

RISK COMMUNIQUÉ

Employee Practice Exposure – Hiring/Applying for Membership

Proper hiring or application procedures is the first step in reducing the possibility of future employment or membership problems. If the organization has a good application, prospective employee/membership review procedure and new employee/member orientation then the organization will be able to provide a good first defense in the event a disgruntled or disenchanted employee/member brings an wrongful termination suit.

The following are some suggestions and guidelines to use when interviewing/hiring prospective employees/members.

Hiring/Application Guidelines

- Position/Job descriptions should be developed for each job classification.
 - Included in the job description should be the duties, responsibilities, required experience, limitations and any physical and mental ability requirements.
- “Bona Fide Occupational Qualifications” should be established for each job classification.
- A written application should be completed which includes the following about the applicant:
 - Identification of the applicant (name, address, telephone number)
 - Qualifications of the applicant (education, training, certificates, licenses)
 - Experience of the applicant (relevant experience with date)
 - Background and references (3 personal reference, not related)
 - Waiver/consent (which includes)
 - Statement included that information is truthful and accurate
 - Applicant waives confidentiality rights with respect to criminal history checks, reference checks, etc.
- Applicant should sign and date application
- Face-to-face interviews should be completed by multiple officers. The group then will have a variety of opinions of the individual.
 - Use only application/resume and job description to ask questions.
 - Concentrate the interview on subjects that are tied to the job itself.
- The organization should be aware of the following federal laws which guard the rights of applicants.
 - Title VII of Civil Rights Act of 1964
 - Age discrimination in Employment Act of 1967
 - American with Disabilities Act
 - Fair Credit Reporting Act
 - Employee Polygraph Protection Act of 1988
- Confirm employment/membership with a letter which details terms, conditions, restrictions, requirements, salary (if appropriate) etc.
- Present to new employee/member an organization manual and job description for which the individual must sign off and date.

This is a sample guideline furnished to you by VFIS. Your organization should review this guideline and make the necessary modifications to meet your organization's needs. The intent of this guideline is to assist you in reducing exposure to the risk of injury, harm, or damage to personnel, property, and the general public. For additional information on this topic, contact your VFIS Risk Control Representative at (800) 233-1957.