



Recruiting

Overview

While managers and supervisors are usually involved in employment planning, human resources is generally responsible for overseeing the entire process—and for good reason. Even the beginning of the hiring process—recruiting—is fraught with legal pitfalls.

Beyond filling jobs as they become available, a prudent HR administrator can work with top management in planning for the company's employment needs. Employment planning involves creating a realistic budget based on projections for new employees and compensation. Part of the budget process includes analyzing hiring costs, which is typically another HR function. Your analysis should include the cost of:

- Advertising
- Fees for recruiters
- Hours spent interviewing, testing, and training new employees
- Any temporary workers hired while filling the position
- The salary and benefits paid to the new employee compared with those of the person you are replacing

Legal issues

The first significant federal employment law against discrimination—the Civil Rights Act of 1964—made it unlawful for an employer to discriminate against individuals with respect to hiring, compensation, terms, conditions, and privileges of employment based on race, color, religion, national origin, or gender.

Since 1964, the following laws have given employees additional protection from discrimination, specifically regarding age, disability, military status, pregnancy, and genetic information:

- Age Discrimination in Employment Act of 1967 (ADEA)
- Rehabilitation Act (1973)



- Vietnam Era Veterans' Readjustment Assistance Act (1974)
- Pregnancy Discrimination Amendment (1978)
- Americans with Disabilities Act (ADA) of 1990
- Civil Rights Act of 1991
- Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)
- Genetic Information Nondiscrimination Act (GINA)

Discrimination lawsuits based on unfair hiring practices are on the rise nationally. A rejected job applicant who feels that he or she was treated casually or thoughtlessly during the recruitment and selection process may interpret that behavior as discrimination.

While it is still your right as an employer to set acceptable employee qualifications and hire people as you deem appropriate, be aware that your hiring decisions are open to scrutiny and claims of possible discrimination. It is vitally important that you review and monitor the entire hiring process from the writing of job advertisements to the making of job offers.

The Equal Employment Opportunity Commission (EEOC) regulates the federal laws mentioned here. The EEOC can be reached at:

Equal Employment Opportunity Commission

131 M Street, NE
Washington, DC 20507
800-669-4000
www.eeoc.gov

Contact your state employment office for information about state laws and regulations that may be more restrictive than the federal standards.

Writing job vacancy announcements

If you have your job analysis and job description files up to date, summarizing them to create classified ads or more descriptive vacancy announcements should be straightforward.

Federal antidiscrimination laws as well as many state laws prohibit employment advertisements that express a preference based on race, color, gender, national origin, religion, age, or disability. State and local laws may provide additional protection (marital status, sexual orientation, status as unemployed).

Federal contractors must include this notation: "An Equal Opportunity Employer." Many employers, other than federal, also use this phrase in their ads.

Also, be sure to word your advertisements carefully. Always use gender-neutral job titles. For example, use "supervisor" instead of "foreman" or "waitstaff" instead of "waitress/waiter."



In some job categories, requiring a high school or college degree may be discriminatory if it's not actually required to do the job. Some employers prefer to say "degree or equivalent experience." The EEOC has issued an informal discussion letter outlining when the requirement of a high school diploma may violate the ADA. Because ADA regulations include learning as a major life activity, an individual who has a physical or mental impairment that substantially limits the major life activity of learning will have an ADA disability. According to the EEOC, if that disability prevents the individual from getting a high school diploma, an employer may violate ADA regulations by using a diploma requirement to screen out applicants.

Recruitment sources

There are numerous ways to find job applicants for your company. Even if you are working with a limited budget, you can still get good results from some of these methods:

✓ Applications on file

The first place to look for potential hires is your application file. These job candidates have already sought employment with your company, and this file costs you nothing to review. Many companies have a policy of keeping applications on file for a specific length of time, such as 6 months or 1 year. Applications that are stored electronically can be searched using relevant terms from the job description for the vacant position.

Note: Some antidiscrimination laws require employers to keep job applications on file for specific time periods. You should check federal, state, and local requirements.

✓ Walk-ins

Occasionally, a successful employment match is made by individuals applying to work for your company when no opening has been advertised. However, even if no position fits, you are still expected to treat the individual professionally and fairly. You do not have to interview walk-ins, but you should accept their résumés or completed application forms.

✓ Promotion from within

Your company can reap rewards by promoting employees from within to senior positions as they become available. If your employees see that your company has a policy of upward mobility, it will have a positive effect on morale, and that, in turn, increases productivity and reduces turnover. Promotion from within and interdepartmental transfers yield more experienced employees who are already familiar with the company culture.

✓ Job postings

Posting in-house job openings can be an excellent means of encouraging employees from within the firm to take advantage of promotional opportunities.



Post all new jobs in a conspicuous place, such as the company bulletin board or intranet. The postings should be available to all employees, including those who work in satellite offices. You'll also need to decide how long you want to post the job before opening it up to external candidates.

Note: Sometimes workers don't want their supervisors to know they are applying for another job in the company. To keep the process confidential, set up a system that protects an employee's privacy.

✓ **Employee referrals**

A common recruitment source is word-of-mouth referral from employees and supervisors. Some companies pay a bonus to employees who refer individuals who are, in fact, hired.

While referrals have many advantages, they may be legally risky if the demographic makeup of your workforce is not representative of the available labor market (e.g., if your employees refer individuals of one race and your workplace is in a racially diverse area). If the news of job openings doesn't flow readily to minority group members, those referrals could be evidence of discrimination.

✓ **Employment advertisements**

To find websites on the Internet, use your search engine to find relevant terms such as "career search" or "employment guide," perhaps cross-referenced with your industry or geographical area. There are hundreds of sources where you can advertise job leads online, as well as review résumés posted by jobseekers. Using social networking sites like LinkedIn can provide an effective means of recruiting.

"Help wanted" newspaper advertisements can be an effective recruiting tool. Blind (box number) ads are sometimes used because employers do not want their employees to know they are seeking job applicants or they do not want applicants phoning or walking in.

To avoid duplication and eliminate unnecessary advertising, one HR staff member should be designated as a clearinghouse through whom all recruiting ads will be placed. It's a good practice to keep copies of all ads on file, along with information on media used, and record the number of responses and hires. This can help in determining the effectiveness of specific ads or media.

Newspapers and the Internet aren't the only media for placing help wanted ads. Other sources include trade publications, alumni magazines, and professional journals.

✓ **Employment agencies**

Employment agencies can be useful sources of job candidates. Whether using "contingency" agencies (paid only upon hire) or "search" agencies (paid on retainer to conduct searches even if no hire results), you may find that the time saved and the agencies' access to qualified applicants make their fees worthwhile.



Here are a few tips for working with agencies:

- Clarify who pays the fee and when.
- Find out if there is a fee rebate if the employee resigns or is fired within the first few months of employment.
- Notify the agencies that your company does not discriminate.

✓ **Recall from layoff**

With the burgeoning trend of downsizing, you may have a significant pool of former employees to consider recalling for employment. Even if they have secured new jobs elsewhere, former employees may desire to return to your company. Former employees will already know your company and yet will bring new ideas from their current jobs. They may have obtained new skills, too. Former employees will require less training because they already know about your company.

✓ **Colleges and universities**

These institutions, including community colleges, are an excellent source of finding entry-level professionals. In addition to on-campus recruiting, contact the placement office for graduates who are currently employed but registered to receive job referrals.

✓ **State employment offices**

Your state Department of Unemployment Compensation will likely operate a job referral office for unemployment recipients. You can register your job openings there to be distributed statewide.

✓ **Job fairs**

There are many ways to use job fairs in your recruiting. If your company employs thousands of people, you could hold your own job fair. Or you can combine efforts with companies in your industry or in your area to attract a large pool of appropriate candidates. You can also attend job fairs held by your state employment commission.

✓ **Alternative staffing**

You can meet some staffing needs with temporary and part-time workers. This is a growing trend, as many workers are willing to work without the same conditions of employment of full-time employees who are eligible for benefits and other perks. If you have a full-time need, you can have two part-time workers share one job. These alternatives require some additional coordination and training but could meet the special needs of your company, such as a short-term surge in workload, as well as employees who do not desire regular, full-time work.



Note: Employers that hire temporary or part-time employees must still comply with the minimum wage law and tax regulations, and employees who work 1,000 or more hours a year (250 4-hour days) must be offered retirement benefits that are available to full-time employees.

Other alternatives include contracting work rather than performing it in-house, assigning work to freelancers, leasing employees from other firms, or calling back retirees.