

In interviews, be wary of using 'points only' scoring system

by Mindy Chapman, Esq.

Do you assign points or scores to rank candidates during their interviews? If so, do you explain in writing why the applicant received each score? A new court ruling says you'd better back up those numbers with an explanation or you might just lose points in front of a jury if you're sued for discrimination.

Case in Point: Roger Lovell, a 60-year-old security guard for a federal contractor, applied for two promotions but lost out to younger candidates in both cases. Lovell's work history included a 22-year career in the Air Force; he also had an associate's degree in criminal justice. In both cases, he lost out to younger candidates who had less experience.

A three-person panel interviewed all candidates. They assigned scores based on each response to a 20-question test. Only numbers were written, not comments. In both cases, the less experienced candidates scored higher than Lovell.

Lovell sued under the Age Discrimination in Employment Act (ADEA), claiming the interview process was discriminatory.

The ADEA protects people age 40 and older from discrimination in employment decisions. Lovell also claimed the company completely failed to use its own selection guidelines that suggest hiring managers consider other factors (e.g., experience, education) in their hiring decisions.

The company defended its decisions, saying it based hiring choices on objective measures—the interview scores.

The verdict? The court rejected the company's argument, saying that an adding machine is just not enough to avoid an age discrimination case. It sent the case to a jury trial.

The court noted that the company's defense only offered up the interview scoring sheets that included "unexplained numeric scores for the answers to the interviewer's questions." (*Lovell v. Covenant Homeland Security Sec. Solutions Ltd.*, S.D. Tex.)

3 lessons learned

1. Numbers are not enough. Best practices suggest you support interview scores with comments (and quotes from the applicant) to show why he or she earned that number.

2. Follow your organization's selection guidelines. If you ignore them, they will be used against you.

3. Take the jury test. Lovell lost the second promotion by one point. Had the company stood in the shoes of a

jury, it would be obvious that giving the job to a less-experienced, less-educated applicant who “won” by only one interview point looked questionable.