



Strategies and Considerations for Hiring Self Hired Staff

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Basic Job Requirements for Community Habilitation

CH provides support staff to.....

- Support and teach life skills (in and out of the home)
- Facilitate community inclusion (not just being in the community but becoming part of)
- Keep the person safe and healthy
- Advocate (being an advocate and teaching advocacy skills)

CREATE A JOB DESCRIPTION

Someone who can....

- Play multiple roles (meeting friends, support with showering, help on the job)
- Provide a range of supports required (physical, emotional, behavioral)
- Take initiative (often alone and need to know how to solve problems and when to call for help)
- Support informed decision making (fine line between giving choice and letting person pursue negative behaviors)
- Take multiple directions while always putting person first (expectations set by agency, parent, broker, individual)

Now personalize it!

What traits are most important in a staff? Think about someone who was great at supporting you or your family member and list out those traits. For example....

- Able to think and act independently
- Be flexible
- Be organized
- Be responsible
- Good communicator
- Have shared interests
- Complimentary personality style
- Sense of humor

Should you hire someone with traditional experience? Or should you seek someone with different experience?



CREATE A JOB POSTING



Describe the person who will be supported to paint a brief picture.



Include specific days/hours and pay.



Give detail but not too much. Be mindful of what you cannot put in a posting.



Be creative, focus on strengths and interests

Finding Staff

Personal connections (prior para, retired teacher, coaches, friends of current or prior staff, people in community classes)

Advertising (care.com, indeed.com, colleges, houses of worship, community centers, electronic boards, social media, meet ups,)

Recommendations (share with family and friends)

Consider use of a broker to prescreen, separate email if using a public board.



Making the decision

- Resume (what does it tell you about the person?)
- Life Experience (varied background but shows some shared interests, family member with a disability)
- Candidates goals (long term or short term)
- More mature, stable vs energetic but needing mentoring and supervision
- Non-negotiables and negotiables
- Trust your gut reaction
- Watch and observe interactions
- Commute time
- References

Ultimately, choose based on what is most important to you!

Legalities of Interview Questions

- It's important to know what interview questions are fair game, and which are illegal under the [Equal Employment Opportunity Act \(EEOA\)](#), [New York State Human Rights Law](#) (NYSHRL), and [New York City Human Rights Law \(NYCHRL\)](#) and other labor laws.
- A general rule to follow: avoid questions on application forms or in interviews that express any limitation, specification, or discrimination as to age, race, creed, color, national origin, military status, sex (including gender identity), sexual orientation, disability, predisposing genetic characteristics, marital status, or domestic violence victim status.
- When you're interviewing a candidate, you might be eager to get to know them, so it seems natural to gravitate towards topics like hobbies, family, or personal history. However, an effective interview is about qualifying them for the position, not learning details about their personal life. Some questions that seem natural to ask when getting to know someone are actually grounds for a discrimination lawsuit.

Illegal Interview Questions by Topic

While all possible types of problematic interview questions are too numerous to list, here are some sample interview topics and questions that could give rise to a claim for discrimination.

Salary History

- In [January of 2020](#), it became illegal for public and private employers of any size in New York State to ask about an applicant's salary history during the hiring process, including in advertisements for positions, on applications, or in interviews. New York [isn't the only state](#) to prohibit such questions as:
 - “How much did you make at your prior position?”
 - “What was your starting pay at your last job?”
- Rather than rely on an applicant's previous salary, employers and job applicants can now engage in salary negotiations focused on the applicant's qualifications and requirements for the job to set a salary. **An employer may ask an applicant for their salary expectations for the position instead of asking what the applicant earned in the past.**
- An applicant can disclose this information if they wish to a prospective employer, for example, to justify a higher salary or wage, as long as it is being done without prompting from the prospective employer. If an applicant voluntarily and without prompting discloses salary history information, the prospective employer may factor in that voluntarily disclosed information in determining the salary for that person. You may not, for example, pose an “optional” salary history question on a job application seeking a voluntary response.

- **Work/Visa Status and Citizenship**

- While employers may ask **if an employee is eligible to work in the United States**, they generally may not inquire about an applicant's place of birth or immigration status. You may tell the applicant that proof of citizenship or a permanent immigration visa will be required at the time of employment.
- An employer cannot ask:
 - “Are you a citizen?”
 - “What type of work visa do you have?”
 - “Where are you (or your parents) from?”
 - “What was your first language?”
- When it comes to languages, there's some gray area. You are allowed to ask if the candidate speaks multiple languages and what those languages are, but only if it's relevant to the position.

- **Marital/Family Status**

- It is fine for an employer to ask if a candidate **can make certain commitments like being willing to travel, relocate, or work overtime**, but you are not allowed to ask:
 - “Do you have kids?” or “Do you want to have kids?”
 - “Are you married or divorced?”
 - “What does your spouse do?”
 - “What do you do for child care?”
 - “Do you wish to be addressed as Miss? Mrs.? Ms.?”
- New York City employers also cannot discriminate against an applicant on the basis of his or her caregiver status under the NYSHRL. New York City employers should not inquire, for instance, about the number of children the applicant has, or whether he or she has older or ailing relatives that might require care.

- **Age**

- You can ask if the **applicant is over the minimum age for the hours or working conditions**, but do not ask applicants for their date of birth, or other questions like:
 - “How old are you?”
 - “How long have you been working?”
 - “What year were you born?”
 - “When did you graduate from high school?”
- You can ask if they personally feel they can handle the hours or work load the job entails. After hiring, you will verify their info with some form of ID, which will reveal their age. But trying to find out someone's exact age during the application process can form the basis for an age discrimination suit.

- **Disability Status**

- The [Americans with Disability Act](#) (ADA) says that employers can not address disability before they hire an employee. A question regarding disability can come in many forms, all of which are illegal:
 - “Do you take any medication?”
 - “What is your medical history?”
 - “Do you have any mental health conditions?”
 - “How is your health?”
 - “Have you ever received a disability check in the past?”
- What you can ask is whether or not they think they will be able to perform this job with or without reasonable accommodation, or if they have any conditions that would keep them from performing this job.

- **Religion**

- Do not ask about religious denomination, religious affiliations, parish or church, or religious holidays observed. Avoid questions like:
 - “Will you be needing time off for religious holidays?”
 - “Are you or your family religious?”
 - “What church do you go to?”
 - “What are your religious beliefs and how do they affect your work?”
- New York employers may ask if an employee is available to work on certain days, but should not tie the inquiry to religion. For example, while an employer may ask if an applicant is free to work on Saturdays, questions like “what religious holidays do you observe?” are not allowed.

- **Arrest Record**

- Two [federal laws](#) (Title VII: Discrimination Based on Criminal Records and The Fair Credit Reporting Act: Inaccurate Records) provide some protections for applicants with criminal records. In addition, New York gives applicants a number of protections when it comes to employer use of criminal records in making hiring decisions. Employers may not ask about or consider arrests or charges that did not result in conviction, unless they are currently pending, when making hiring decisions. They also may not ask about or consider records that have been sealed or youthful offender adjudications.
- We are required by the state to conduct criminal background and other checks. Please note that A criminal record will not necessarily be a bar to employment. A conviction only will be considered as it may relate to the job you are seeking at CFS. Factors such as the seriousness and nature of the offense, the date of the conviction and your age at the time, and subsequent rehabilitation will be taken into consideration. Any applicant having regular and substantial unsupervised or unrestricted physical contact with people receiving services, will need to provide information, statements, and fingerprints according to the requirements of OPWDD regulations in order for a criminal background check to be conducted.

Individual Family Notes

- Recommendation to check out a service [joshing.com](https://www.joshing.com) and [Sittercity.com](https://www.sittercity.com)
- Long term strategy is important to consider when hiring. Being prepared for disappointment.
- NY Foundation for Arts - great resource to hire artists. However downside is schedule difficulties.
- Consider having staff that have different roles and dynamics with your son/daughter.
- Interest in staff who are "covid-safe" = living a lifestyle where they take precautions outside of work.
- Hunter college, pre-health departments. Making a personal connection at the department has been helpful.
- Use of FRR or CDPAP to "test" someone out.
- Shared story where staff refused to support someone to volunteer at church. Issues like this, utilize the HR team at the FI agency to help.