



# HOW TO CONDUCT A LEGAL INTERVIEW

## OFFICE OF HUMAN RESOURCES XAVIER UNIVERSITY OF LOUISIANA

### QUESTIONS YOU CAN AND CANNOT ASK IN AN EMPLOYMENT INTERVIEW

#### Federal Laws, which affect the Employment Hiring Process

**Title VII of the Civil Right Act of 1964 Amended in 1993** prohibits employment discrimination based on race, gender, color, creed, national origin or religion.

**Age Discrimination in Employment Act of 1967** prohibits discrimination in employment against anyone 40 years of age or older.

**The Rehabilitation Act of 1973 and Title I of the Americans with Disability Act of 1990** prohibits discrimination in employment based on a person's disability or if the person is perceived to have a disability.

**Pregnancy Discrimination Act** is an amendment to Title VII of the Civil Rights Act to make pregnancy discrimination a form of sex discrimination under Title VII. Employers cannot exclude pregnant women from jobs because of the stereotypical belief that they are incapable of doing their jobs or that after childbirth they will leave their jobs.

Can Not Ask Applicant	Can Ask Applicant
<b>Questions that are considered to be discriminatory based on gender:</b>	<b>Questions you may ask that do not violate gender discrimination:</b>
<ul style="list-style-type: none"> <li>• Are you married?</li> <li>• Do you have children?</li> <li>• Do you have someone to take care of your children while you are at work?</li> <li>• Does your spouse work?</li> </ul>	<ul style="list-style-type: none"> <li>• Do you have any responsibilities or commitments that would prevent you from working your scheduled hours?</li> <li>• Will you be able to work weekends or overtime if required?</li> </ul>
<b>Questions that would be considered discriminatory based on nationality:</b>	<b>Questions you may ask that do not violate national origin discrimination:</b>
<ul style="list-style-type: none"> <li>• What country are you from?</li> <li>• How long have you lived in the United States?</li> </ul>	<ul style="list-style-type: none"> <li>• Can you provide documentation authorizing you to work in the United States?</li> </ul>
<b>Questions you cannot ask regarding religion:</b>	<b>Questions you may ask that do not imply religious discrimination:</b>
<ul style="list-style-type: none"> <li>• What religion do you practice?</li> <li>• What church do you attend?</li> </ul>	<ul style="list-style-type: none"> <li>• Are you able to work on weekends?</li> <li>• Do you have any concerns with working at a Catholic University?</li> </ul>
<b>Questions that would violate the Age Discrimination in Employment Act:</b>	<b>Questions you may ask that do not violate the Age Discrimination in Employment Act</b>
<ul style="list-style-type: none"> <li>• What year were you born?</li> <li>• What year did you graduate from high school?</li> <li>• At what age do you plan to retire?</li> <li>• How old are you?</li> </ul>	<ul style="list-style-type: none"> <li>• How long do you intend to work in the position you are seeking?</li> <li>• Are you able to safely perform the duties and responsibilities of the position that you are seeking?</li> </ul>
<b>Questions that would violate the Rehabilitation Act and the Americans with Disabilities Act:</b>	<b>Questions that do not violate the Americans with Disabilities ACT (ADA):</b>
<ul style="list-style-type: none"> <li>• Do you have a disability?</li> <li>• Have you had an on the job injury?</li> <li>• Have you ever filed a worker's compensation claim?</li> <li>• How many days did you miss from your current job because of illness?</li> </ul>	<ul style="list-style-type: none"> <li>• Will you be able to safely perform all of the duties and responsibilities of this position?</li> <li>• Will you be able to work the assigned work schedule?</li> </ul>



# STAFF EMPLOYMENT REQUISITION

## XAVIER UNIVERSITY OF LOUISIANA

Date of Requisition: \_\_\_\_\_ Requested Hire Date: \_\_\_\_\_  
 Department: \_\_\_\_\_ Position Title: \_\_\_\_\_  
 Originator: \_\_\_\_\_ Title of Originator: \_\_\_\_\_

### Insert an "X" and fill in the boxes for all that apply:

- New Position (Attach a copy of the job description and an explanation to justify the need for this position)  
 Budgeted Position Replacement Name of former incumbent: \_\_\_\_\_  
 Full-time appointment (35.0 or more weekly hours)  
 Part-time appointment w/benefits (34 – 20 hours per week, eligible for benefits)  Part-time appointment w/o benefits (less than 20 hours per week, ineligible for benefits)  
 Substitute (Employee will work as needed)  
 Temporary Appointment Start Date: \_\_\_\_\_ End Date: \_\_\_\_\_

### Total Weekly Hours and Work Schedule:

- 40 hours per week (8 hours per day)  35 hours per week (7 hours per day)  Other \_\_\_\_\_ hours per week

### Recruitment

- XU Website Only  Time Picayune  Print Media Name \_\_\_\_\_  
 Chronicle of Higher Edu.  NOLA.com

\*\* Email a draft copy of your Employment Ad to Sharlene LeBlanc at [sleblan1@xula.edu](mailto:sleblan1@xula.edu)

### Funding

List the accounts from which the applicant in this position will be paid. If the applicant's appointment will be funded from a restricted account, provide the expiration date.

Description	Fund	Org	Acct.	Prog.	Exp. Date	% of Time	\$ Amount

### Signature of Approvers

Department Chairperson/Director: \_\_\_\_\_ Date: \_\_\_\_\_  
 Title III/Grant Director (if applicable): \_\_\_\_\_ Date: \_\_\_\_\_  
 Dean (if applicable): \_\_\_\_\_ Date: \_\_\_\_\_  
 Vice – President/Senior VP Academic Affairs: \_\_\_\_\_ Date: \_\_\_\_\_  
 Senior Vice-President for Administration: \_\_\_\_\_ Date: \_\_\_\_\_

### Human Resources: (Office Use Only)

Position Number: \_\_\_\_\_ Class Code: \_\_\_\_\_ Approval Category: \_\_\_\_\_  
 Salary Range \$ \_\_\_\_\_ Min. to \$ \_\_\_\_\_ Max

HR Signature

Title

Date



# EMPLOYMENT INTERVIEW RECORD

## XAVIER UNIVERSITY OF LOUISIANA

Title of Position \_\_\_\_\_

Department \_\_\_\_\_

Name of Interviewer \_\_\_\_\_

Name of Applicant Last Name, First Name	*Employment Eligibility Status	Not Interviewed	Interviewed Not Hired	Interviewed Offer
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

\*Employment Eligibility Status (choose one):

US	United States Citizen	PR	Permanent Resident
H-1B	Allows applicant to work in the United States in a professional or academic teaching occupations for a specific period of time.	J-1	Research Scholar or Teacher/Faculty

**Hired Applicant Checklist:**

- Three (3) verifiable references checked
- Copy of academic credentials (transcript if degree is required)
- Criminal history check conducted (if required)
- Letter of offer mailed
- Letter of offer accepted and returned
- Selection approved by Department Chairperson, Dean, Associate Vice President, Sr. Vice President for AA (If new hire is a Non-Resident Alien)

Starting date of new hire \_\_\_\_\_

Form completed by: \_\_\_\_\_

Date: \_\_\_\_\_

## *Sample Letter of Offer for a Staff Employee*

*Date*

*Name*

*Street Address*

*City, State Zip Code*

Dear *Title Last Name*:

Xavier University of Louisiana, *Name of Department*, would like to offer you the position of *title of position, beginning date of hire*. Your compensation will be based on an annual salary of (*annual salary if paid monthly in twelve monthly installments*). (*If an hourly paid employee, the following language will be used: Your compensation will be based on an hourly rate of \_\_\_\_\_ and you will be paid based on hours worked in a payroll period*) As a full time employee, you may be eligible to participate in benefits provided by Xavier University. You may contact Mrs. Adicia Waddell, Associate Director for Human Resources, at (504) 520-7537 if you have any questions regarding benefits.

Your appointment will be subject to verification of employment references, academic credentials and any other verifications or tests that are appropriate for consideration for employment. The conditions of your appointment are in accordance with the policies and procedures of the Resource Book for Staff Employees. These policies and procedures include, but are not limited to, performance expectations, attendance requirements, vacation and sick leave, and causes for dismissal. All new employees serve a ninety (90) day evaluative period.

Please indicate your acceptance of this letter of offer by signing this letter on the line provided and returning it to me at *Name of Department*, Xavier University of Louisiana, 1 Drexel Drive, New Orleans, Louisiana 70125 by *date*.

You must report to Human Resources, located at 909 South Jefferson Davis Parkway (Xavier South) Room 410 on or before your first day of employment to complete all new hire forms. Please bring your social security or work authorization card and a voided check for enrollment in the direct deposit program for payroll purposes.

XAVIER UNIVERSITY OF LOUISIANA

By: \_\_\_\_\_  
Signature of Person Authorized to extend an offer of employment

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**Effective 05/01/2010**



**AUTHORIZATION TO RELEASE INFORMATION  
REGARDING AN APPLICANT'S PREVIOUS EMPLOYMENT**

**OFFICE OF HUMAN RESOURCES  
XAVIER UNIVERSITY OF LOUISIANA**

Name of Applicant \_\_\_\_\_

Name of Previous Employer \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Name of Previous Supervisor \_\_\_\_\_

Title of Previous Supervisor \_\_\_\_\_

Telephone Number of Previous Supervisor \_\_\_\_\_

E-Mail Address of Previous Supervisor \_\_\_\_\_

Dear (Previous Supervisor's Last Name): \_\_\_\_\_

You are hereby authorized to furnish Xavier University of Louisiana, hereafter referred to XULA, through its Director of Human Resources, Mr. Larry L. Calvin, any and all information concerning my employment. This authorization includes the authority to discuss this information verbally with Mr. Calvin or his designee. You are hereby released from any claims, liability, or damages of any kind in connection with the disclosure of this information to XULA. Mr. Calvin or his designee and XULA, are released from any and all claims, liability, or damages of any kind in connection with the obtaining of this information and/or discussing this information with you.

Please refer to Louisiana Act R. s. 23:291, section 1, Part IV of Chapter 3 of Title 23 of the Louisiana revised Statutes of 1950 that provides immunity to employers from civil liability for disclosing factual employment information.

A copy of this authorization may be used in place of and with the same force and effect as the original:

Name of Applicant \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

Date of Authorization \_\_\_\_\_



**AUTHORIZATION TO RELEASE INFORMATION  
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**OFFICE OF HUMAN RESOURCES  
XAVIER UNIVERSITY OF LOUISIANA**

Please answer the following questions regarding the previous employment of

\_\_\_\_\_

Name of Applicant

What were the dates of the applicant's employment? From \_\_\_\_\_ To \_\_\_\_\_

Reason for Separation:

Resigned with notice

Resigned without notice

Discharged for cause

Unable to answer

Would you rehire  Yes  No

Name of person completing this form: \_\_\_\_\_

Signature of person completing this form \_\_\_\_\_

Title \_\_\_\_\_ Date: \_\_\_\_\_

Xavier University thanks you for completing this form. Please e-mail it to [lcalvin@xula.edu](mailto:lcalvin@xula.edu) or FAX to Larry Calvin at 520-7937

**Effective 3/01/2010**