

Job Applicant Rejection Letter

Dear _____:

Thank you for meeting with us regarding the opportunity of working with our company. Unfortunately, our circumstances do not enable us to offer you a position at this time.

Your qualifications were impressive and we are sure they will assist you in getting a satisfactory job for you with another firm.

We wish you the best of luck in finding a position that will further your skills and experience. We will keep your resume on file for 90 days should our circumstances change and you be interested at that time in interviewing for any position that opens up that may be suitable for your talents and experience. If such an event occurs, we will contact you immediately within this 90-day period.

If you are interested in seeking a job interview more than 90 days from now, please recontact us again. Again our thanks for your time and efforts made to consider our firm for employment.

Best regards,

Employer

Job Applicant Rejection Review List

This review list is provided to inform you about the document in question and assist you in its preparation.

1. Employment law is full of legal traps for employers. A substantial burden of proof rests upon the Employer to prove a lack of discrimination for a wide variety of causes. A casual reading of the daily newspaper will indict how much of this kind of litigation goes on and the number of employers prosecuted for these offenses and made to settle up or have court awards, including punitive damages, assessed against them.
2. Make sure your employment policy is followed faithfully to help confront discrimination and other claims by those rejected. The above letter is carefully crafted to reject the candidate but not inform them that another was “hired” in place of them or as a “more” qualified candidate. If you take that position (i.e., a “more” qualified candidate was hired), it provides a place for a plaintiff’s attorney to attack (e.g., “Why was that candidate more qualified?” And so on and so on. All of which can put you and the Company upon the defensive as a plaintiff attorney tries to land you in a trap). Instead, this letter takes the milder more informal position that “circumstances” did not permit the company to make an offer. It is important to recognize that Courts generally hold that employers can be random or wrong headed in their decision making process regarding employment practices. Courts just find that the employer cannot be discriminatory. Therefore, this mild rejection letter, coupled with the offer to reconsider within 90 days, and offer the candidate the opportunity to reapply after the 90 day time period, takes most of the sting out of the rejection and certainly in no way disparages the credentials or competence of the job candidate.
3. Set up a Job Applicant Rejection letter file and keep it current. After 90 days, remove the candidate’s records from your files while retaining the Job Applicant Rejection letter. If you make this standard practice, and abide by it, you will enhance your situation should you be sued by a former job applicant. It is generally not in the Company’s best interests to keep any notations or records of other discussions of the candidate because these kinds of documents are subject to production by your firm in any job applicant litigation, including but not limited to this individual. As long as you keep a file of Job Applicant Rejection letters, you will usually be found to have established a reasonable record keeping system that draws little ire from a court of competent jurisdiction.
4. Since these notes are longer than the letter, they are suggestive of your need to keep your attorney informed on a regular basis about your employee and employment practices. We cannot state often enough that an ounce of legal protection or well care can save you from having to pay out a pound or more to defend yourself and your firm. Lawyers can best serve you in anticipation of problems such as these. Use them wisely in this regard and you should save yourself much trouble and expense in the future. The law is moving more and more towards treating employees as having expanded rights as “stakeholders” in the firms they work for and even those they simply apply to for work. Therefore, as with any stakeholder or shareholder, you are well advised to be scrupulously careful in your dealings with them. If you do this, then you have met most of the purposes of the statutes and laws in question: to act equitably, fairly, and in a nondiscriminatory manner.