

Hiring Based on Internet Searches: Are You Dodging the Bullet or Becoming the Target?

Mary Jo Shackelford

If you rejected a candidate because of information you found on the Internet, did you dodge the bullet of a bad hire or make yourself the target of a big ticket lawsuit? Here's one expert's advice.

Doing a Google® search on a job applicant-it's so tempting. Facebook®, MySpace® and a dozen other sites are just sitting there, waiting for you. There's so much you can find out. And it's such fun to play Internet detective. But as the adage says: Just because you can do it doesn't mean you should. One reason: You just might be breaking the law. Under the law, each stage of the screening process used in selection for prospective employment is, legally, a "test," says Rhoma Young in a recent issue of California Employment Law Answers. Young is founder and head of HR consulting firm Rhoma Young & Associates in Oakland, California. To comply completely with EEOC guidelines, each "test" in the screening process should be relevant to the job being filled and analyzed for any potential adverse impact. Unless the job-related connection is very clear and obvious and unless the test has been applied to all candidates being considered for a particular position, it would be very difficult to justify using the test as even a small part of the selection process.

Given that, how would you define or quantifiably measure the relevancy of someone's blog, or a random mention in a Google reference, to the job you are filling? How would you define an objective benchmark that meaningfully uses the information coming from a check of blog activity, someone's personal website, or mention in a Google search, to predict success on the job or measure needed skills and abilities? And what if your Google search discovers mention of a person's private political leanings, life style choices, or religious affiliation, belief or activity...all things you're not supposed to consider in hiring? The fact is, we take endless measures to teach our supervisors and managers what interview questions are appropriate, effective, and without bias, says Young. We are very careful to avoid questions about a person's marital status, religion, or age, for example. Our employment applications are carefully designed to elicit only the necessary information to confirm an applicant's job-related experience, skills, and education. We don't ask about physical limitations or conditions, Social Security numbers, etc.

Given that, why would you want to check Google or Facebook, possibly breaking all those rules? What would you do with the information you found? "Unless a person is applying for a Web designer position and asks you to review websites designed as a legitimate work sample," says Young, "I strongly suggest that you not run a Google search or blog check on any prospective applicant." Young's bottom-line advice: In general, it is best not to ask any question or seek information out of idle curiosity. If the reason to garner such information is not legitimately job-related, you run the chance that if a person is not selected, he or she will attribute the non-selection to the search you did. That can lead to a challenge of the selection process and possible legal action. For all types of inquiries, then, make the overriding question: How does it relate to the person's job? Your job may be the safer for it.

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