

Accepting an Interview for a Job When Someone Else has Already Been Chosen

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Case: Someone looking for a job discovers that a company or business has a position available but the company tells him that there is someone else already lined up for it. A relative who works for that company subsequently uses their clout to arrange an interview for this person.

Question: Is the one looking for a job permitted to pursue the position given that they may jeopardize the first person's opportunity to get the job?

Answer: The first step to determining the proper course of action in this case is to research the facts. What does it mean that the employer already has someone "lined up"? Have they truly entered into an agreement with them already, or was the company simply trying to find an excuse not to meet the person (until the relative interceded)?

If the case is the latter, then there would be no halachic problem, since the job is not taken yet, and other suitable candidates may still apply.

Moreover, if the company is still actively looking at other employees for the job, then even if one is considered the leading candidate, it is still certainly permitted to pursue the job and give it one's best shot.

If the company is already in negotiations with someone else, then we must begin discussing the relevant halachic issue, known as *ani mehapech b'charara*, a poor person who finds a coal outside and someone else tries to take it away from him (mentioned in the previous session as well), which the Gemara says is forbidden. Since the same principle applies to looking for jobs, we must examine the parameters of this category and determine whether it applies here.

The Acharonim discuss which stage of negotiations the prohibition begins to take effect. According to the Rema (C.M. 237), the prohibition applies only if the parties had already reached an agreement concerning the terms even if the contract or *kinyan* was not yet completed. According to the Perisha, though, the prohibition applies even if the parties are still in the midst of negotiations, but it appears that an agreement will be reached.

Another major *machlokes* relevant to the issue of *ani mehapech* relates to whether the person searching for a job can potentially find a similar job elsewhere. According to Tosafos (Kiddushin 59a, Bava Basra 21b), if the same job opportunity can be found elsewhere, then the *issur* applies, but if it is unique, then it is permitted to pursue it (the case in the Gemara is where someone is taking an object found in the street, and Tosafos apply the same principle to a job opportunity). The case of Tosafos is where someone is looking for a tutor for his son, and even if someone else is negotiating with him, since it is difficult to find "the right fit" concerning a tutor, it is permitted to try to pursue hiring him.

Although Rashi disagrees with this understanding, the halacha follows Tosafos. It is sometimes difficult to determine what is considered a unique opportunity and what is not and must be determined on a case by case

basis.