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How to Interview & Select Your Startup Staff

by Chris Tripoli

You can't be too selective in picking your starting lineup. On the other hand, it is a time-consuming process. You need to be careful. You need to be efficient. It's a tricky dance. And to find a starting team of top performers you need to meet a lot of prospects.

A lot. A casual Mexican-theme restaurant with which I've conducted business recently interviewed more than 200 people during a five-week selection period to fill the 70 slots required for this 200-seat, seven-days-a-week lunch-and-dinner concept. This is not the exception.

Very few startup restaurateurs have to be convinced that poor hiring decisions in the opening phase can trip up the business in this critical phase; however, unless you've worked for a large corporation with a sophisticated human resources (HR) department, it is unlikely that you've been trained in the mechanics of interviewing staff. A well-planned and methodical approach to the interview process can help you find the best candidates and sidestep costly errors, including asking questions that might suggest discriminatory hiring practices or not getting enough information to size up the attitude and skills of a candidate. We all have preconceived notions of what we consider the ideal employee. A pattern interview process helps us stay on track. We get past superficialities, and home in on the qualities that we seek in our staff.

Although HR pros may argue the fine points of the interview process, in the context of interviewing candidates for restaurant positions, I have found that the most successful opening teams have been selected by a "two interview" process. It can be carried out effectively and efficiently with even basic forms and procedures, which I will discuss. Best of all, like a two-step dance, it's relatively simple.

Pre-interview Preparation

First, assess your needs. To properly assess what your restaurant opening requires, it is necessary to complete preliminary schedules for each department. "Master schedules" are the best guides to use as hiring tools, as they paint a picture of the number of slots needing to be filled and help us make necessary staff-related decisions before the selection process begins. (See "[What It Looks Like: Master Schedule](#)" below.)

For example, completing your master schedule for the front-of-the-house departments, you will be able to decide on the amount of host staff required to properly greet, manage the wait list and seat the guests. This may be a minimum of two and as many as five depending upon the shift.



Casual restaurants allow five to six table stations per server and more formal concepts allow three to four. One busser may be needed for every four servers, and a minimum of two bartenders may be needed for bars that provide service to the wait staff as well as bar patrons. Using these minimums as guidelines you can complete a weekly master schedule and see the amount of shifts (slots) needing to be filled. The back-of-the-house department should be separated by line position (grill-broil, sauté, fry, etc.), prep and dish staff to correctly total the amount of shifts required.

By multiplying the average hourly wage you anticipate paying for each position by the hours required on your master schedule, you will be able to check your labor cost and compare it with your operating budget before any staff member has been selected.

I recommend using the master schedule as a guide throughout the selection process, penciling in names of hired staff members into their scheduled slots to better know where you stand during this crucial part of your opening process.

Develop all required materials in advance. With master schedules completed, it is time to check and see that critical materials needed for the interview process have been prepared, reviewed, and understood by all managers scheduled to do the staff interviewing. Mistakes are made and staff misunderstandings occur when materials are not available and/or interpreted differently by management. Materials you should have available during the staff interview include:

- **Employment application**
- **Job description**
- **General orientation manual (employee handbook)**
- **Menu(s)**
- **Uniform**
- **Interview evaluation**
- **Schedule request form**

The First Interview: Establish an Open Climate

At the onset of the first interview, focus on establishing an open climate. A positive opening to the first interview quickly establishes communication channels by removing the threat between the interviewer and the applicant. Establishing an open climate will reduce tension and serve as a good transition to the relationship and data questions that need to follow.

Finish the previous interview and any paperwork completely, so that all your attention and consideration can be focused on the applicant about to be interviewed. Review the new application before meeting with each candidate to mentally record any information that may be of value in the ensuing discussion. Take note of the applicant's name, and then set the application aside to evaluate the person and not their employment application.

Graciously greet the applicant. Address him by first and last name, introduce yourself and ask what name the person prefers to use for himself. Establish that the remainder of the interview will be on a first-name basis. Allow casual conversation to flow; "small talk" as it may be called is a good icebreaker. The applicant or interviewer may initiate; the interviewer however, must strive to keep comments relevant and brief. Set the "tone" for the interview at the onset. The interviewer should explain the purpose and structure of the interview, briefly reviewing the objectives as to form a contract up front, ensuring that both parties involved benefit from this preliminary session.

Plan your questions. Encourage the applicant to talk freely about himself by asking "relationship questions." An example of an appropriate relationship question is "Tell me about you?" Select a question from the examples provided in "[Sample Interview Questions](#)" below, to learn about the applicant's compatibility with your restaurant concept. Things you can evaluate at this point include appearance, ability to initiate conversation, animation and enthusiasm. Use the "Interview Rating Sheet" below to assist you in "scoring" your applicant. It is important that this form be used as a tool in discovering any problem areas that would exist if you hired him. You need to be critical and careful.

Remember, first impressions last. The first contact the interviewer has with an applicant needs to yield a positive "feeling" or first impression. This reaction can be like the feeling the applicant will convey to the guest. Also, keep in mind that the preliminary interview is a screening process. If, after a few relationship questions the interviewer feels certain the applicant is not qualified, then it becomes necessary to touch upon the essentials and move on.

Relationship questions should take a smooth transition directly into "data" questions. Since the decision of advancing the applicant to a second interview should be evident, these questions are secondary in importance. Data questions are designed to disclose facts and figures about the applicant's educational background, work experience, and present activities. Select a few from the examples listed below to complete the preliminary interview.

Let the applicant ask questions. After asking selected relationship and data questions, the interviewer should have an excellent idea whether the applicant is suitable for employment. If the applicant is still being considered, the interviewer will open discussion designed to convey information about the restaurant and answer any questions that the applicant may have about the operation. The interviewer should discuss the essential operating topics, carefully evaluating the applicant's reaction to each item:

- **Wages**
- **Uniform policy**
- **Training period and training wages**
- **Scheduling and "on call" (if applicable)**
- **Hours of operation**
- **Mandatory employee meetings**
- **Target clientele**
- **Tip distribution system**
- **Second interview process**

Carefully close the interview. When this discussion is concluded, steps should be taken to close the interview. Well-chosen closing remarks are essential to bringing the interview full circle, ending on the same positive note that was established in the early stages. Inform the applicant that they have undergone a preliminary interview and that a second interview is required before hiring can be confirmed. Explain that the restaurant will decide who will be called back for a second interview and that only those applicants will be contacted. (In certain situations the interviewer may elect to confirm a second interview immediately.) It is imperative that this message is clear if applicants are asked not to call the unit to check on their consideration.

Double-check contact information. Ensure that the telephone number on the application is accurate and confirm the most convenient time to reach the applicant, should he or she be called. Explain that the applications of those persons not called will be accurately filed and considered for future placement. Ask if the applicant has any more questions or comments at this point. Finally,

thank the applicant and cordially part.

Don't invite problems. Be certain that all candidates advanced to second interviews meet basic job requirements and have good potential as prospective employees. Otherwise the general manager's and applicant's time may be wasted during the second interview session.

Follow up the interview. Immediately following each interview and before receiving the next applicant, the interviewer will complete the following procedures: (Use the "[Interview Rating Sheet](#)" below to record information during the first and second interviews.)

- Record the date interview was conducted.
- Record the interviewer's name.
- Record brief, appropriate comments, both positive and negative. It is imperative that these notes be accurate and informative through use of key words and phrases that will be meaningful when the application is reviewed at a later date. (Remember; an applicant cannot be disqualified for employment consideration because of age, sex, race, creed, color, national origin, or physical handicap. Be certain that all written comments on the application are not discriminatory or inconsistent with actual hiring practices. (For more information, see "[Avoiding Hiring Legal Pitfalls](#)," RS&G Archives.)
- Staple job resume, if available, onto application form with interview rating sheet.
- File application form prescribed in the section "Applications on File."

The Second Interview: Bring in the GM

The second interview is an opportunity for the general manager to review employee candidates who have been highly recommended by other managers based on their preliminary interview. The general manager should participate in this session and inform the appropriate department manager who conducted the preliminary interview of the results from the second interview. Second interviews run parallel to preliminary interviews. Both are designed to convey and gather information and, more importantly, reveal the attitude and nature of the applicant.

Emphasize relationship questions. Relationship questions, however, receive much more emphasis during the second round. Data questions, which warrant less attention, should only be briefly reviewed. On a second interview the applicant's attitude may range from extreme apprehension to total relaxation. Variations in behavior stem from a number of reasons, which require the manager to conduct a businesslike interview in a non-threatening climate, again in an attempt to reveal the applicant's positive and negative attributes. Target time for a second interview is 10-20 minutes, yet managers have the option to vary this time.

A byproduct of the second interview is that managers have an opportunity to check interviewing techniques of the preliminary interviewer. In theory, only the most promising applicants should advance to a second interview. An evaluation session between the general manager and preliminary interviewer will then not only be to confirm applicants for hiring, but also serve as a training device aimed at developing the preliminary interviewer's interviewing skills and consistency.

Use a different closing sequence than the first interview. When approaching the end of the second interview, allow the applicant to ask about the operation, either interview, and any other relative questions. The "closing sequence" for the second interview is somewhat different from the one in the preliminary interview.

First, inform the applicant either that he has completed the basic interviewing requirements and

the decision to hire will be made after all candidates have been reviewed by the interviewing team, or he is approved for hiring immediately and ask him to complete a schedule request form. This form will establish his availability immediately, to avoid misunderstanding and confusing when creating a final schedule. [Download Schedule Request Form](#)

SCHEDULE REQUEST FORM

Preferred schedule shifts you would like:

Dates: _____

/	/	/	/	/	/	/
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
AM						
PM						

Days you would like off (please explain):

Dates: _____

/	/	/	/	/	/	/
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
AM						
PM						

Schedule Request Explanations:

Important Suggestions or Comments:

Name: _____ Date: _____

Department: _____

Request: _____ thru _____

Schedule Request Form

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Let candidate know where you will go from here. Explain that each applicant who participated in a second interview will be called by your restaurant whether or not he is hired. Establish a deadline for receiving this call (within two to three days) and ask the applicant to phone your restaurant if he hasn't been contacted by the end of the established time period.

Again, ask the applicant if he has any further questions or comments. As you did at the end of the first interview, thank the applicant and cordially part.

Making the Hiring Calls

Complete the second interview information on the interview rating sheet, as noted. Enter the date the interview was conducted. Enter both interviewers' names. Enter brief, appropriate comments, both positive and negative. Check appropriate box, "yes" or "no," next to recommended for hiring.

If the candidate is acceptable for hiring, enter the position hired for and projected start date. If not acceptable, state the reason for not hiring. Again, remember; an applicant cannot be disqualified for employment consideration because of age, sex, race, creed, color, national origin, or physical handicap. Be certain that all written comments on the application are not discriminatory in nature or inconsistent with actual hiring practices. File application form as prescribed in "Applications on File" or separate the application if the person is hired.

After it has been determined who will be hired, all applicants participating in a second interview must be contacted. The hiring calls must be placed within the established time frame to avoid causing applicants to call the restaurant or to become discouraged because they haven't been contacted.

When contacting an applicant to confirm his hiring, the caller should identify who he is and the restaurant, and state the position for which the person is being hired. The caller should also inform the person where and at what time and date they need to report for orientation. Indicate to the new hired person how long orientation will last and briefly review what will transpire, and inform him of the training schedules and what else will be discussed at the orientation.

As noted, when contacting an applicant who will not be hired, the caller should clearly and directly inform the individual that he will not be hired for the position for which he applied. Also, the caller should explain that since the applicant has undergone both a preliminary and second interview, his application will be kept on file for consideration and possibly future placement. Finally, inform the applicant that if the restaurant would like to meet him again, he will be contacted. Otherwise, the applicant can reapply for other positions, if he wishes. Again, always thank the applicant for his interest in the restaurant. Remember, that person and his friends could be future patrons. You need to establish your business and yourself as a class act with everyone.

The Goal Goes Beyond Simply Finding People

Since the goal is much more than simply finding people to fill available slots but to select people who can perform their required task and are compatible with the concept, a two-interview process gives management a better chance of getting to know each applicant. A preliminary (screening) interview and a second (closing) interview allow for more than one manager's opinion to be considered and include a variety of questions necessary to learn the most about the applicant in a minimum amount of time.

-- [Restaurant Startup & Growth](#)

Sample Interview Questions

Using pattern interview questions ensures that you will not forget to probe for important information on the applicant's suitability for the job or the culture of your restaurant, as well as help you avoid discriminatory hiring practices, both in the kinds of information elicited and the fairness of the hiring process. Here are 38 questions that you can use in your interview to discover applicant attitude, enthusiasm, knowledge and motivation.

- 1. What range of experience do you have in the restaurant business?**
- 2. For what reasons did you leave your last job?**
- 3. What jobs have you held outside the restaurant business?**
- 4. How often have you changed jobs?**
- 5. What, if any, problems have you had in the restaurant business?**
- 6. Are you involved in sports or other extracurricular activities?**
- 7. Are you attending school?**
- 8. Are you financing your education yourself?**
- 9. How many units (hours) are you carrying in school?**
- 10. Will late shifts (or early shifts) conflict with classes?**
- 11. How many hours and/or days can you work without interfering with schoolwork?**
- 12. Are there any days of the week that may require a special schedule because of school or other activities?**
- 13. How many days per week would you like to work?**
- 14. How much money do you wish to earn each week?**
- 15. When are you available for work?**
- 16. When could you give notice to your present employer?**
- 17. How long do you plan to work for our restaurant?**
- 18. Do you have any prior commitments for the future -- vacations, holidays at home, etc.?**
- 19. Do you intend to keep your present job and work two jobs while employed with us?**
- 20. What do you know about our concept?**
- 21. How do you think you can be an asset to our restaurant?**
- 22. What do you like about the restaurant business?**
- 23. What do you do for personal enjoyment?**
- 24. How would this job affect your personal, home or social life?**
- 25. What are your interests and plans?**
- 26. What duties do you anticipate this job will entail?**
- 27. Describe a pleasant and not-so-pleasant experience you've had in a restaurant lately, and how you like to be treated when enjoying an evening out.**
- 28. What are some key factors involved with good service?**

- 29. What do you feel to be your greatest achievements?**
 - 30. What do you think should be considered most when hiring a new employee?**
 - 31. What positions within our operation are you qualified for and/or interested in?**
 - 32. Have you ever had a trying or uncomfortable situation as an employee with a guest?**
 - 33. What happened? How did you handle that situation?**
 - 34. What type of employer are you looking for?**
 - 35. How would you feel about wearing the uniform we have for your position?**
 - 36. Describe the attitude that an employee and employer should have concerning the guest.**
 - 37. Discuss your previous (or present) job. What were your job requirements and responsibilities; under what condition did you leave the job?**
 - 38. What are the differences between a place you like to frequent as a guest and a place where you'd like to work? How does our restaurant fit into this picture? If I have 10 applicants for one position, what do you offer that would cause me to hire you over everyone else?**
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What it Looks Like: A Master Schedule

Master schedules help you paint a picture of the number of slots needing to be filled prior to the selection process. Complete this form before interviewing to determine the kinds and numbers of employees you'll need to open the restaurant. This sample Master Schedule was generated from the [Restaurant Schedule Template](#) available on this site.

MASTER SCHEDULE

Blue Fish Grill

Department: 20 ALL DEPTS

Department	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
01 Server	01 L Dining Room 9-5	01 L Dining Room 9-5	01 L Dining Room 9-5	01 L Dining Room 9-5	01 L Dining Room 9-5	01 L Dining Room 9-5	01 S Dining Room 9-5
01 Server	02 L Dining Room 10-3	02 L Dining Room 10-3	04 L Dining Room 9-2	04 L Dining Room 9-2	04 L Dining Room 9-2	04 L Dining Room 9-2	02 L Dining Room 10-3
01 Server	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3
01 Server	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3
01 Server	03 M Dining Room 11-8	03 M Dining Room 11-8	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	02 L Dining Room 10-3	03 M Dining Room 11-8
01 Server	05 D Dining Room 4-10	05 D Dining Room 4-10	05 D Dining Room 4-10	05 D Dining Room 4-10	05 D Dining Room 4-10	05 D Dining Room 4-10	05 D Dining Room 4-10
01 Server	07 D Dining Room 6-11	06 D Dining Room 4-10	06 D Dining Room 4-10	05 D Dining Room 4-10	06 D Dining Room 4-10	05 D Dining Room 4-10	07 D Dining Room 6-11
01 Server	07 D Dining Room 6-11	07 D Dining Room 6-11	06 D Dining Room 4-10	05 D Dining Room 4-10	06 D Dining Room 4-10	05 D Dining Room 4-10	07 D Dining Room 6-11
01 Server	07 D Dining Room 6-11	07 D Dining Room 6-11	06 D Dining Room 4-10	05 D Dining Room 4-10	06 D Dining Room 4-10	05 D Dining Room 4-10	07 D Dining Room 6-11
02 Bartender	05 L Main Bar 10-4	05 L Main Bar 10-4	05 L Main Bar 10-4	05 L Main Bar 10-4	05 L Main Bar 10-4	05 L Main Bar 10-4	05 L Main Bar 10-4
02 Bartender	09 D Main Bar 4-11	09 D Main Bar 4-11	09 D Main Bar 4-11	09 D Main Bar 4-11	09 D Main Bar 4-11	09 D Main Bar 4-11	09 D Main Bar 4-11
03 Host	15 L Host 10:30-2:00	15 L Host 10:30-2:00	15 L Host 10:30-2:00	15 L Host 10:30-2:00	15 L Host 10:30-2:00	15 L Host 10:30-2:00	15 L Host 10:30-2:00
03 Host	17 D Host 5-10	17 D Host 5-10	17 D Host 5-10	17 D Host 5-10	17 D Host 5-10	17 D Host 5-10	17 D Host 5-10
04 Busser	12 L Busser 9-3	12 L Busser 9-3	12 L Busser 9-3	12 L Busser 9-3	12 L Busser 9-3	12 L Busser 9-3	12 L Busser 9-3
04 Busser	14 D Busser 5-11	14 D Busser 5-11	14 D Busser 5-11	14 D Busser 5-11	14 D Busser 5-11	14 D Busser 5-11	14 D Busser 5-11
05 Line Cook	18 L Grill 9-4	18 L Grill 9-4	18 L Grill 9-4	18 L Grill 9-4	18 L Grill 9-4	18 L Grill 9-4	18 L Grill 9-4
05 Line Cook	20 L Fry 9-3	20 L Fry 9-3	20 L Fry 9-3	20 L Fry 9-3	20 L Fry 9-3	20 L Fry 9-3	20 L Fry 9-3
05 Line Cook	19 D Grill 4-11	19 D Grill 4-11	19 D Grill 4-11	19 D Grill 4-11	19 D Grill 4-11	19 D Grill 4-11	19 D Grill 4-11
05 Line Cook	21 D Fry 5-11	21 D Fry 5-11	21 D Fry 5-11	21 D Fry 5-11	21 D Fry 5-11	21 D Fry 5-11	21 D Fry 5-11
05 Prep Cook	22 L Day Prep 9-3	22 L Day Prep 9-3	22 L Day Prep 9-3	22 L Day Prep 9-3	22 L Day Prep 9-3	22 L Day Prep 9-3	22 L Day Prep 9-3
05 Prep Cook	24 D Salad Station 4-10	24 D Salad Station 4-10	24 D Salad Station 4-10	24 D Salad Station 4-10	24 D Salad Station 4-10	24 D Salad Station 4-10	24 D Salad Station 4-10
07 Dish	25 L Dishwasher 9-4	25 L Dishwasher 9-4	25 L Dishwasher 9-4	25 L Dishwasher 9-4	25 L Dishwasher 9-4	25 L Dishwasher 9-4	25 L Dishwasher 9-4
07 Dish	27 D Dishwasher 5-11	27 D Dishwasher 5-11	27 D Dishwasher 5-11	27 D Dishwasher 5-11	27 D Dishwasher 5-11	27 D Dishwasher 5-11	27 D Dishwasher 5-11
07 Dish			28 D Dishwasher 4-10	28 D Dishwasher 4-10	28 D Dishwasher 4-10	28 D Dishwasher 4-10	

If You Can't Fill All the Shifts, Then Perhaps Reduce the Number of Shifts You Have to Fill

Even with a good system, you might not have the time to fill all slots as carefully as you would like. In fact, you might be better off to limit your shifts in the first few quarters of operation than try to go full-speed ahead with marginal employees. For example, a steakhouse/piano bar restaurant in Michigan decided to stagger the selection of its opening staff by offering dinner only for the first month of operation. This allowed time for the new concept and its management to get better established while selecting its lunch staff.

Interview Rating Sheet

INTERVIEW RATING

IMPORTANT: THIS FORM IS TO BE USED AS A TOOL IN DISCOVERING ANY PROBLEMS AREAS THAT WOULD EXIST IF YOU HIRED THIS PERSON. BE CRITICAL – BE CAREFUL

APPLICANTS NAME AND ADDRESS _____

POSITION INTERVIEWED FOR	LOCATION OF INTERVIEW	INTERVIEWED BY	DATE OF INTERVIEW
--------------------------	-----------------------	----------------	-------------------

1. PHYSICAL QUALIFICATIONS
Stature and Appearance Necessary for Position
 High Acceptable Borderline Not Acceptable
 Comments: _____

2. EXPRESSIONS
Clearness-Grammar-Enthusiasm-Enunciation-Vocabulary
 High Acceptable Borderline Not Acceptable
 Comments: _____

3. MENTAL GRASP
Stature and Appearance Necessary for Position
 High Acceptable Borderline Not Acceptable
 Comments: _____

4. EXPERIENCE AND WORK HISTORY
Previous Job(s) Held and Applicability to Position Applying for
 High Acceptable Borderline Not Acceptable
 Comments: _____

5. EDUCATION
Meets requirements for Job
 High Acceptable Borderline Not Acceptable
 Comments: _____

6. INTEREST AND INITIATIVE
Interest in Work for Which He/She is Being Considered
 Soundness of Reasons for Seeking Job
 Effectiveness in Presenting His/Her Case
 High Acceptable Borderline Not Acceptable
 Comments: _____

7. ATTITUDE
Reason for Leaving Previous Job(s) – Relations with Employer(s)
 High Acceptable Borderline Not Acceptable
 Comments: _____

8. POTENTIAL
Seeking Ability to Advance to Higher Jobs
 High Acceptable Borderline Not Acceptable
 Comments: _____

9. ADAPTABILITY
Personality such as He/She can Adapt to Conditions of the Job
 High Acceptable Borderline Not Acceptable
 Comments: _____

GENERAL COMMENTS: Strengths Versus Weakness and Those Areas Needing Development, etc.

To Indicate Your Recommendation Check Appropriate Block
 HIRE DO NOT HIRE NEED OTHER INTERVIEW HOLD FOR FUTURE

FINAL RATING (Circle One)	1	2	3	4	Suggested Salary	Probable Supervisor
	High	Low		

If Additional Space is Required Please Use the Reverse Side of this Form

Signature of Acceptance: _____

NAMES OF PROSPECTS REFERRED BY APPLICANT		NAMES OF PROSPECTS REFERRED BY APPLICANT	
Name	Phone	Name	Phone
Address	Company	Address	Company
Phone (Res.)	Relationship to Applicant	Phone (Res.)	Relationship to Applicant

The interview rating sheet helps you determine the candidate's suitability for the position as you conduct the interview. It provides a consistent template to use with all interviewees, demonstrating fairness and objectivity in the process. The one-page form can be easily kept on file for future reference. [Download Form Now](#)

Just a Few Words on Employment Applications: Always Get One!

It's critical that every job applicant completes a proper employment application. Why all the fuss? Employment applications can give the employer a good defense for a wrongful discharge claim. A common example is the employee who lies on his application, and then raises a wrongful discharge claim against the employer. Evidence of the employee's misrepresentation on his job application can diminish or undermine his claim, and protect your interests.

Also, an employment application allows you to obtain written consent to perform lawful background checks. For example, before an employer can get a consumer credit report for employment purposes, it must notify the applicant in writing and get her written authorization. This allows the employee to withdraw her application if there is information she would rather not see disclosed. School records cannot be disclosed without the consent of the student.

But the application can be a double-edged sword if it is not carefully constructed. Employment applications have been the focal point of discrimination lawsuits against employers. The Equal Employment Opportunity Commission cautions employers to avoid questions that tend to have a "disproportionate effect" in screening out minorities or females. All questions in an application should only seek information necessary to judge if the individual is competent to perform the particular job.

To be safe, don't attempt to draft your own employment agreement. Either use a pre-printed standard form that has been designed and reviewed by labor law and human resource specialists, or use a custom form that has been reviewed and approved by your labor attorney. In either case, applications should be periodically reviewed to make sure that the questions asked are proper and to make sure that the application protects the employer. Labor law constantly evolves in the federal and state legislatures and courts.

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