

# Ensure job application process is clear and easy to understand



Is your hiring process clear? Do candidates understand exactly what they need to do to be considered for a job or promotion?

**Recent case:** Labrittany, who is black, is a registered nurse with several years of experience. She applied for several nursing positions at a hospital.

Records show she filled out two online applications—one for full-time work and another for on-call, part-time assignments. She got an interview for the part-time work and accepted a contract.

Then, because she was really seeking full-time employment, she took another job elsewhere. The hospital removed her from the on-call roster since she was no longer available.

Labrittany sued after she discovered that two white nurses with less experience had been selected for full-time jobs. She claimed discrimination.

The hospital said Labrittany knew she could apply for any open positions and that she had never asked during the interview if full-time was an option. Essentially, the hospital said its hiring process was clear and transparent and it had no idea Labrittany wanted a full-time job when she was interviewing for the on-call job.

The court tossed out Labrittany's lawsuit, concluding that she should have raised the issue or applied again for full-time jobs given how clear the process was. (*Hassen v. Ruston Louisiana Hospital*, WD LA, 2018)

**Final note:** Employers aren't required to be clairvoyant. When an applicant comes to an interview apparently interested in a specific job, you can assume that's the one she genuinely wants.

## The subtleties of online applications

Make it crystal clear how candidates should apply for jobs. *Examples:* If you only accept applications online, explain how. If you accept applications in person, designate exactly how applications are to be delivered.

**Recent case:** Alphago, who is black, learned that a youth services organization was looking for an executive director. Since he met the minimum requirements listed in the job posting, he asked where to submit his résumé or an application. He was told he could apply online or in person. He dropped off his résumé.

When Alphago wasn't interviewed, he sued, alleging race discrimination. The club argued it had no record of his application and that he should have submitted it online. The court sent the case to trial, reasoning that Alphago had applied properly. (*Penn-White v. Boys and Girls Club*, No. 4:15-CV-640, ED TX, 2017)