

HIRING HICCUPS

In today's economy, hiring should be easy. But that doesn't change the fact that the hiring process is fraught with legal pitfalls, especially for unwary and untrained managers. Managers think they are doing a good job of interviewing and hiring, but most of them are “traveling without a map.”

#1: Failure to Plan the ‘How’ to Get the Right ‘Who’

Too many managers start interviewing before they know what they are looking for. Start with an accurate job description. It’s the springboard for everything else. To get it right, you have to involve the people who work with the job, do the job, and supervise it. A good job description will:

- Help you define the requisite skills and qualifications.
- Separate out the “essential functions.
- Lead to a matrix of criteria which provides a defense against discrimination claims.

To determine your hiring criteria, the following can be accounted:-

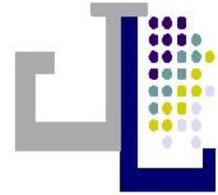
- Focus on knowledge, skills, abilities, relevant job experience, education.
- Determine what is really necessary to succeed; not some "wish list."

After you have decided your criteria, develop a series of questions that will help you to distinguish candidates with the attributes you seek.

#2: Failure to Use a Good Employment Application

Every applicant must fill out an employment application. The criterion for good application are:

- Request relevant information only.
- Require the names of the last supervisor for each prior employer, and get authority to contact all references.
- Include acknowledgments stating that:
 - If employed, the applicant will abide by the organization’s rules.
 - The application is not a contract.
 - Employment will be at will.



- Information provided is accurate, and if not, is grounds for discharge at any time.
- The applicant is not bound by any restrictive covenants, e.g., noncompetes.

#3: Failure to Maintain Records of Applications

Devise a policy for dealing with applicants and stick with it for both Internet and hard copy application submissions.

#4: Failure to Train Interviewers

There are three common mistakes untrained interviewers make are: impermissible questions, inconsistency, and overselling.

Impermissible Questions

Untrained managers tend to ask impermissible questions, such as:

- High school graduation date (“What class were you in?”)
- Origin of accent or unusual name (“That’s a pretty accent; where are you from originally?”)
- National origin (“How did you come to learn Farsi?”)
- Family or marital status (“Tell me about your family.”)
- Disability (“What happened to your foot?”)

Inconsistency

Whatever is asked, keep it consistent among candidates. One way to do this is with a set of written questions, all of which are asked of everyone.

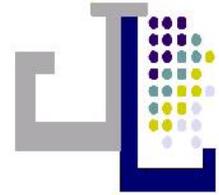
Overselling

Promises to the applicant may be interpreted, or may subject the employer to fraud or “promissory estoppel” legal problems.

#5: Failure to Ask About Restrictive Covenants

Ask applicants, “Are you subject to any agreements with your former employer that could prohibit your free employment with us or restrict you somehow?” If the answer is yes, get copies of the agreements and read them.

#6: Failure to Check References and Basic Application Information



Surveys show, that 56 percent of all applicants supply incorrect information in some significant area. **Knowing this, you must perform background checks.**