

Legal Rights as a Potential Employee

During an interview, an employer is not allowed to ask any direct questions regarding:

- Age, Race, or Religion
- Sex, Sexual Orientation, or Gender Identification
- Convictions
- Education
- Family, Financial, or Marital status
- Disabilities

Check out all the other categories at the Equal Employment Office website: (https://www.eeoc.gov/employers/smallbusiness/faq/what_cant_i_ask.cfm)

According to the new AB 5 legislation that has recently passed in California, an employee is an independent contractor only if:

A. The worker is free from the control and direction of the hiring entity, both under the contract for the performance of work and in fact;

B. The worker performs work that is outside of the usual course of the hiring entity's business,

C. The worker is engaged in independently established trade, occupation, or business that is of the same nature as the work performed for the hiring entity.

If your job description is anything outside these three guidelines then you are most likely considered an employee and have the right to ask for the basic employee benefits determined by the company.

How You Can Learn More

At SCU we have a number of great places and resources for you to get information about the interview process, ethics of the job search, and ethics in general.

1. Markkula Center for Applied Ethics Website and Office: (<https://www.scu.edu/ethics/>)
2. The Career Center Website and Office: (<https://www.scu.edu/careercenter/>)
3. Ethics Professors on Campus

Why You Should Care

Ethics are the guiding principles of life, both personally and professionally. Especially when entering the job force. It allows an individual to engage in everyday interactions morally and better respect their peers, work, and environment. Although it may seem easy to "play the game," one's integrity and honesty in their work will pay dividends in the future.

Remember, "what you do is what matters, not what you think or say or plan."



Santa Clara University



Markkula Center
for Applied Ethics
at Santa Clara University

How to Ethically Engage in the Job Search



Obligations

- Candidates need to accurately represent their skills and availability they can commit to serving in the role, along with other aspirations.

- Companies need to be transparent in the job description, benefits, professional development opportunities, and the potential career path.

- This is a two-way process. Commitments should be upheld by both parties.

- Respecting both parties time, effort, and individual circumstances is integral to a successful hiring process.

- Employers should consider the timeliness of the process, reduce bias as much as possible, and offer fair compensation for all hires.

- Employees should be transparent about other job offers and honor any commitments made, even after receiving a better offer.

- The process relies on all parties including the university, the employer, and potential hire to represent themselves well.

- Upholding the reputation of all parties increases the value of the relationships within and outside the institutions.

- Finding the best match between personal values and the company's mission and goals.

- Self awareness regarding your own personal skills and character and how to best convey them to the company.

Principles

Honesty



Reciprocal Responsibility



Justice



Reputation



Virtue



10 Things to Consider

1. Actively communicate what you want and don't want in a job, remembering that the objective is a fit for the company and the candidates.
2. Outline what you are willing to commit to learning and what you already know.
3. Ask clarifying questions as necessary. Remember that employment is a relationship between a company and a candidate and behave as you do in other relationships that are important to you.
4. Provide clear communication about competing offers and the timing of a response you can provide as a candidate. Honor the policies of the hiring process detailed by the company.
5. Employers should embrace diverse hiring and continue to adjust the hiring process as needed.
6. Candidates should refrain from providing information that has not been asked for in order to uphold the integrity of the processes and reduce bias.
7. The process relies on all parties including the university, the employer, and potential hire to represent themselves well.
8. Upholding the reputation of all parties increases the value of the relationships within and outside the institutions.
9. Finding the best match between personal values and the company's mission and goals.
10. Self awareness regarding your own personal skills and character and how to best convey them to the company.