Applications & Interviews for Small/Medium Nonprofits

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Themes

- Whatever you do, do it consistently. Provide notice when there is a change and have a good business reason for a change.
- Decide as an organization (at the Board level) how much is enough.
Disclaimer

- Today's presentation focuses on do's and don'ts of the application, interview and reference checking process.
- I will touch on some general HR personnel best practices (i.e., how to select the best candidate or how to ask a question to properly obtain the information you want), but I focus more on legal issues.

Case Study
Acme Faith-Based Service NPO, Inc.

- Acme Service NPO, Inc. is an Indiana faith-based nonprofit corporation that provides certain human services to vulnerable populations in our rural county. Acme has 12 employees, three of whom are part-time and an annual budget of $950,000.
- Fundraising has always been a weakness, with income typically coming from government and private foundation grants, as well as fee-for-service billing (insurance, Medicare, etc.). The margins on the government reimbursements are very thin.
- Acme needs to hire a new ED/CEO who will be responsible for overseeing the day-to-day operations of the organization, setting the tone and trend of the workplace, and working with the Board to strengthen programming.
- A job posting has gathered many applications, three of whom stood well above the rest. The Board has interviewed all three, each of whom are known in the community and already live here. A second round of interviews may be appropriate.
Case Study – Acme: The Candidates

- Xavier is a Caucasian, British-born male eligible to work in the U.S. He has experience in the human services industry and is comfortable with the business aspects of this industry. His nonprofit experience is limited, although his connections are very good. He is a “go getter” with a “can do” attitude coupled with a strong personality that can sometimes be off-putting. He is nominally a member of the same faith of the organization. He is in his mid-40s and he is rumored to have a strong liking for alcohol.

Case Study – Acme: The Candidates

- Yadiera is a bilingual Hispanic female. She has extensive nonprofit experience, including in fundraising and development, but is untested in the business setting. She is extremely sweet, and is excellent at building consensus, both among staff and boards. She knows her weakness is numbers, and surrounds herself with competent people to assist in this regard. She is in her mid-30s, and very active in her two twin children’s sports, including their frequent regional travel teams. She is also active in her local religious congregation, the same faith as the organization.

Case Study – Acme: The Candidates

- Zoe is an African American female. She has had an extensive and varied career in the business and nonprofit sectors, as well as has a working knowledge of the human services industry from her job as a mid-level manager about 20 years ago. She is a dynamic community leader and serves on many nonprofit boards in the community, but is clearly slowing down. In her late 50s to early 60s, she is hoping to take this position—her last one before retirement—to slow down so she can spend more time with the grandchildren. She is an outspoken member of her faith, the same faith as the organization. She is known to have “health problems” that may or may not affect her work.
Case Study: Acme – The Candidates

- Poll:
  - Please submit via chat feature.
  - If multiple in attendance at your one location, please poll there and provide the tally via chat.
  - We'll collect and provide results later.
- Based on the information provided, who would hire:
  - Xavier?
  - Yadaea?
  - Zoe?
The Law: The Law School Question

- Setting: In Employment Law class after studying the number of employee thresholds for the various anti-discrimination laws.
- Student: So, in practice, a small employer can discriminate against these various protected classes as much as they want?
- Professor: I would never recommend to an employer client to discriminate. But yes, these anti-discrimination laws do not apply to employers who do not meet the minimum thresholds.
- But there may be other ways the laws do apply.
- Tax Exempt Status. See Bob Jones cases.
- As a condition of a state of federal grant.

The Law: Other Ways It Applies

- But there may be other ways the laws do apply.
- Tax Exempt Status. See Bob Jones cases.
- Property tax exemption.
- As a condition of a state of federal grant.
- Certain broad-based exceptions related to the "identity" of the organization. I.e., a religious organization may require employees to be adherents to that religion.
- Even if the law does not apply, we have an intuitive sense that invidious discrimination is wrong, and so do our donors and most of our stakeholders.
Best Practices: Applications

- Keep all questions related to gathering information for business necessity.
- Understand the distinction among the application, the benefits forms, and the state/federal employment statistics requirements.
- Request that the applicant certify the accuracy of the information, know that false or missing information can lead to non-selection or termination and how long the information will be retained.
- Good Questions
  - Are you able to travel, relocate or work overtime?
  - Have you ever been fired or asked to resign because of a policy or personal violation?
  - Give an example of when you worked with a team.
  - Are you able to perform specific job-related tasks?

Best Practices: Interviews

- Avoid asking questions that are intended to elicit information about age, gender, pregnancy, ethnicity, etc.
- Ask only questions you intend to use in making the hiring decision.
- Know how you will use the information to make that decision.
- Good Questions
  - Describe how you would perform all job-related functions.
  - Could and would adhere to a code of conduct policy?
  - Can you meet the attendance requirements for this job? (How many leave days did you take last year?)
  - Do you have the required licenses for this job?
  - Where applicable, would you submit to a criminal and CPS check for this job?

Best Practices: References

- Get them.
- Check them, especially relating to job performance.
- When asking for them, tell applicant that s/he should supply references that the employer can check, because the employer will check.
- Most risk is on the person or entity providing the information.
- Facebook & Social Media: Be careful not to use protected information in making decision.
Case Study Review: Xavier

- Xavier is a Caucasian, British-born male suitable to work in the US. He has experience in the human services industry and is comfortable with the business aspects of this industry. His nonprofit experience is limited, although his connections are very good. He is a "go getter" with a "can do" attitude coupled with a strong personality that can sometimes be off-putting. He is normally a member of the same faith as the organisation. He is in his mid 40s and he is rumored to have a strong liking for alcohol.
- Legal Concerns?
  - National origin discrimination
  - Faith match
  - Age discrimination
  - Code of conduct
- What to Ask?
  - Compliance with OSH
  - Management style
  - Faith
  - What else?

Case Study Review: Yadiera

- Yadiera is a bilingual Hispanic female. She has extensive nonprofit experience, including in fundraising and development, but is interested in the business sector. She is extremely driven, and is excellent at building consensus, both among staff and outside. She knows her weaknesses in numbers, and surrounds herself with competent people to assist in this regard. She is an independent, and is involved in a variety of children's spaces, including their frequent social and fund-raising events. She is also active in her local religious congregation, the same faith as the organization.
- Legal Concerns?
  - Race/ethnicity discrimination
  - Gender and/or pregnancy discrimination
- What to Ask?
  - Business acumen
  - Importance of concerns
  - Ability to perform job functions, including evening and weekend attendance
  - What else?
Case Study Review: Zoe

- Zoe is an African American female. She has had an extensive and varied career in the business and nonprofit sector, as well as a working knowledge of the human services industry. From her job as a mid-level manager about 10 years ago, she is a persistent, determined leader, and serves as both an advocate and a mentor to others in the community.

- Legal Concerns:
  - Race
  - Age
  - Fairness
  - Disability

- What to look for:
  - Capable of performing job functions?
  - Willing to perform job functions, including driving and weekend hours?
  - Proper role for faith at work?
  - What else?

Poll Results

The next “Lunch & Learn” of the Nonprofit Webinar Series: Applications & Interviews

Tuesday, March 17, 2015
11:00 a.m. to 12:00 (12:30) p.m. ET

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