Colts didn't have the luxury of letting the choice be made for them, and as draft day approached they studied film of the players' college games, poured over statistics, measured their size, speed, and how sharply and accurately they threw the ball. Everything. But they couldn't make a decision.

So they decided to interview both candidates. The key question came from Colts coach Jim Mora. He asked the young men, "What's the *first thing you'll do if drafted by the Colts?*" Leaf said he'd cash his signing bonus and hit Vegas with a bunch of buddies. Manning responded that he'd meet with the rest of the Colts' offense and start going over the playbook. Mora saw in Manning a mature football player ready for the challenges of the sport at its highest level. In Leaf he saw an unpredictable kid.

More than a decade later, Peyton Manning heads into another season as starting quarterback. Having won the Super Bowl, set countless team and NFL passing records, and assured himself a spot in the NFL Hall of Fame, you can understand that the Colts are happy with their selection.

Ryan Leaf has recently been indicted on burglary and drug charges in Texas. He got the news while in Canada at a rehab clinic. As for football, after a rocky first few seasons, his performance collapsed entirely. He hasn't been on a field in years.

Interviews matter. Grades, recommendation letters, past successes, and failures on the job—all those numbers and facts carry weight. But for most hiring decisions, nothing replaces the sense you get of a candidate face to face; it's the most human part of the process.

Because it's so human, it's also one of the most ethically treacherous. Two factors usually weigh heavily in deciding which questions should and shouldn't be asked:

1. Fairness
2. Pertinence

Fair questioning means asking similar questions to all applicants for a post. If the position is entry level, many candidates will be young, inexperienced, and probably easily flustered. That's normal. So too there's nothing necessarily wrong with trying to knock applicants off rhythm with a surprise or trick question. The problem comes when one candidate gets pressed while another gets softballs.

What do tough questions look like? One answer comes from Google. There are always blog entries circulating the Internet from applicants talking about the latest weird questions asked by that successful and unpredictable company:

- How many golf balls can fit in a school bus?
- You are shrunk to the height of a nickel and your mass is proportionally reduced so as to maintain your original density. You are then thrown into an empty glass blender. The blades will start moving in 60 seconds. What do you do?
- How much should you charge to wash all the windows in Seattle?
- Every man in a village of 100 married couples has cheated on his wife. Every wife in the village instantly knows when a man other than her husband has cheated, but does not know when her own husband has. The village has a law that does not allow for adultery. Any wife who can prove that her husband is unfaithful must kill him that very day. The women of the village would never disobey this law. One day, the queen of the village visits and announces that at least one husband has been unfaithful. What happens?
- Explain a database in three sentences to your eight-year-old nephew. Michael Kaplan, "Want a Job at Google? Try These Brainteasers First," *CNNMoney.com*, August 30, 2007, http://money.cnn.com/2007/08/29/technology/brain_teasers.biz2/index.htm.

We're a long way from "why do you want to work at Google?" and even further from "what was your biggest accomplishment or failure in your last job?" Those are softballs; anyone going into Google for an interview is going to have prepared answers to those. It's like reading from a script. But looking at the hard questions Google actually poses, there is no script, and you can see how things could go south quickly. You can't figure out about golf balls and school buses, and you start to get nervous. Next, the blender question seems odd and threatening, and it's all downhill from there. Some interviews just don't go well and that's it. As an applicant, you probably don't have too much to complain about as long as the next guy gets the same treatment. But if the next guy gets the softballs, the fairness test is getting failed. As a manager, you can go hard or soft, but you can't change up.

On the question of **pertinent interview questions**, the Google queries seem, on the face, to be troublesome. Is there any job that requires employees to escape from a blender? No. But there *are* many jobs that require employees to solve unfamiliar problems calmly, reasonably, and creatively. On that ground, the Google questions seem perfectly justifiable as long as it's assumed that the

posts being filled require those skills. By confronting prospective employees with unexpected problems demanding creative solutions, they are, very possibly, rehearsing future job performance.

When the Colts were interviewing Peyton Manning and Ryan Leaf, something similar happened at the key moment. At first glance, it seems like the question about the first thing each player would do after draft day wouldn't reveal much about all the other days to come. But the guys probably weren't prepared for the question, and so they had to reveal how they'd face a rapidly shifting reality that they had no experience in dealing with, a reality just like the one they'd face the day after the draft when they'd go from being college students on campus to wealthy adults in the big world. *That* makes the question pertinent. And that explains why the answers that came back were telling. They distinguished a great hire from one of the sports world's monumental bumbles.

On the other side, what kinds of questions reveal employees' personalities but *not* their job skills? Interview consultants typically warn managers to avoid asking about these subjects:

- Sex life
- Opinions about homosexuality
- Beliefs about contraception
- Personal finances
- Religious faith
- Political affiliations

Except in special circumstances (a job is with a church, a political party, or similar), these kinds of questions fall under the category of privacy invasion.

Finally, there are legal red lines to respect. While managers should ensure that applicants are old enough to work and so can confirm that people are, say, eighteen or older, it's discriminatory in the legal sense to hire one person instead of another because of an age difference. This means asking "how old are you?" is an off-limits question. It's also illegal to ask about citizenship, though you can ask whether applicants are legally authorized to work in the United States. It's illegal to ask about disabilities, except as they relate directly to the job. It's illegal to ask about *past* drug and alcohol use, though you may ask applicants whether they are *now* alcoholics or drug addicts.

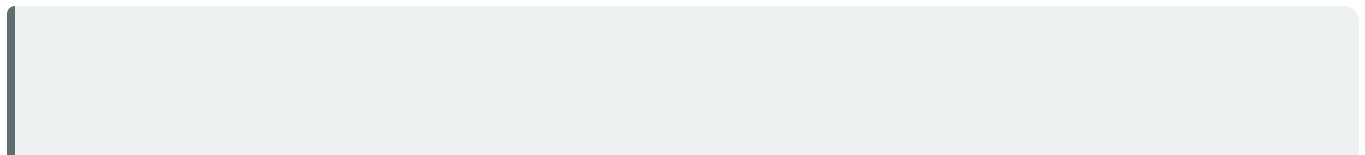
The interviewer's fundamental responsibility is to choose the best applicant for the job while giving everyone a fair shot. Being fair isn't difficult; all you need to do is just ask everyone the standard questions: Why do you want to work for our company? What are your strengths? How do you work with others? Do you stay cool under pressure? The problem here, though, is that it's easy to get gamed. It's too easy for applicants to say, "I love your company, I'm a team player, and I never get mad." Since everyone knows the questions and answers, there's a risk that everything will be fake. And that makes identifying the *best* applicant nearly impossible.

One response to this is to junk the standard questions and come up with surprising and (seemingly) crazy questions like they do at Google. Another strategy is a different *kind* of interview. A situational or **behavioral interview** asks candidates to *show* how they work instead of talking about it.

Here's how it goes. Instead of asking an applicant, "Do you stay cool under pressure?" (the correct response is "yes"), the question gets sharpened this way:

You know how jobs are when you need to deal with the general public: you're always going to get the lady who had too much coffee, the guy who didn't sleep last night and he comes in angry and ends up getting madder and madder...at *you*. Tell me about a time when something like this actually happened to you. What happened? How did you deal with it?

It's harder to fake this. Try it yourself, try inventing a story. Unless you're a real good liar, you're going to hear the slipperiness in your own voice, the uncertainty and stammering that goes with making things up. Probably, most people who get hit with situational questions are going to opt for the easiest route, which is tell the truth and see how it goes. So the advantage to this kind of interview is that it helps sort out qualified candidates by giving an unvarnished look at how they confront problems. On the other side, however, there's also a disadvantage here, one coming from the fairness side. If candidate A has spent years at the counter of Hertz and candidates B through G have all been working in the Hertz back office, of course the counter person is going to do better.



Key Takeaways

- In publicizing a job opening, a tension exists between limiting the job announcement to ensure that applicants are appropriate, and widely publicizing the announcement to ensure that applicants include highly qualified individuals.
- Decisions about how broadly to publicize a job opening can be implemented through nepotism, internal public job announcements, and mass public job announcements.
- Screening job applicants makes the hiring process more efficient but raises ethical concerns.
- Common screening techniques involve BFOQs, educational requirements, high-risk lifestyles, criminal record, and an applicant's social media history.
- Testing allows applicants' suitability for a post to be measured but raises ethical concerns.
- Common tests include skill tests, psychological and personality tests, honesty tests, medical tests, and drug tests.
- Applicant interviewing provides valuable information for evaluating job candidates, but questions ought to be fair and pertinent to job-related concerns.

Exercises 4.1.1

1. Why might an employer opt for nepotism when hiring?
2. What is an advantage of a mass public job announcement?
3. Invent a job description that would allow applicants to be screened by a BFOQ.
4. Why might an applicant pool be screened for use of social media?
5. List the three requirements for a fair and legitimate job-applicant test.
6. How do psychological and personality tests work through correspondence?
7. Imagine a job and then an interview question for applicants that would *not* be pertinent and one that would be pertinent.
8. Why might a behavioral interview be used?

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