HIRING GUIDE

Everything You Need to Know to Get a Quality Team Working for You

cedr HR SOLUTIONS

CEDR'S HIRING GUIDE

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Dear Employer,

One of the most rewarding experiences an employer can have is to build and lead a team towards achieving a shared vision. Great teams accomplish great things, giving you the unique pleasure of enjoying what you do every day, who you do it with, AND being successful. The big question is: how will you find this great team? If it was so easy, everyone could do it, right?

Finding great employees is not so much a function of where you look, but rather how you look, and your hiring process once you've identified that rock-star candidate.

And it's not easy. Many employers, new and established alike, don't dedicate the time needed for hiring, and thus make the mistake of relying on hope as a strategy, or "winging it" during interviews and when making hiring decisions. However, hiring is more than a gut feeling or finding the next warm body to plug a hole in your schedule—you need a serious strategy.

"Never doubt that a small group of thoughtful, committed people can change the world. Indeed, it is the only thing that ever has."

Margaret Mead

Whether you are planning to hire your very first employee or just looking to hire better, CEDR's Hiring Guide will help you design and implement an effective hiring system within your company. Our goal is to give you an unfair advantage over your competitors—the better you are at identifying and hiring the right person, the more likely the team you build will outperform or outsell the competition.

To help you achieve that, we've included tips for the often-overlooked planning stages of hiring, how to create attention-grabbing, legal job ads, a comparison of interview techniques and questions, how to properly document your hiring process, and much more.

We hope you find this guide helpful. CEDR HR Solutions is committed to providing high-quality, expert support to medical and dental employers just like you. If you have questions about anything contained within this guide, or even general employment law or HR questions, please do not hesitate to call us toll free at (866) 414-6056 or email info@cedrsolutions.com.

Great employees are out there, in larger numbers than ever. Best of all, they want to work for great people like you. Now go find them!

Happy hiring,

Paul Edwards

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I. EXAMINING YOUR EMPLOYEE NEEDS

Hiring is often expensive, so before you start the actual hiring process, you'll want to examine your staffing needs and develop a plan for any position(s) you need to fill. The U.S. Department of Labor estimates the cost of replacing a solidly performing employee at nearly $14,000. Other sources report even higher estimates, from 29% of the employee's yearly salary to three times their annual pay. Depending on the location of your business and the pool of qualified candidates available, the personal time and energy you spend sorting through potential hires will increase that cost even more. Yet, the alternative—keeping mediocre or problematic employees indefinitely—is clearly detrimental to your growth, sanity, and the success of your business. When you plan, consider the following:

IS IT THE RIGHT TIME TO HIRE?

First, ask yourself some basic questions. The first is, "Can these tasks and duties be accomplished without hiring?" Can you see a way to improve efficiency, divide the work among current staff, or outsource the work? As businesses develop, staffing needs often ebb and flow until you find the just the right number and combination that makes up your perfect team. Bigger is not always better, but sometimes you have to experience what it means to have more employees in order to realize how much easier it was to accomplish things with a smaller crew. (The easiest employee to manage and pay is the one that you never hire!) On the other hand, sometimes expansion is truly necessary and part of developing your vision for success.

Consider the timing of any hires in relation to your business plan. Where do you want to be in a year? What does your organization look like in three years? If you need an entry-level receptionist, but could hire someone with management potential, you want to plan for that now. And don't forget to consider training and onboarding time, both yours and theirs. You may need two new assistants, but can you train them both and cover your other responsibilities?

CREATING A PAYROLL CUSHION

Give yourself space to stumble. Understand that as you hire, the two biggest mistakes employers make are not planning for success, and not planning for failure. How do you plan for success? Make sure you pay your payroll taxes and employees properly, which will help you hold onto your hard-earned rewards. Depending on your state, you need to factor in an additional 8% to 15% of your payroll as your employer matching contribution. Unlike personal tax debt, the IRS and state employment tax collectors do not negotiate payroll taxes, so a few thousand dollars in unpaid employment taxes can quickly end up being tens of thousands of dollars in penalties. We also suggest that new businesses have a cushion or cash reserve of at least two months' payroll, and that you hire a payroll processing company or affordable accountant to help you understand your employment tax and payroll obligations, and to run your payroll. (We recommend Payday HCM.) Even if you're an expert at QuickBooks, payroll is complicated, time-consuming, and risky if you get it wrong. The administrative cost of having an expert handle your payroll is well worth the investment.

> *"Misclassifying someone as an independent contractor is now one of the costliest mistakes you can make as a business owner."*

CAN YOU JUST HIRE SOMEONE AS AN INDEPENDENT CONTRACTOR?

This is a great question with a big answer, and it requires that you understand what makes a worker an independent contractor under the law. You may not realize it, but merely calling someone an independent contractor or signing a contract is not enough. Misclassifying employees as independent contractors is now one of the costliest mistakes you can make as a business owner. This is because companies who misclassify workers in this way do not withhold taxes, pay Social Security or Medicare taxes, or provide workers with employee benefits. This translates into a BIG tax loss for federal and state collectors, and therefore big trouble for employers who are not getting it right.

In 2010, the Department of Labor (DOL) began an ongoing "misclassification initiative" to reward states that are the most successful or show the most improvement at detecting and prosecuting employers who fail to pay the appropriate taxes due to worker misclassification. In addition to the DOL's efforts, the IRS has initiated similar programs, with the goal of recovering billions in tax revenue from employers. As of 2017, the DOL and IRS have created partnership agreements with thirty-seven states to share information and coordinate enforcement against misclassification, including the implementation of increased penalties and more audits to detect and deter misclassification. Massachusetts employers need to be especially careful, as they have the strictest laws in the country. In Massachusetts, almost NO workers qualify as independent contractors, and no contractor in that state may perform any type of work that is similar to work performed by employees.

This means businesses can no longer "get by" through guessing which employment laws apply to them. You must get it right before you get audited.

WHAT MAKES SOMEONE AN INDEPENDENT CONTRACTOR?

There is no black and white answer. Classifying independent contractors can be confusing, as there are several factors involved. There are even several different official qualification tests—for example, the DOL's Wage and Hour Division and the IRS each use their own criteria. To complicate matters further, each state may also have its own criteria. The good news is that we can provide a common approach and basic factors to steer you in the right direction.

THESE ARE THE BASIC FACTORS THAT DISTINGUISH AN INDEPENDENT CONTRACTOR FROM AN EMPLOYEE:

1. Independent contractors commonly work for several businesses, not just one.

2. They should provide their own tools and resources.

3. The hiring entity should exercise a *low level* of control over the contractor and supervision over the way the contractor works; instead, the focus should be on the contractor's completed output.

4. Independent contractors should set their own hours of work within general guidelines.

5. The method of compensation typically will be on a project basis—for a certain amount of product or service—rather than an hourly basis.

6. The independent contractor should not perform the very service you are in business to provide. An independent contractor is usually specialized or skilled in a particular area that requires independent business judgment.

Understand that having a contract, paying someone in their business name, or sending an I-9 does NOT make the person an independent contractor. These are factors that support an independent contractor relationship, but it's a totality of factors that will be considered. Similarly, ***how long they work for you is NOT a determining factor. While permanence or indefiniteness of the relationship points to employment, the temporary nature of a relationship does not make the person an independent contractor.***

Also, ***beware the lure of past practice***. Even though you may have classified the same or a similar position in the past as an independent contractor, working arrangements typically change over time. Be certain to evaluate the current status of the position in light of any new factors.

HOW WOULD THE GOVERNMENT FIND OUT?

There are any number of ways, including random and triggered audits, or more commonly, when a worker files for unemployment benefits or a worker's comp claim. Additionally, when a wrongly classified worker is audited for not paying their taxes, the IRS typically looks to "properly" reclassify them as an employee, and then seeks payment of all unpaid taxes ***from you, not the contractor/employee.***

NEED A MORE IN-DEPTH ANALYSIS?

There's a lot more to it. If you have a particular situation in mind, you may want to follow this issue down the rabbit hole a bit further. Keeping a record of your analysis for each worker is the best practice. That way, if there is a question about whether you have properly classified a worker, you can make the argument that you attempted in good faith to properly classify, which may help you avoid certain penalties.

You can find a free analysis and a deeper explanation at www.cedrsolutions.com/ic-cheat-sheet.

NOW, BACK TO THE HIRING PROCESS. THE NEXT QUESTION TO ASK IS "CAN YOU HIRE FROM WITHIN?"

Now that you have determined that you need to hire someone, consider whether you can hire from within before placing your job ad. Make sure you consider your current workforce. Often the best person for the job already works for you, knows your systems, and is looking for more responsibility or a better opportunity. It may be easier and better for morale to move someone in your office up to a more complex or senior role, and hire from the outside for entry-level positions. However, it can also be difficult for an established team member to transition into a position of authority over former co-workers. Pay as much attention to soft-skills (leadership, communication, accountability, vision) as you pay to the hands-on skills the position requires.

Caution: One of the drawbacks to hiring from within is that a person who was performing well or even excelling in one position may not succeed in another.

If you do hire from within, consider making the new promotion/title/benefits/raise contingent on completing a new 90-day introductory period. You may even consider providing a path back to the old position or refraining from increasing pay until the employee completes a new 90-day trial period and demonstrates they are a good fit. Remember: Giving feels good, but taking away a raise or title can be devastating. The best employers figure out a way to transition the promoted employee and put a plan in place that holds everyone accountable for a successful transition.

You can also hire from within by asking your employees if they know someone who might be a good fit. While you can often find good candidates this way, this can be a double-edged sword. Potential problems with hiring friends and/or family are too numerous to list. Think it through carefully before taking action. Avoid creating cliques or situations where you would feel your hands were tied if you needed to let go of an employee who was friends with or related to another employee.

II. HIRE THE EMPLOYEES YOU WANT TO KEEP

We frequently hear practice owners and office managers complain, "I just can't find decent employees. If I fire this one, the next one will be just as bad." While that may feel true, it is really more of a symptom that they feel victimized by their employees, have made unsuccessful hiring decisions in the past, and have given up on finding better candidates. The good news is that all of these statements are beliefs, and thus they are all under your control. Even if all of these have been true for you in the past, you can still change how you feel and think about hiring in the future.

This Hiring Guide will help you break those defeatist patterns of thinking that can sabotage building a great team. There are things you can do to hire good employees and keep them, but you must be willing to let go of your negativity, and take action.

> *“Employers who have a preconceived conviction or belief in their success are far more likely to be successful. How you see the world changes how you act, and how people act around you.”*

Building your dream team begins with a simple idea: Hire the employees you want to keep, and keep them for as long as you both like working with each other. How? Your specific actions are detailed below.

STEP 1: PREPARING TO HIRE

As your first step, it’s time to embrace the idea that what you experience and have in your life is in many ways a direct result of your attitude and what you focus on. Employers who have a preconceived conviction or belief in their success—whether in the business as a whole, or in hiring a great team—are far more likely to be successful than those who believe they will fail, or who constantly focus on the lack of viable candidates. You don’t have to believe in the “Law of Attraction” to accept that how you see the world changes how you act, and how people act around you. If you write this off as pop psychology, you will miss out on an extremely powerful and effective tool for finding and hiring your dream team. Using this strategy to attract your ideal team is more than just wishful thinking. It’s about knowing what you want so specifically and thoroughly that you are more likely to notice the options before you, and take action on them.

First, finding great employees means knowing exactly how you personally would define a "great employee" (think in terms of positive and measurable attributes). Second, you need to put pen to paper and create a specific list of the personal and professional attributes you require and desire for the position. No detail is too small. This not only helps you generate enthusiasm and energy around your next hire, it will be the first step toward creating a job advertisement that will attract the RIGHT candidates to respond. After all, your ideal employee won’t know to apply unless you make it clear that this is the position and the company they have been searching for.

How do we know it works? We know because we have used the same process to grow CEDR over the past decade. We’ve hired for positions we didn’t even know we needed yet, and found people from across the country looking to work for a company like ours. This has occurred even when what we were looking for was extremely unlikely! We have been very pleased with the outcome, and just as important, so have the employees we hired. As you can imagine, the results of creating a win/win hire are outstanding, and the challenge is to reproduce that success with every hire. We have shared these methods with hundreds of employers, and they report the same remarkable outcomes. Don’t worry, we are going to help you get started.

MAKING YOUR "STRATEGIC ATTRACTION LIST"

When listing the attributes of your ideal employee—the type of person you're trying to strategically attract—be very specific. A good approach is to start by listing the duties of the position and the characteristics of your organization's culture. Next, create a set of attributes and skills suited to each item on the list. Include technical skills and personality style.

Caution: You will experience great temptation to list the things you do *not* want. Avoid it! Remember, you are creating a list that should speak so directly to the right candidates, that what you put on your list will walk through your door. ***So keep your list focused on the positive attributes!***

Here is an excerpt from my personal list for people I want to work with (currently three pages long):

- Willing to dedicate the time needed to work together
- Willing to sign our arbitration agreement
- Forward-thinking in all matters pertaining to work and customer satisfaction
- Focuses on work as the first thing, relationships second, and compensation as a result of the first two
- Committed to their own professional development
- Holds me as their ideal professional partner and collaborator
- Knocks down my door to create success together
- Willing to set aside time to travel to better the working relationship of the business
- Must inspire me
- Open to learning how we do things and committed to learning that system and contributing to it
- Operates at a very high level
- Strong interpersonal skills with regard to fellow employees and customers
- Meticulous in record-keeping
- Buys into the business component of being a professional—it's not just about the end goal
- Grateful for opportunity to work in a field they have chosen
- Aware of the need for and encourages my time away from work
- Focuses on being of service to me and our customers
- Open to receiving my input, support, and critique and able to reciprocate
- Punctual and organized

To create a list for your own candidate search, you might try starting with each job responsibility and listing the relevant attributes, or the qualities that work for your strongest current employees. The more specific you are, the better fit your best candidates will be.

HERE IS AN EXAMPLE OF THE TYPE OF LIST YOU MIGHT PUT TOGETHER:

- Answers telephones:
  - Professional yet casual
  - Able to joyfully and mindfully communicate with patients or clients
  - Service-oriented
  - Active listener
  - Clear verbal communicator
  - Reliable attendance
- Comfortable with change
- Enthusiastic about growth and sales-oriented
- Team-oriented and gets along with everyone
- Willing to work on Saturdays
- Accountable
  - Own it/solve it mentality
  - Can take a project at any given stage and finish it
  - Is on time for everything
  - Integrity—do what you say you will, when you say you will do it
  - Able to take criticism and act on it, not act out

STEP 2: THE JOB AD

Once you have a list of what your ideal candidate might look like, you are ready to create the ad for your position. This is a critical step for attracting the right applicants. An effective job advertisement is like any other marketing material: it represents the culture of your business. You also want to make sure your advertisement is legal, without any wording that could be interpreted as discriminatory. Remember that if it is in print or on the net, it's a permanent record!

HERE ARE SOME TIPS FOR DRAFTING YOUR AD, WITH EXAMPLES TO FOLLOW:

- Start off with a catchy, descriptive headline that includes the position title. Many online job searchers will only see the title, and pass over many that are too general or sound boring.
- Make your ad attractive to the best candidates. Assume you are competing for them, and make your ad stand out with enthusiasm and content that creates a desire to work for you.
- Make it about them. Traditional job ads focus on what the employer needs, but the best candidates want to know what is in it for them.
- Motivate the candidate to take action. Put a sense of urgency in the ad, so they know the opportunity will not last long and they must apply now.
- Use bulleted lists for easy reading, when applicable.
- Include the rate or range of pay—top candidates will be looking for that! You can be vague about benefits, e.g., "$15-$20 per hour, DOE, plus production bonus," or "We offer above-average benefits."

- Include any certification, experience, or education requirements.
- Include whether the job is part-time or full-time.
- Avoid being overly clever. Use short sentences with specific language.

Compare these two examples:

> *"Looking for an Office Manager who can think outside the box, inspire, lead, and deliver quality and excellence."*

VS.

> *"We want a Team Leader with at least three years of experience managing a fast-paced medical office. He or she must be able to compassionately manage up to 15 employees, recommend and implement policy changes to improve operations, and joyfully/happily be in service to our patients and our team."*

The first example relies on too many clichés and is not descriptive enough. Most online job boards give you plenty of room to say what you need. Use that to your advantage.

Here is a ***sample job ad*** for a Front Office Assistant. This ad easily could be adapted for any position in any industry:

Seeking Bright & Gracious Front Office Assistant

Busy multi-doctor clinic looking for full-time Front Office Assistant to provide cheerful, superior service to our valued patients. You must be excited to learn new things. You need excellent interpersonal communication skills in order to contribute to the team and communicate calmly and reassuringly with patients. The ideal candidate thrives on organization and understands the value of supporting others.

Our employees receive:

- *Competitive pay and benefits*
- *Achievable bonuses*
- *The opportunity to work four days a week*

If you are enthusiastic, friendly, and a quick learner, please email your resume and a cover letter detailing your applicable experience and why we should consider you a great addition to our team. Don't wait – we have an immediate opening for the right person. High school diploma and MA certification required; experience preferred, but we are willing to train the right person. We may not respond to all who apply. EOE.

Can you sense the enthusiasm? It's just right to attract a cheerful new assistant. Of course, if you are looking for the smartest bookkeeper or a great supervisor, your tone may be a bit different. You can create variations of this job ad until it fits your needs.

Now, CEDR's #1 BEST screening tip: To deal with the large number of applicants who respond to job ads these days, especially when using online job search forums, you need a strategy to filter out those who are wasting your time. The best strategy for weeding out poorly qualified applicants is to add a "screening task" to your job ad itself.

Within every job ad you write and post, include a specific request outlining exactly how applicants should respond. We all need someone who follows directions well and who is paying attention to what we ask for, so give job-seekers a few steps they must follow to apply. Ask them to respond to the ad in a particular way. If they do not follow through correctly, you can automatically weed them out because they don't have the focus, attention to detail, or ability to follow directions that you are looking for. You will be amazed at how many people will not follow your simplest directions, fast-tracking themselves to the "pass" pile.

HERE'S A SAMPLE SPECIFIC REQUEST THAT WORKS WELL:

To apply, please send the following two items via email to ________________________:

1. Your resume with contact information
2. Your short and thoughtful answers to at least 2 of the following questions:
    - What is the best thing about you?
    - How would your previous co-workers describe you and your work?
    - What about this job is attractive to you?
    - What does "being in service" mean to you?

Most importantly, keep it legal! Discrimination laws cover all stages of the employment relationship, from hiring to firing. You need to be careful not to state or imply that you will not hire (or only hire) people from protected groups, including people of a certain race, color, ethnicity, national origin, gender, age (over 40), disability, pregnancy, or veteran status. To be safe, use gender-neutral language and avoid language that may exclude applicants based on their age or ability. For example, avoid saying, "*recent* college graduate," "*young* and energetic," "*athletically* inclined," or "*she* will have organization skills."

Also, be cautious when creating your screening task. Do not create a task that would make it more difficult for someone in a protected class to comply with your request. For example, requiring someone applying for a janitor's position to have a high school degree or write a dissertation on 12th century pottery is not a defensible filter. Keep it relevant and reasonable.

Finally, include the statement that you are an "equal opportunity employer" or "EOE." This will indicate that you know the laws, and your intent is not to discriminate.

Caution: Do not settle for the first person who comes along. Remember that you are putting to work the concept of attracting a better pool of qualified candidates. You will be surprised how much the first couple of people who walk through your door will match your initial list of ideal attributes and skills. Still, be patient and let the process play out so that you interview all your best-fit candidates.

WHERE TO PLACE YOUR JOB AD ONLINE

Although the employee attribute list we discussed earlier is designed to telegraph your wishes into the universe (and help you write your job ad) to attract the best candidate for your open position, most of us earthlings must also actually publish a job listing somewhere. Using larger online recruiting sites, such as Monster.com, Indeed.com, SimplyHired.com, and CareerBuilder.com, is the current trend for businesses, large and small.

Craigslist.com is another popular resource for placing ads, and is far less expensive (and in most places, free). A word of caution: there tends to be an inverse relationship between the amount of money you spend on a job ad and the number of unsuitable candidates who respond to it. It is not that placing a free job ad never works; it's just that you will likely have to do a lot more "weeding" out to find the right person. Also, our informal research shows that Craigslist is far more effective for some positions than for others. If you are looking for freelance workers, for example, Craigslist may be exactly what you are looking for.

Here are some things you should know when placing an online job ad. First, the cost is typically several hundred dollars to place an ad for thirty days. The results are generally worth it, because it saves you time in the end. A good job search engine will post your ad on multiple job sites, meaning you get a lot of exposure and a lot of responses, all within the geographic limitations you set. Most job search forums also allow you to list your job ad by keywords and/or industry, so that the people you want can easily find your listing. Many permit you to post anonymously (without your business name or with a hidden email address) if you desire, which can come in handy if you do not want your current staff to know you are looking for a replacement.

Additionally, posting online gives you plenty of room to create an ad that suits your specific needs without being limited by word count. However, if you choose to post on a larger job site, avoid the lure of pricey additional features beyond the basic ad. Your job ad does not need bells and whistles, but it does need to be descriptive, inviting, and to include a screening requirement to indicate whether a given candidate is serious about your position or just a "button-puncher." Button-punchers see keywords like "great people skills" and apply for your job without regard for the fact that they have none of the other skills you desire. They simply punch the "submit resume" button for any and every job, hoping to get an interview.

Industry-specific job ads are another option. For example, HealthJobsNationwide.com and HealtheCareers.com specifically list healthcare and medical jobs, while DentalJobs.net caters to dental providers. Similarly, Dice.com is a search engine for technology professionals. If you look, you will find there are websites for almost any category of professional under the sun. Keep in mind, though, industry-specific search engines are typically less well known by job searchers, and are less effective if you do not live in or near a large city. Employers in smaller communities may have more luck attracting a broader range of candidates by sticking with the larger search engine options.

Finally, in addition to attracting a greater number of viable candidates, the best part about placing your job ad on the internet is that you end up with a LOT less paperwork. You can ask all interested applicants to respond by email only, and then filter this email directly into a specific folder. You can even flag for follow-up those responses that pass your initial screening.

Because employers have retention requirements when it comes to job applications (as we will discuss later in this guide), email applications can greatly reduce the volume of paper resumes and applications crowding your file cabinet, and are far less of a headache to organize.

STEP 3: THE INTERVIEW

Next is the interview process. Employers sometimes tell us they go through the whole candidate search process only to show up for the interview unprepared and attempt to "wing it." Employers who are intentional and structured in their interviewing and selection process have much better results. Spending a little time preparing for your interview increases the likelihood that you will not have to repeat the arduous process again. Just as importantly, once you have your structure laid out, you have a template you can use and adapt for future interviews.

We suggest that you complete a phone interview first, as an additional weeding-out step, and then ask your best candidates to come in for an in-person interview. Phone interviews should ask the same questions of every person, and be kept short and to-the-point. Your goal is to ask just enough to find out why the candidate is looking for a job, if they meet the basic requirements for the position, such as education, experience, or scheduling, and a few questions to gauge their interest and communication skills.

Here's an outline from CEDR's experts:

- Is this a good time to talk? (Schedule a time if needed.)
- What brings you to the job market?
- What interested you about this job?
- Explain the position in detail. Are you still interested in being considered for this position?
- Tell me three skills you have that make you the right person for this role.
- If we offered you this role how soon are you looking to start working?

If they sound like they are who their resume presents them to be, can meet the basic requirements for the position, and there was a least one light moment in the conversation, you have yourself a candidate. Set a face to face interview. Or, if you don't want to consider them, say, "I just starting calling applicants. When we have next steps, we will either call back to schedule an interview or send an email letting you know we went in a different direction."

CUTTING THROUGH THE FLUFF

Often the biggest challenge in interviewing is getting a true sense of someone. Like a first date, your candidates will, and should be, showing you their best side, while you are trying to see through this display to find out who they really are. They do not have to be smart to have rehearsed answers to the tough questions they expect you to ask, such as "What is your biggest weakness?" (You've heard the recommended answer to this one—"My biggest problem is that I am such a perfectionist!") On the other hand, some of the most loyal and diligent workers are shy and not great at talking themselves up. You will need some strategies to help you cut through the muck, and additional tips for spotting the few gems in the rough.

First, focusing your interview questions on what really matters will maximize your time during the interview process. Recent research indicates that certain traits are predictive of future loyalty and retention. Thus, in addition to looking out for the qualities and skills specific to your organization and the position you're hiring for, you also want to look for the following specific traits. Take these words and tape them inside your folder to remind you during and after the interview:

1. Adaptability
2. Passion for work
3. Emotional maturity
4. Positive disposition
5. Self-efficacy
6. Achievement orientation

> *Self-efficacy plays a central role in motivation. People who believe they can be effective put in more effort to get results.*

"Self-efficacy" is especially important, as numerous studies have shown that it is a predictor of all types of success. More than just competence or self-esteem, self-efficacy relates to a person's perception of their ability to reach a goal. It is the belief (whether or not accurate) that one has the power to produce a certain effect. Self-efficacy plays a significant role in motivation, because people regulate the level of effort they will expend, as well as how they distribute that effort, in accordance with the results they are expecting. This means that people who believe they can be effective put in more effort to get results.

An example of a question designed to determine someone's self-efficacy would be, "Tell me about a problem that came up while you were working with a patient or client, and how you handled it." Follow up with, "Is there anything you would do differently if it happened again?" Another question you could ask to reveal a "victim mentality" (essentially the opposite of self-efficacy) would be, "How would you handle it if a coworker was rude to you? What would you do differently if it were a customer/patient?"

Side Note: At some point during the interview, invite each candidate to discuss their most recent set of work relationships: "Tell me a little about your last employer and what your relationship was like with them and your co-workers." Pay special attention to the story you get about their last employer—the way the applicant characterizes a former employer and the separation can be very telling!

After they answer, you may try the following in response or as part of your closing: "We'd like to check with your last employer and would appreciate it if you would sign off on a form that allows your last employer to speak freely about your working relationship." Ask if they are okay with that. The goal is to see if the applicant will suddenly change their story.

Keep in mind that this method may have differing results. A stone-cold liar will play this game out. Therefore, it is very important that you complete a thorough background check of each of your final set of applicants. More on that later.

Finally, avoid the common mistake of spending the entire interview talking about your company and/or the opportunity. Keep your introduction brief but positive. You are selling the position to your best candidates, and likely competing with other employers for them. But reserve the majority of your time for focusing on the candidate's skills and personality. Fleshing out these traits during the hiring process will efficiently narrow down your candidate selection to those more likely to sustain long-term employment.

BODY LANGUAGE: DETECTING LIARS

Great interviewers pay attention to not only a candidate's response, but also how they respond. Body language can be a big indicator of truth, especially if it is inconsistent with the words a person is saying. Start with observing the person's response to neutral questions so you can observe their baseline. Then, watch for these signs that may help indicate whether someone is telling the truth:

- A person who is lying may avoid eye contact.
- A person who is lying has an increase in brain activity, which often leads to micro-facial expressions or changes, like flaring nostrils, biting a lip, or blinking more.
- Look for facial expressions that are delayed or slightly off the timing of what they are saying. For example, smiling after they say, "I love it!" instead of while they are saying it.

- A person who is lying often makes expressions with only their mouth, not their whole face. For example, look for their smile in the eyes, forehead, and cheeks.
- A liar will often repeat your words back to you in their answer, and may try to change the subject.
- Liars often remove themselves from their story, directing the focus on other people, so you hear fewer "me's" and "I's" as they try to distance themselves from the lie they are telling.

Obviously, just because a candidate demonstrates some of these behaviors does not necessarily mean he or she is lying. Trust your instincts and look for someone who sincerely answers your questions, even if the answer is, "I don't know."

TRADITIONAL INTERVIEWS VS. BEHAVIORAL INTERVIEWS

Another great technique to learn is the behavioral interview. This is one of your best tools for making stronger hires each and every time. But what is a behavioral interview? To develop an understanding of this technique and how to use it, let's first look at what a traditional interview involves, and then compare the two.

In a **traditional interview**, the interviewer asks prospective hires a series of straightforward, open-ended questions like, "How would you handle [insert hypothetical situation]?" "What 5 words best describe you?" "What is your greatest weakness?" or "Describe what customer service means to you."

Traditional interviews tend to elicit "stock" answers that the candidate has heard or read and memorized as the ideal answer to that question, such as, "My greatest weakness is that I work too hard." Another feature of a traditional interview is that you, the interviewer, do most of the talking.

By contrast, a **behavioral interview** is designed to get the candidate talking about **skills and behavior they've demonstrated in prior real-life, work (or education, or life) situations.**

For Example:

- Tell me about a time when you had to use patience to calm down a patient.
- Have you ever been at odds with a co-worker? How did you resolve the conflict?
- Describe a goal you set for yourself and how you met it.
- What do you consider your greatest work achievement?
- Have you ever disagreed with your manager about something? How did you handle the situation?
- Tell me about a time when you worked effectively under pressure to meet a deadline.
- How do you handle interruptions at work? Give examples.

All of these qualify as behavioral questions, but you will want to choose questions for your own interview strategically. Make sure you have identified a vital skill set that the ideal employee in this position should have, and then develop a series of questions geared to elicit descriptions of how this candidate demonstrated those skills in the past. The candidate's answers should also seem consistent with the values and attitudes in your practice. Here's an example that can easily be modified to fit any position.

Behavioral Interview Example: Find the PERFECT Medical Assistant

To illustrate how you can use a behavioral interview, I am going to use the example of hiring a Medical Assistant. However, you can easily take this and modify it to fit any job position.

Example: *You've decided you need a new Medical Assistant for your office. After reviewing your job description and evaluating your business environment, you have determined the most important skills an employee in this position will need to have. The ideal candidate should be: technically sound, customer-oriented, and detail-oriented, with excellent listening skills.*

Quality/Skill: *Technically sound*

- *Tell me about a time when you encountered a patient in pain and your first attempt to help him/her did not work. How did you ease the patient's pain?*
- *How do you feel your education has prepared you for the technical aspects of your job? Be specific. What did or didn't you learn that you feel has impacted you the most?*

Quality/Skill: *Customer-oriented*

- *Give a specific example of a time when you had to address an angry customer. What was the problem and what was the outcome? What was your role in defusing the situation?*
- *In your opinion, what are the key ingredients in building and maintaining successful patient relationships? Give examples of how you made these work for you.*

Quality/Skill: *Detail-orientation*

- *Tell us about a task or project that required great attention to detail to complete.*
- *Tell me about a time when your attention to detail got you out of a bind at work.*

Quality/Skill: *Excellent listening skills*

- *Describe a situation in which you effectively "read" another person and adjusted your communication based on your understanding of his or her needs and values.*
- *Have unforeseen patient problems ever caught you off guard? What happened?*

Remember, your goal is to understand **how a candidate has already behaved in a given situation,** not to get one "correct" answer. Be clear and detailed when asking questions, and listen carefully. If the candidate can answer any interview question with "yes" or "no" or without a situational example, then reword the question so their only response is a behavioral response. Ask follow-up questions if their answer is not complete. You can then evaluate how closely their responses reflect the skills and attributes list you created for the position, as well as the values and attitudes in your practice.

On the whole, behavioral interviews are far more likely to provoke honest answers, rather than wishful thinking or rehearsed phrases that the candidate knows you want to hear. And if the answers aren't what you are looking for, this candidate may not be the best fit, and you will know to continue your search. You may even come to think of these interviews as your secret weapon to making better hires.

SALARY/WAGE DETERMINATION AND DISCUSSION

In most interviews, the moment for the salary discussion eventually arrives. Depending on the position, this may be awkward, or it may be clear-cut and already listed in the job ad. Either way, be prepared. Do your research before you ask, "What are you looking for in terms of salary?"

Know the market value of the employee you are looking to hire, and factor in the value of years of experience, your geographic location, and the demand for the position. Many low-cost or free internet resources, such as the U.S. Bureau of Labor Statistics, or the "Salary Wizard" on Monster.com, can provide the range of salaries for a given position. Another way to research the going rate in your area is to check job search engines as though you were a candidate. Be careful that you are comparing apples to apples, though. Sometimes job titles can be the same for vastly different positions. Compare the core job functions listed in your job description with those listed in other job ads. This is also a good way to track your competition.

> *"Be sure that those who are similarly situated but of different race, gender, parent status, etc., are paid the same."*

You should also examine your own past pay practices, and what you can currently afford. To avoid discriminatory pay practices, you need to keep the salary of new hires in line with what you pay current employees with similar skills and experience in similar positions. While it is okay to vary benefits or wages for a candidate who has more experience and training or is more in demand, be very careful to ensure that those who are similarly situated but of different race, gender, parent status, etc., are paid the same.

Once you have an idea of the salary range, it is a good idea to set a floor and a ceiling for the job. This keeps you on track during negotiations. When you structure the starting salary range, leave room for raises and think about the future. If you hire at the top of the pay scale, you may have nowhere to go to keep your newly hired star. If you offer the very bottom of the scale, you may miss out on a great candidate. However, one thing is for sure: paying more than you should will not lead to better results. They are either the right person or they are not.

Include benefits in your assessment. These days, benefits are the perks that keep employees from going to the competition. Consider being flexible in the benefits you offer. For example, you may offer an employee with insurance through a spouse more paid time off in lieu of receiving that benefit.

We suggest saving an in-depth compensation conversation for the end of the interview, or for when you have narrowed down your search to just a couple of candidates. Many employers ask the employee what they made in their last job–although a law passed in Massachusetts makes asking such questions illegal during the hiring process, and this trend may spread. Even if you are not restricted from asking about prior salary history in your state, be careful not to give this number too much weight in your determination. Your new employee's pay should logically, legally, and practically be based on what they will be doing for you, not what they have done for others.

Finally, consider the position for which you are hiring. While a candidate asking about pay in the wrong context may raise a red flag in certain situations, there is nothing wrong with a qualified candidate wanting to get an idea of what they can expect to earn. When interviewing a salesperson, for example, it is reasonable to expect a big part of the conversation to be about earning potential. In this case, a commissioned salesperson who does not ask is someone you might not want in your sales department.

CONCLUDING THE INTERVIEW, AND THE “BATTER ON DECK” PRINCIPLE

Be sure to leave time for the interviewee to ask questions. This is a good way to get an idea of what is important to the candidate.

To conclude, let each interviewee know that you will be evaluating the person you hire during their first 90 days. If things don’t work out, you may choose to re-contact your other candidates. This way, you keep a “batter on deck” and put new hires on notice that they still have something to prove.

When you start using this improved hiring and interview process, you may find that your problem is picking just one from the three or four best candidates. That’s good! Even if your first choice does work out, it is always good to keep an eye out for who you could hire next. You may even want to maintain contact with your second or third runner up for a time.

As one business manager guru put it, “You need to be in a constant state of hiring. What this means is that part of your job is to be interviewing even when you don't need anyone because when you have to fill a position or fire someone, and you will, your excuse that you can't find a good replacement on short notice means you have failed yourself, your team, and your owner."

Harsh? Possibly, but true. So, keep a batter on deck all the time, and an eye out for possible candidates.

LEGALLY SPEAKING: SAFE INTERVIEW QUESTIONS

Our clients often ask us how to “stay out of trouble” when it comes to interviewing new hires. Even more alarming, many employers are not aware of the level of concern they should feel. Have you ever asked an interviewee, “Do you have children?” Guess what! That was a huge mistake.

While it may seem like political correctness gone mad, even with the best intentions it is easy to stumble into improper areas of questioning that can get you into sticky legal situations. The laws are designed to protect candidates from discriminatory practices. It is therefore unlawful to make hiring decisions based on ‘protected classes’ such as ethnicity, race, national origin, age, religion, gender, health or disability, or marital status.

So, your safest bet is to stay away from personal lifestyle questions and instead focus on job experience and potential job performance. But are you aware of how casually off-limits topics can sneak into even the most seasoned employer or manager’s interview if we don’t stay on guard?

THE BIG NO-NOS

Most employers know to **avoid questions relating to ethnicity, national origin, age, religion, sex, gender, and marital status, among other categories.** Still, even these well-known pitfalls can appear in casually worded questions, when you’re just trying to be friendly and get to know your candidate.

For instance, NEVER ask:

- X Where were you born?
- X What’s your spouse’s name?
- X ‘Octavio’ is an interesting name, where’s that from?
- X When is your birthday?
- X Is that your married name?

Even if you are just trying to set a friendly, casual tone for the interview, these questions are too likely to reveal information that you cannot legally take into consideration. *You're better off not knowing.*

Instead, ask questions directly related to the hiring process and the job:

- Are you able to work in the U.S. on an unrestricted basis?
- What languages do you speak or write fluently? (ONLY if job-related)
- I'll need to see proof you are old enough to work. (ONLY if appropriate)

LESS COMMONLY KNOWN PITFALLS

Be aware that there are more areas of questioning to avoid than just the EEOC categories. For instance:

- The **Federal Bankruptcy Law** makes it illegal to discriminate based on bankruptcy or credit, and all credit inquiries need to comply with the **Fair Credit Reporting Act.**
- Be cautious asking about **arrests and convictions,** as restrictions vary by state.

And don't touch any of these topics with a 10-foot hiring pole:

- Children/Pregnancy
- Organization or club membership (May reveal protected class & irrelevant)
- Emergency contact (Not necessary until after hire)
- Gender
- Sexual orientation
- Health
- Availability for weekend work (This can prompt information you're better off not knowing. If the job will require it, use something like this: "This position requires weekend work/travel/overtime. Do you have any responsibilities that conflict?")
- Ability/Disability (Don't ask anything beyond, "Are you able to perform the essential functions of this job, with or without reasonable accommodation?")

When it comes to that last one, keep in mind that the **Americans with Disabilities Act (ADA)** makes it illegal to ask questions about an applicant's mental or physical disability OR perceived disability. This can extend to those recovering from alcoholism and drug addiction.

WHAT CAN YOU ASK?

Again, you can ask questions that are directly related to performance on the job.

You CAN ask: Are you able to perform the essential functions of this job with or without reasonable accommodation?
DON'T ask: Are you taking any medications? Or, have you ever received workers' compensation?

You CAN ask: This position requires weekend travel and overtime. Do you have any responsibilities that conflict with these requirements?

DON'T ask: Will you need to take off for Yom Kippur? Or, do you have adequate day care?

You CAN ask: Are you legally eligible to work in the U.S.?
DON'T ask: Are you/your parents U.S. citizens?

Finally, there are many "safe" questions to ask a potential hire that tend to get the person talking and are thus far more helpful in determining future job performance. Here are some suggestions:

- Why are you interested in this position?
- Why did you choose this field?
- How would you describe your personality?
- Describe a situation in which your work was criticized and how you resolved it.
- What have you done to improve yourself over the last year?
- Give me an example of how you have performed under pressure.
- Where do you see yourself professionally in two years?
- What other types of jobs/companies are you considering?
- What do you think of your current/last boss?
- What are your proudest accomplishments in your career?
- What aspect of your work performance could use the most work?
- What was your favorite job position and what role did your boss play in making it so unique?

In all cases, it's the skills and qualities needed to fill the position that are important. Focus on those, follow the precautions given here, and keep an HR expert on call for when you need advice. These steps will help keep you on the right side of the law before, during, and after your interview process. And if there is a bona fide job-specific reason to ask someone a question, then make sure you ask **all candidates** for the same position the **same question.**

COMMON PITFALLS THAT CAN LEAD TO THE WRONG CHOICE IN HIRING

- **The "halo" effect**—when interviewers are unduly influenced by a single trait that affects their judgment of the applicant's other characteristics.
- **Stereotyping**—making a judgment based on group membership (racial, ethnic, etc.) rather than based on the applicant's individual abilities and characteristics.
- **"Just like me" syndrome**—favoring an applicant because the applicant's attitudes and opinions are similar to the interviewer's.

III. HIRING DOCUMENTATION

During your hiring process, you are going to need to document your search. Hiring documents include applications or resume materials, any notes from interviews, skills testing results, background check consent forms, and the new hire forms that your selected candidate will need to complete on his or her first day of work. When it comes to avoiding legal entanglements, the best thing you can do is *document, document, document.*

THE APPLICATION

Application forms are often a prospective employee's first introduction to your company and your primary source for gathering information about candidates. Some businesses skip this and just rely on résumés and cover letters, which is perfectly fine as well. If you use them, your application not only needs to be clear and easy to complete, it also needs to meet certain legal requirements so that you are not exposed to unnecessary liability. Remember, anti-discrimination laws protect applicants **during** the hiring process, too. This means that someone can bring a lawsuit against you even if they never work for you!

Just as you need to be careful with your interview questions, you also need to **be careful with the questions you ask on your application.** As we mentioned previously, employers are prohibited from making hiring decisions based on protected characteristics such as age, race, national origin, religion, color, disability, and gender. Furthermore, the Equal Employment Opportunity Commission (EEOC) cautions employers to avoid inquiries that tend to affect members of a protected class differently, such as financial history, or that reveal a protected activity, such as union membership or workers' compensation claims. Essentially, an employer must be able to show that all questions asked are reasonably related to an actual qualification for the performance of the position (called a “BFOQ,” or “bona fide occupational qualification”).

THE LEGAL DANGER ZONE: APPLICATION QUESTIONS TO AVOID

AGE

Asking about graduation dates from high school, or even college, which may reveal an applicant’s age, is an easy way to get in trouble. Federal law protects employees over the age of 40 from discrimination based on age. State laws differ. Some have no minimum age, or offer protection within a range: from 40 to 70, for example. In general, avoiding questions that would reveal someone’s age is the best practice. You can ask, “Did you graduate?” and “How many years did you attend?” but do not ask the year they graduated. Likewise, do not ask for a driver’s license unless you require driving for the position.

> *“According to guidelines issued by the EEOC, arrest records do not provide evidence of guilt. Refusing to hire an applicant with an arrest record may be considered discriminatory.”*

ARREST RECORDS

Generally, under Title VII, employers may inquire about adult felony convictions, but they must also take into consideration the nature and gravity of the crime, the time that has passed since the conviction, and the nature of the job the applicant is seeking. Per guidelines issued by the EEOC, arrest records do not provide evidence of guilt. As such, a policy refusing to hire an applicant with an arrest record may be considered discriminatory. State law requirements regarding arrest records and criminal convictions vary widely and may be industry-specific. For example, the state of Hawaii forbids all inquiries into conviction records until after a conditional offer of employment is made. Massachusetts allows employers to inquire about a job applicant's conviction record, but excludes specific minor convictions, such as a first conviction for drunkenness, simple assault, or disturbing the peace. **Therefore, employers MUST check applicable state laws to be sure their applications are compliant.** The best practice is to hire a professional background check company that knows the laws of your state and will conduct a thorough and legally compliant background check on each candidate you make an offer to.

LANGUAGE SKILLS OR FLUENCY

Unless required for the position, avoid inquiries about an applicant's language skills. An applicant may be asked about the languages he or she reads, speaks, or writes if knowledge of a specific language is necessary for effective job performance.

MEDICAL INFORMATION

Avoid inquiring about a disability, past use of sick leave or family leave, or workers' compensation claim history. Such inquiries are likely to violate the ADA, which expressly prohibits employers from asking whether an applicant has a disability, or about the extent or severity of a disability. An employer may inquire into these areas after they have offered the applicant employment and if they make the same inquiries of all applicants for the same job category. Employers are also prohibited from discriminating against an applicant who has a known association or relationship with an individual with a disability. Also, note that even though the ADA only applies to employers with fifteen or more employees, most states have their own similar protections that apply to all employers or those with fewer employees.

MARITAL STATUS OR DEPENDENTS

Do not ask if an applicant is pregnant, is planning to have a family, has a maiden name, or has changed names. (Employers may ask if an applicant has worked or attended school under another name in order to perform a background check.) Additionally, do not inquire about the ages of an applicant's children or whether the applicant has childcare arrangements. In addition to marital status, many states also protect domestic partnership status, so it is wise to avoid questions about living arrangements.

CITIZENSHIP

Employers should not inquire about the birthplace or citizenship of an applicant. Employers should limit an inquiry to asking if an applicant is authorized to work in the United States.

EMERGENCY CONTACT INFORMATION

Employers should avoid using an application form to ask applicants to identify a person to contact in case of emergency. Such an inquiry may elicit information about familial status, marital status, domestic partnership, or other associations which are unrelated to the applicant's qualifications. Employers may request emergency contact information after hiring an applicant.

FINANCIAL STATUS AND CREDIT RECORD

Employers are prohibited from discriminating based on bankruptcy history. Questions about financial status, even indirect ones, such as, "What kind of car do you drive?" can have an adverse impact on certain protected classes and should be avoided. It is okay to ask if an employee has reliable transportation to and from work.

DISCLAIMERS AND AUTHORIZATIONS.
THIS MAY SOUND BORING, BUT DON'T SKIP THIS SECTION!

Your application is the perfect place to set up important legal protections by letting applicants know you are compliant with employment laws, and by listing specific legal notices relevant to your hiring policies. You may want to use an application even if your applicants prefer to reference their resumes, so you can have them sign off on the following disclaimers and authorizations.

EQUAL OPPORTUNITY EMPLOYER

Though it is not required, a good application form will have an Equal Opportunity Statement, affirming that you abide by applicable laws and do not discriminate in hiring. Note: make sure you list the right protected characteristics for your state! Know your state's laws and make sure your statement reflects them.

Sample EEO Statements (short and long):

> *"[Organization Name] is an equal opportunity employer and does not discriminate on the basis of race, religion, color, national origin, age, sex, gender, disability or any other characteristic protected by state or federal law."*
>
> *-or-*
>
> *"Our Company is committed to Equal Employment Opportunity and to attracting, retaining, developing, and promoting the most qualified employees without regard to race, gender, color, religion, national origin, age, sexual orientation, citizen status, veteran status, physical or mental disability, or any other characteristic prohibited by state or local law. We are dedicated to providing a work environment free from discrimination and harassment, and where employees are treated with respect and dignity."*

TRUTHFULNESS OF APPLICANT'S INFORMATION

Another important item to include on an application is a statement wherein the applicant attests, with their signature, that they have been truthful about the information provided, and indicates their understanding that, if hired, false or misleading information is grounds for immediate dismissal.

For example:

> *I certify that my answers are true and complete to the best of my knowledge. I understand that false or misleading information in my application or interview may result in disqualification from consideration or, if hired, my release.*

Even if you do not learn of the misrepresentation for months or years afterwards, this will be fair cause to terminate the employee. This also comes in handy if an employee is suspected of other fraudulent activity, but you cannot quite prove it.

AT-WILL

"At-will employment" is the idea that either you or the employee can terminate the relationship at any time, with or without cause, and with or without notice. It is essentially the legal foundation for your relationship with your employee. Every private business application should contain an at-will disclaimer (except in Montana[1], or if there is a union contract), which clarifies that the nature of the employment relationship is at will and there is no guarantee of future employment. Expand your knowledge about at-will employment at www.cedrsolutions.com/articles/at-will-employment-covered.

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[1]Note: If your business is in Montana, employees are only at will during their initial getting acquainted period, or the first six months. After that, you may only terminate for good cause. You can still use the sample at-will disclaimer provided below, but you should change the first line to: "I understand that, should I be hired for this position, my initial six months of employment will be 'at will,' meaning..."

Sample At-Will Disclaimer:

I understand that, should I be hired for this position, my employment will be "at will," meaning that unless otherwise agreed upon by written contract, my employment is not for a fixed term or definite period of time and may be terminated at the will of myself or the Employer at any time, with or without notice, and with or without cause.

AUTHORIZATION TO CONDUCT REFERENCE CHECKS

Application forms often have a statement authorizing the employer to conduct a reference or background check of the applicant. A typical statement may say the applicant understands that consideration for employment is contingent upon the results of a reference check, and that the employer is authorized to investigate all statements made by the applicant and to contact former employers and references. Ideally, your background check consent form should come directly from your background check company. (CEDR recommends National Crime Search—see more on this topic in the "Final Steps to Onboarding Your New Employee" section.) This is because there are legal notifications that must be provided under the Federal Credit Reporting Act (FCRA) and various state laws.

Background checks should be done on every new hire, usually after a conditional offer of employment is made. Failing to conduct background and/or reference checks can lead to a claim of negligent hiring if the applicant later injures someone and the situation could have been avoided by checking the employee's references and background. In addition to a formal background check, it's a good idea to call former employers yourself. This will often give you more information on the person's work performance than a simple verification. Many former employers will refuse to provide any information about an ex-employee other than the dates of hire (as should you!). However, if you obtain a written release from the applicant giving their former employers permission to speak freely, you will have better luck getting information.

A good release will name the former employer specifically. Here is a broad protective release:

By signing below, applicant hereby grants his/her knowing and voluntary release of the above named Former Employer, its employees, officers, directors, and shareholders, from any and all liability for any damages, foreseeable or not, arising out of the furnishing of employment history information to the abovenamed Requesting Company. Applicant voluntarily and knowingly authorizes the above named Former Employer to release any and all information concerning his/her current or former employment with it.

Applicant understands that the employment information from the Former Employer may include, but is not necessarily limited to, performance evaluations and reports, job descriptions, disciplinary reports, letters of reprimand, and opinions regarding suitability for employment possessed, whether or not it was substantiated by written documentation.

If the applicant refuses to give you authorization to speak to a former employer without a good justification, it is usually a good sign to look elsewhere. Of course, this does not necessarily apply to someone who requests that you not speak to his or her current employer, which is a reasonable request and one you should honor.

TAKING NOTES AND PHOTOGRAPHS

Most employers are inclined to take notes during an interview, recording a few reminders about the candidate and your conversation to jog your memory when making your final hiring determination—but you must be careful here. **DON'T make notes that could later be used against you.** Remember, anything you write down could be used as evidence if a complaint is filed against you later and your documentation is

> *DON'T make notes in an interview that could later be used against you. Anything you write down could be used as evidence if a complaint is filed against you later and your documentation is subpoenaed.*

subpoenaed. If you must take notes, keep them separate from the candidate's resume or application, and do not record personal characteristics. And **DON'T EVER take photos of applicants,** even to remember their faces or remind yourself who was who. Pictures reveal all sorts of protected characteristics. They're even illegal in some states without a job-related reason!

MAINTENANCE OF APPLICATION FORMS AND RECORDS

Employers are subject to various record-keeping requirements. This is mostly for the purpose of supporting or defending a claim of discrimination in hiring if an investigation is necessary. Federal rules require employers to retain all applications, résumés, notes on interviews, and notes on reference checks for at least one year. Some states (e.g. California) require employers to keep these records for two years. With the number of applicants employers get these days, especially via online services, the paperwork can pile up quickly. It is much easier and perfectly acceptable to gather resumes and applications electronically, and/or convert faxes to .PDF files and store them on your computer.

RESPONDING TO REJECTED APPLICANTS

It is common courtesy and a good business practice to respond to those who took the time to apply to your company, especially those to whom you have spoken over the phone or in person, to let them know they did not get the job. Putting a message in your job ad that you may not respond to everyone is also a good idea, especially if you expect a lot of applications. Once you have made your hiring selection, use a standard notice and response to all those whom you did not select. Resist the urge to give a specific reason why you rejected an individual, or to coach them on what they should do to get the next job. As much as you may want to do someone a favor by alerting him or her to an obvious and correctible flaw (e.g. "Might I suggest you show a bit less cleavage during future interviews"), this invites a lawsuit. For your message, use something universally applicable and innocuous instead, such as, "Thank you for your interest in our company. We have selected another candidate for the open position. We wish you luck in your future endeavors."

IV. WORKING INTERVIEWS: LEGAL OR ILLEGAL?

On the surface, the idea of a "working interview"—bringing a job candidate in for a few hours, days, or weeks without "actually" hiring them until they prove themselves—sounds perfectly logical and practical. However, using a working interview to exempt yourself from your obligations as an employer does not work—and it can actually get you in a lot of trouble.

ALL of the following are FALSE for ANYONE working in your office on a provisional/introductory/ interview basis:

- X You do not have to pay them if they only work for a couple of hours and they agree.
- X You do not have to pay unemployment if you do not hire them.
- X It is less of a hassle to slide them in and out with no paperwork.
- X By creating the special "working interview" designation, you are less vulnerable.

WHAT IS A WORKING INTERVIEW, AND WHY IS IT DANGEROUS?

First, we will look at where the idea of working interviews came from. Working interviews started as a marketing invention created by temporary employment agencies as a "try before you buy" option. They allow you to try out as many employees from the agency's stable as you need to, until you find one you like and want to hire permanently. This can be easier and less of a hassle than going through the process of interviewing and hiring several candidates yourself. The small fee for the agency's service is often worth it to get pre-vetted candidates.

So, what is the difference between a temp agency's working interview (legal) and yours (illegal)? To put it simply, the candidate is employed by the temp agency. The temp agency fulfills all the employer obligations because it hires the candidates and then contracts them out to you. The IRS and DOL are satisfied because the new hire paperwork is filled out and all applicable taxes are withheld, matched, and paid by the temp agency.

However, when you do a working interview yourself (sans a temp agency) **none of the employer obligations are fulfilled, thereby violating a myriad of labor and tax laws.** If caught, heavy penalties from the IRS or DOL can be levied against you.

If that isn't enough to give you pause, because the candidate is not a true employee, **you are missing key protections for you and your business.** This includes worker's compensation coverage: If the person working for you is injured, the practice owner may end up having to pay out thousands upon thousands of dollars to cover medical treatment. You'll also be missing the protection of a proper background check to ensure you're not giving a possible felon access to your patients' confidential information. Moreover, if you hold a working interview and then decide against hiring the candidate, he or she will have the upper hand if they choose to file for unemployment or issue a complaint against you.

Calling a not-yet-hired worker a "volunteer" is not a solution, either. By its very definition, a volunteer is someone who volunteers his or her time to an organization (usually nonprofit) in a goodwill endeavor. Volunteers are **not** trying to interview for a paying job, and cannot waive their right to be paid for work that you would normally pay an employee to do.

Then there's HIPAA! Should a HIPPA breach occur, HHS determines the number of fines based on several factors; the first being whether the incident occurred because the employee had not received proper training on how to comply with HIPPA. As you know, you must have documentation that shows you have trained employees regarding PHI (Protected Health Information).

As you can see, working interviews are dangerous and generally not worth the risk.

SKILL TESTING: HERE'S WHAT YOU CAN DO WITHOUT FULLY HIRING

After reading all this information you may be asking yourself, "What can I do to better evaluate potential hires if I can't do working interviews?" Don't despair. The answer is **skill testing.**

The difference between working interviews and skill testing is the environment in which they are conducted. During a working interview, you ask the candidate to work alongside you during a regular workday and have him or her perform and demonstrate skills on patients. In contrast, skill testing is when you set up a scenario and ask the candidate to walk you through it, as they understand it.

For example, take a dental assistant candidate into a room and show him or her your set up. Then ask the person to reproduce the set up in another operatory. For a hygienist candidate, create a chart for a fake patient and have the candidate look in the mouth of one of your employees and tell you how the chart differs from what he or she is seeing. For someone who would bill insurance, set up a fake patient file and test the person on coding or answering the patient's (played by someone in the office) questions.

This skill testing method is legal, and will grant you an inside look at the candidate's skills and personality. And if no work is performed and all they do is observe, complete skills testing, and answer questions, then they are not an employee and do not need to be paid. Keep in mind that the moment they perform any work, they become an employee.

THERE ARE FEW (REAL) SHORTCUTS IN HIRING

The key issue is that unless you use a real temp agency (not one that simply places someone for you to pay directly), once the candidate starts working for you, under your direction, using your equipment, and showing up when you tell them to, no matter what you call it or how long it lasts, he or she IS your employee and all of the following must occur:

- You must pay him/her no less than minimum wage.
- You must withhold payroll taxes.
- He/she is eligible for workers' compensation.
- He/she is at-will and you should treat him/her as such.
- He/she should have already gone through a background check.
- He/she should get paid time to read and sign to acknowledge your employee handbook, because its protections only apply to those who get a copy.
- He/she should sign your confidentiality agreement.
- He/she should be HIPAA trained, and you may be liable for any breaches.

This is a phase of hiring where there aren't any good shortcuts. Once you've found your favorite candidate and you want the person to show you what they can do "on the job," the next step is to make the person an employee.

LET YOUR NEW HIRE KNOW THEY MUST PROVE THEMSELVES

After a thorough interview process and background check, you'll go through all the normal "new hire" steps and put the candidate on your payroll. Put the new employee on notice that they must prove themselves, and may be let go at any time during the initial 90 days and beyond. Consider this initial employment time-frame your "getting acquainted" period.

Many employers believe that if an employee is in their 90-day introductory period or has a "temporary" classification, the employee cannot collect unemployment benefits if you let them go. Unfortunately, that is not true. Unemployment benefit eligibility is determined state-by-state and case-by-case. Factors include how long the candidate worked for you and if he or she had a job prior to coming to work for you.

If things don't work out, taking action to remove a wrong fit employee from your practice sooner rather than later will greatly decrease the hit you might take on an unemployment claim—while minimizing your losses in hiring and training costs, and overall team productivity. With a great hiring system in place, this scenario will happen less often, and you'll know sooner which candidates are non-starters and which can help you take your team to the next level.

V. FINAL STEPS TO ONBOARDING YOUR NEW EMPLOYEE

You have been through the selection and interview process and have hopefully chosen someone you think will be a good fit for your business and culture. However, your job is not over until you finalize the details of bringing the new employee on board and getting them settled and set up to become a great team member.

> *"The at-will nature of the employment relationship is legally implied or assumed, but it can be quickly destroyed if you make any promise in writing of future employment."*

OFFERS OF EMPLOYMENT

It is a good idea to put your offer of employment in writing and provide a summary of the compensation and benefits you are offering. In some states, such as New York, you are required to provide employees notice containing specific information about their compensation. However, in all states except Montana, and even though you already let your candidates know via your application that employment would be at-will, it is vital that you include an At-Will Disclaimer in any written offer. This is because the at-will nature of the employment relationship is legally implied or assumed, but it can be quickly destroyed if you make any written promise of future employment. This would lead to someone being entitled to additional damages in a wrongful termination claim, called "front pay." This issue stems from an employee's reasonable expectation of being continuously employed, extending into the future. As long as you avoid making such promises and clarify the at-will nature of the relationship, you will retain the right to terminate without cause and without notice. A sample offer letter may include the following disclaimer:

> *As with all of our team members, your employment with <Company Name> is on an at-will basis and can be terminated at any time, with or without notice by you or the company.*

You may also want to include the employee's initial schedule, to whom they will report, and that the offer is conditional upon: a) the employee's ability to perform the essential functions of the position; and b) successful passing of a background check and/or drug screening.

BACKGROUND CHECKS

It is not just a good idea to do a thorough employee background and reference check on every potential new hire—it is essential. Whether it is a multi-million-dollar negligent hiring lawsuit or an employee who drains the company's coffers, many problems are entirely avoidable for a low cost and little effort. **Most job candidates have a history of behavior and work performance that is entirely discoverable by a prospective employer.** You would be surprised how many calls we get each year from business owners who have discovered an employee a) is an ex-convict; b) has a history of suing every previous employer; c) is a sex offender; d) does not have a current license to do his/her job; etc. The list goes on and on. The reality is that these issues are easily discoverable before an employee is ever hired.

Not doing a thorough background check can lead to legal claims and major damages through **negligent hiring lawsuits.** Negligent hiring lawsuits hold the employer liable for any unlawful or improper actions of an employee if it can be shown that the employer failed to make "reasonable" inquiries into the employee's background and suitability for the position. A majority of negligent hiring lawsuits maintain that the employer failed to conduct the appropriate research, such as a criminal record history, employment verification, and other background information, which would have disclosed the employee's past misconduct. Employers found negligent in the hiring process have been subject to substantial monetary penalties, which can reach millions of dollars. Not many small businesses can survive this type of financial loss.

Then there is **employee theft.** According to the American Management Association and the U.S. Chamber of Commerce, 30% of all business failures are due to employee theft and other forms of dishonesty. Fraudulent billing and embezzlement top the list of threats. The biggest offenders have targeted a series of employers—this is not their first rodeo!

> *"Studies say as many as 80% of all applicants put some kind of false information on their application or resume."*

High employee turnover rate can also be improved through thorough background and reference checks. The U.S. Department of Labor estimates that, on average, it costs you anywhere from 33% to a whopping 150% of a new hire's annual salary to replace that employee. While it is hard to put an exact figure on turnover, companies face a huge financial hit from direct costs such as: recruitment; advertising; time spent reviewing resumes; interviewing applicants; and orientation and training time if the wrong person is hired. In addition, studies say that as many as 80% of all applicants put some kind of false information on their application or resume.

In the face of all these dangers, what's the best way to protect yourself? The answer is simple—**have a professional do your background and reference checks.** You cannot afford to get this wrong, and it can be difficult to comply with the applicable privacy protections, which vary from state to state. Outsourcing to a professional is simply the best and most economical option. CEDR members pay as little as $79.00 each time, with initial fee for setup.

SIGNING UP FOR PROFESSIONAL BACKGROUND CHECKS IS EASY AND INEXPENSIVE

While the level of background check you need may vary depending on whether you're hiring a receptionist or a new department head, it should include, at minimum, a professional Social Security trace, a criminal record search, and verification of employment and education.

CEDR recommends that all members sign up for and use ***National Crime Search*** for their background check services. They are our sole partner providing this service, and they serve all 50 states.

To learn more and to enroll your business, visit cedr.nationalcrimesearch.com. Or, call (888) 527-3282 and tell them CEDR referred you.

WHAT ABOUT DOING YOUR OWN INTERNET SEARCH?

Yes, you can learn a lot of information on the internet, especially if you can "friend" someone on Facebook. There is some disagreement in the HR community about whether conducting this type of search is advisable or even legal. On the other hand, there is almost ZERO argument from employment defense lawyers—and CEDR agrees—**doing your own background search on the internet is a BAD idea.**

The main problem is that you can too easily obtain all the information you so carefully avoided asking about during your interview and application process. Once you have viewed your candidate's Facebook page, Twitter feed, or blog, you often cannot plausibly deny knowing about protected information such as pregnancy, religion, national origin, disability, bankruptcy, genetic information, etc.

> *The FTC and its investigators have very recently demonstrated that social media searches must be done very carefully to avoid investigation and penalty.*

In addition, you risk running afoul of the Fair Credit Reporting Act, enforced by the Federal Trade Commission (FTC). The FTC and its investigators have very recently demonstrated that social media searches must be done very carefully to avoid investigation and penalty, and that applicants must be given the opportunity to provide informed consent before you do any search that could have a negative impact on your decision to hire them.

Do yourself a favor and resist the urge. Let the pros find out the verifiable information about your candidates, once all needed forms and consent are obtained. In all cases, it is a good idea to perform a legal background check on your new hire.

ORIENTING YOUR NEW EMPLOYEE

Your employee's first few days are your chance to set expectations for what is to come. Your goal is to solidify the new employee's relationship with your organization, so you want to make a good first impression and make him or her feel welcome. This inspires loyalty and a desire to do well.

So, what steps should you take before, during, and after your new hire's first day at work? Here are our best tips for getting off to a running start.

12 WAYS TO SET YOUR NEW HIRE UP FOR SUCCESS:

1. Whenever applicable, create or designate a workstation or workspace ahead of time, and clean it up in advance. Even when your new hire will be working in shared spaces, know where their orientation and training will occur, and make sure you are set up. Leave a welcome note on their desk or on your company's internal blog as an added touch.

2. Consider how much training will be needed, and on what topics, and who will administer or oversee it, before your employee starts. (Will they need training to use your software system? How about HIPAA training before they are exposed to patients and patient data? Safety and emergency procedures? Patient procedures or your office's routines? Any specialized diagnostic or treatment instruments that they may not have used before?) Give the employee a schedule so they know when they will be learning what, and how long they have to master the information.

3. Know what needs to happen first. You want to get your new employee doing useful work as soon as possible, so they can feel productive. However, it is essential not to skip HR and training steps that may be required first. Schedule training and self-study or easy projects intermittently throughout their first week.

4. Designate a mentor in advance. This should be one of your most positive, capable, approachable employees. Make sure that mentor has the extra time and energy needed to help the new employee find their footing. This is the person they should go to for those questions they may feel silly asking their manager.

5. Schedule your new hire to start on a day and at a time convenient for your office manager (and/or anyone else who needs to explain your HR policies or help with initial training). Avoid scheduling a new employee to start when those who will be most closely training and working with them will be on vacation or too busy.

6. Introduce your new employee to the team! It's tough to find the right time to introduce yourself when everyone is in the middle of work.

7. Clarify the new employee's place within the team, and how their job and work interacts with everyone else's. Your new hire should know who they report to, and where they go for problems, issues or complaints.

8. See that your new employee isn't abandoned at lunch time. Whether your staff eats in small groups in the break room or wanders off for lunch, it's best if new team members don't eat a lonely sandwich at the reception desk on their first day.

9. Set expectations, and be clear about assignments and goals.

10. Provide time and quiet space for your new hire to read through and sign their acknowledgement of your office policies and agreements, as well as completing all necessary forms.

11. If there are specific acronyms or buzzwords in use by your staff, or FAQs that new team members always need the answer to, provide a glossary and the information they'll need.

12. Finally, cover your bases! Use the New Hire Checklist provided at the end of this guide to verify that you distribute all required forms and notifications, obtained all signed forms you need back from the employee, complete required training, etc.

NEW HIRE REPORTING

In response to federal legislation[2] aimed at making it more difficult for individuals to evade child support obligations, employers in all states must collect and report information regarding the hire or rehire of employees. This information is intended for use in locating individuals with child support responsibilities and enforcing their obligations.

Each state has different specifics on how and what needs to be reported. Most states require reporting within 20 days of hire. If you are using a payroll company, they usually do the reporting for you. However, it is the employer's responsibility to make sure that this reporting is accomplished. The U.S. Small Business Administration (SBA) website is a great resource and provides links to each state's new hire reporting rules.

For more information, visit www.sba.gov/content/new-hire-reporting-your-state.

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[2] *See PRWORA of 1996, 42 USC 563a*

VI. RETENTION PLANNING: 10 TIPS TO KEEPING GOOD EMPLOYEES

It stands to reason that one of the best benefits of hiring better is that you don't have to hire as often. So, once you have achieved the team of your dreams, how do you keep them loyal and committed to your mission and success? Below are some measures you can take immediately to create the right team environment. We recommend making these 10 tips part of your ongoing management strategy:

1. **Clarify Expectations.** Within the first two months of employment, put job descriptions in place for each position and employee, to provide a clear picture of the position's duties and performance standards. Revisit this description annually and revise as needed. Great employees like to know what is expected of them, so they can meet their milestones and leave them in the dust.

2. **Listen and Learn.** Pay attention in your interactions with employees, and find out what's important to them. Don't get involved in personal drama, but do keep their goals in mind during your management interactions. Knowing that they are listened to will positively impact employees' performance. You may even learn of simple ways to make their working conditions, and the office environment, better for them and everyone.

3. **Give Regular Feedback.** Coaching and feedback work best as ongoing processes, so don't save all of it for formal reviews. Instead, be attentive, and give constructive coaching when it's needed. Be quick with informal praise or thank-yous for employees who are performing well or self-correcting an issue you've discussed. Good employees should always feel like you appreciate their work and dedication.

4. **Create a Team Culture.** Develop a mission statement and core values, if you have not already done so, and make sure each team member can define their own contribution to the team's goals. This is also an area you should work on constantly. When discussing office issues, impart a belief that problems without solutions are not acceptable. Employees should bring you their suggestions (at least one of which does not require money) along with each problem identified.

5. **Centralize Leadership.** A strong team needs a sense of unity and order. Make sure any team leaders you manage are well trained in your policies, and that everyone uses the same coaching methods and standards. Back them up on their tough decisions. Check in directly with each team member and ask for their feedback on how the managers are doing, and what could be improved.

6. **Empower Employees.** On issues where it makes sense, let employees make decisions. This increases engagement, accountability, and responsibility Make sure employees feel supported, too: Mistakes are part of the learning process, and good employees must be allowed to fail so they can later succeed.

7. **Lead By Example.** It sounds like a no-brainer, but good employees will respect you and the practice more if your own attitudes, behaviors, and actions demonstrate the professionalism, commitment, and integrity you expect from them.

8. **Offer Incentives.** Even a small bonus can do a great deal to incentivize good employees and infectiously spread good attitudes and behaviors. It's not the size of the bonus that matters, but its attainability. Consider free lunches, casual day passes, or bonuses for behavior that exceeds your minimum standards. The "game" of working towards incentives can strengthen your team and help create togetherness and accountability, making your employees feel both appreciated and engaged. (Note: Anytime you offer a bonus, put it in writing and make sure everyone understands.)

9. **Educate and Train.** Helping employees improve their level of knowledge and skill not only improves and strengthens your own team, but demonstrates to employees that you care about their futures. Employees who feel that their own professional goals are supported will care more about their contribution to your practice and see it as a valuable part of their career path.

10. **Implement Rock-Solid Employee Policies.** Professionally-drafted, employment-law-compliant policies support your business by providing consistency, clarity, and protection from employees gone bad. If you do not already have them in place, CEDR provides top-quality office manuals and agreements that help avoid conflict and the tensions that lead to employee dissatisfaction.

That's it—you're ready to turn employee retention into the rule rather than the exception. And since great hiring, great leadership, retention, and a great work environment are all interconnected, strengthening one or more of those can cause a positive chain reaction that will make your whole practice a better place to work and manage.

We hope you've picked up some ideas about how to strengthen your practice's team culture, support your employees more, and retain them longer. Start applying these tips today—you won't regret it!

VII. IN CLOSING

As you have learned, hiring is a skill. Although intuition does play a part in choosing your new hire, you will enjoy far more consistent success if you plan and follow a hiring strategy. Like every new skill, this takes practice. Hiring is just too important to rely on luck.

Use this Hiring Guide as your resource for creating an effective hiring strategy. Here is a summary of your action plan:

1. Examine your hiring needs.
2. Clearly define who you are looking for by creating a “Strategic Attraction List,” describing the attributes of the person you want to work with.
3. Create a simple job description.
4. Use the list of top attributes and the job description to create a job ad.
5. Place the ad in a reliable job search engine, using screening techniques to find the gems.
6. Make your interviews productive and legal.
7. Document your process and your new hire correctly.
8. Don't skip the background check!
9. Make your new employee welcome with a successful orientation.
10. Plan for retention, so your team gets better and better.

Thank you for reading this guide, and happy hiring! If you have any questions about the material you’ve read here, please call the CEDR HR Solution Center at **(866) 414-6056**, or email info@cedrsolutions.com. We’d love to help you further.

WHY WORK WITH CEDR?

CEDR HR Solutions is a remote executive-level HR solution for dental and medical offices looking for a partner to make staying in legal compliance and managing their teams easier.

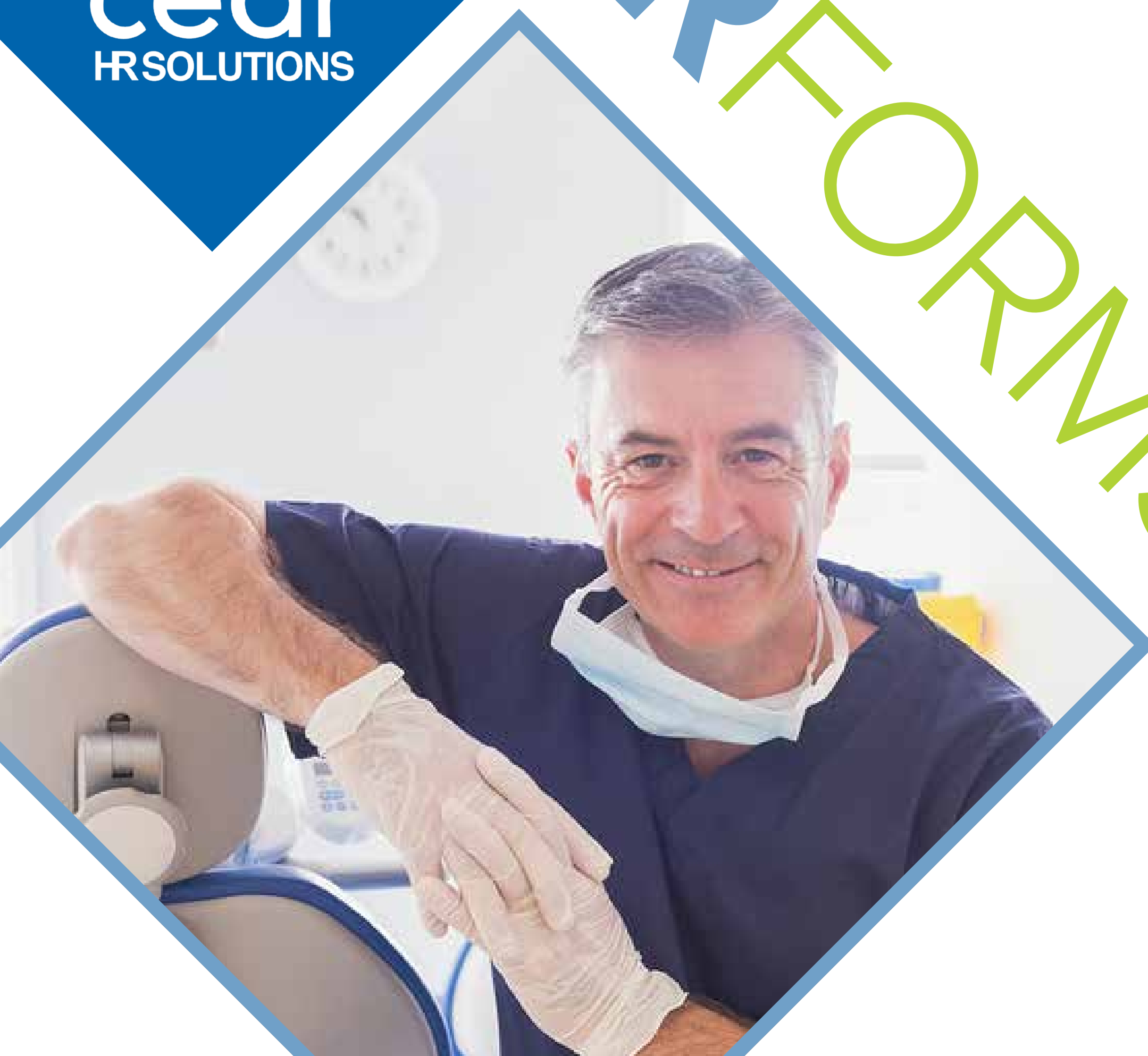
With CEDR, you get:

- **A custom, legally compliant employee handbook** written by attorneys to be exactly what you need.
- **Unlimited guidance and support** from our team of attorneys and masters-level HR experts whenever you have a question, concern, or emergency in your office.
- A **complimentary Employee Handbook evaluation** or **one free HR issue solved**—your chance to give CEDR a try!
- Lifetime membership in the Employer Solution Series (ongoing HR training)
- Handbook updates when laws affecting you change—*included with CEDR Membership*
- HR forms, resources, videos, podcasts, and more—*included with CEDR Membership*
- Online HIPAA training—*included with CEDR Membership*
- Online HR Vault—*included with CEDR Membership*

CEDR's Client Relations Specialists are available to discuss any and all of these benefits with you, or to set up your free handbook evaluation. And if you have an ongoing HR issue you'd like help resolving, they'll put you right in touch with the Solution Center.

Call CEDR at (866) 414-6056 or email us at info@cedrsolutions.com to get started!

YOUR FORMS



NEW HIRE CHECKLIST

PRIOR TO HIRE

- ☐ Employee application on file
- ☐ Background check forms signed
- ☐ References checked
- ☐ Background check completed

UPON HIRING

- ☐ Personnel file created
- ☐ New Hire Letter and any state required Wage Notices
- ☐ Affordable Care Act–Notice of Health Insurance Coverage
  Model notices for employers offering and those not offering health plans available HERE
- ☐ I-9 form completed, federal-state withholding W-4 (available for download HERE and HERE)
  State withholding forms available at your State Department of Revenue website
- ☐ Copy of Employee Handbook distributed and all Acknowledgments signed and returned
- ☐ Initial discussion items with employee:
    - ☐ Schedule
    - ☐ Getting acquainted period
    - ☐ Performance reviews and Corrective Action Policy
    - ☐ Salary
    - ☐ Bonus plan
    - ☐ Insurance benefits eligibility
    - ☐ Sick leave – Call Out Procedure
    - ☐ Vacation eligibility
    - ☐ Recording of Time
    - ☐ Open door/employee concern reporting
- ☐ Obtain copy of any necessary certifications
- ☐ Job description – 1 for personnel file, 1 for employee
- ☐ Keys/access codes (if applicable)
- ☐ Nametag/uniform (if provided by office)
- ☐ HBV Acceptance/Declination (medical/dental only)
- ☐ HIPAA training

NEW EMPLOYEE INFORMATION

EMPLOYEE INFORMATION

Name: ______________________________

Social Security Number/Government ID Number: ______________________________

Employee Address: ______________________________
Street *City* *State* *Zip Code*

Home Phone: ______________________ Cell Phone: ______________________

Date of Birth: ______________________ Personal Email Address: ______________________

EMERGENCY CONTACT #1

Name: ______________________________

Relationship: (Not required) ______________________________

Address: ______________________________
Street *City* *State* *Zip Code*

Home Phone: ______________ Cell Phone: ______________ Work Phone: ______________

EMERGENCY CONTACT #2

Name: ______________________________

Relationship: (Not required) ______________________________

Address: ______________________________
Street *City* *State* *Zip Code*

Home Phone: ______________ Cell Phone: ______________ Work Phone: ______________

HR USE ONLY

Date of Hire: ______________________ Benefits Eligibility Date: ______________________

Position Title: ______________________ Reports To: ______________________

Location: ______________________ Hiring Source: ______________________

Status: ☐ FT ☐ PT ☐ Exempt ☐ Non-Exempt Commission Rate: ______________________

Rate of Pay: $ __________ /Hour $ __________ /Year Travel/Training Rate of Pay: $ __________ /Hour

REFERENCE CHECK
Application Consent Form

For Application to Company Name: ____

A. Verification of Accuracy of Statements Made in Application Materials:

I hereby certify that the information provided in my employment application materials (including without limitation, application, resume, references, certifications, and the like) is true, complete, and accurate; and I understand that any false or misleading information, or significant omissions, may disqualify me from any further consideration for employment, or could be grounds for dismissal from employment, if discovered at any point after I have been hired or offered employment.

Initials ________

B. May we contact your present employer? ☐ Yes ☐ No

C. Consent to Disclosure and Release of Claims:

I, (please print) ________________________ request and authorize the release of information from my records to any requests for the same by the Company named above, which is considering me for employment. I understand that this release of information or opinions may involve records or assessments of my abilities, performance, attendance, productivity, attitude, conduct, and other work-related characteristics, propensities, or issues. I further understand the Company may not be required to disclose to me any information obtained during its investigation.

In exchange for the Company's consideration of my application for employment, I expressly agree not to file or pursue any complaints, claims, or legal actions against any organization, individual, current employer, or former employer listed in my application materials that provides work-related information about me to the Company named above, or its agents. I also agree not to file or pursue any complaints, claims, or legal actions against the Company named above arising out of their efforts to obtain work-related information about me.

____________________	____________________	____________
Applicant Name	*Applicant Signature*	*Date*

REFERENCE CHECK RECORD

Applicant's Name: ______________________ Reference's Name: ______________________

APPLICANT WORK HISTORY WITH REFERENCE

Reference's Employer: ______________________ Reference's Job Title: ______________________

Reference's Relationship to Applicant (supervisor, co-worker): ______________________

Applicant's Job Title(s): ______________________

Applicant's Dates of Employment: ______________________

Applicant's Job Duties:

____

____

Reason for Leaving: ______________________

APPLICANT PERFORMANCE

Overall Performance:

____

____

Strengths:

____

____

Weaknesses:

____

____

Any Specific Issues Related to Attendance, Punctuality, or Attitude?

____

____

Would Reference Recommend Candidate for our Position? ☐ Yes ☐ No Please explain:

____

____

Additional Notes:

____

____

______________________ ______________________

Reference Check Completed By *Date*

APPLICATION FOR EMPLOYMENT

We are an equal opportunity employer and do not discriminate on the basis of race, religion, color, national origin, age, sex, gender, disability, or any other reason prohibited under Federal, State, or local laws.

Please type or print. This application must be legible, fully completed, signed and dated for consideration.

APPLICANT CONTACT INFORMATION

Name: ____
Last *First* *Middle Initial*

Other Names Used: ____

Address: ____
Street *City* *State* *Zip Code*

Phone: ____
Home Phone *Cell Phone*

Email Address: ____

QUESTIONS ABOUT APPLICANT

Position Desired: ____________ Salary/Wage Desired: ____________ Date Available: ________

Type of employment desired: ☐ Full Time ☐ Part Time ☐ Temp/Seasonal ☐ On-Call

What days are you available to work (check all that apply): ☐ Sun ☐ Mon ☐ Tues ☐ Wed ☐ Thurs ☐ Fri ☐ Sat

What shifts are you available to work (check all that apply): ☐ Morning ☐ Afternoon ☐ Evening

Are you legally eligible for employment in the United States? ☐ Yes ☐ No

(Proof of U.S. citizenship or immigration status will be required upon employment)

Are you 16 years of age or older: ☐ Yes ☐ No

Have you applied or worked here before? ☐ Yes ☐ No If yes, when? ____________

How did you hear about this position? ______________________________

EDUCATIONAL BACKGROUND

High School Education or GED passed? ☐ Yes ☐ No

If NO, please indicate highest grade completed: ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12

College/University/Trade School	City/State	Units	Degree/Diploma	Major	Completed
					☐ Yes ☐ No
					☐ Yes ☐ No

US Military Service	Branch	Rank	Dates of Service
☐ Yes ☐ No			

EMPLOYMENT HISTORY

List all positions held, including part-time summer and/or volunteer work and periods of employment for the last ten years; do not omit any employers. Explain any gaps in employment in comment section. If you are submitting a resume, you are still required to provide the requested information in the space provided. If self-employed, provide company name and at least two business references. Attach additional sheets or continue on the back of the page, if needed.

Current Employer	**Dates Employed**	**May We Contact?**
Employer Name:	From:	☐ Yes ☐ No
Telephone:	To:	If YES, Contact Name:
Address:		
Job Title:		
Reason for Leaving:		
Responsibilities:		

Previous Employer	**Dates Employed**	**May We Contact?**
Employer Name:	From:	☐ Yes ☐ No
Telephone:	To:	If YES, Contact Name:
Address:		
Job Title:		
Reason for Leaving:		
Responsibilities:		

Previous Employer	**Dates Employed**	**May We Contact?**
Employer Name:	From:	☐ Yes ☐ No
Telephone:	To:	If YES, Contact Name:
Address:		
Job Title:		
Reason for Leaving:		
Responsibilities:		

SPECIAL TRAINING AND SKILLS

Please list any pertinent certifications and licenses with the license or certification number, date earned, and expiration date (for example: CPR, HIPAA, X-Ray):

____

____

Please list languages spoken fluently, other than English: ______________________________________

Please list pertinent skills, special training, and equipment you are trained to operate:

____

____

Please list any other accomplishments, awards, professional groups of which you are a member, or additional information you would like us to consider:

____

____

____

I certify that my answers are true and complete to the best of my knowledge.

If this application leads to employment, I understand that false or misleading information in my application or interview may result in my release. I further understand that any employment that is offered to me will be at-will and that this application does not create or imply a contract for employment.

______________________________________ ______________________

Applicant Signature *Date*

INTERVIEW COMMENTS FORM

APPLICANT INFORMATION

Applicant Name: ______________________ Date: ______________________

Job Title: ______________________ Department: ______________________

Application Completed/Resume Received? ☐ Yes ☐ No—Please Explain: ______________________

Summary/Notes:

____

____

____

____

____

Job Skills	Excellent	Good	Average	Poor	Comments
Skills to Do This Job	☐	☐	☐	☐	
Related Experience	☐	☐	☐	☐	
Other Skills/Qualifications	☐	☐	☐	☐	
Motivation/Attitude	☐	☐	☐	☐	
Interest in Position/Company	☐	☐	☐	☐	
Job History/Stability	☐	☐	☐	☐	
Verbal Communication	☐	☐	☐	☐	
Written Communication	☐	☐	☐	☐	
Leadership	☐	☐	☐	☐	

RECOMMENDATION

Qualified for This Job: ☐ Yes ☐ No—Please Explain: ______________________

Consider for Other Areas: ______________________

______________________ ______________________

Interviewer Signature *Date*