

THE EMPLOYER'S PLAYBOOK FOR

Avoiding Hiring MISTAKES

Whether you run the business or run the office, you know the hiring process can be exhausting. From posting for the position to interviewing, selecting a candidate to extending an offer, recruiting is a tedious process. Along the way, there will be numerous roadblocks.

One challenge could be that you can't find someone with the skills required to perform the job. On the other hand, it could also be a challenge when you have too many applications and aren't sure how to narrow down the playing field. Finding talented people who are the right fit for your company is a great challenge, especially as competition in the job market grows stronger.

HERE'S AN IDEA: SEEK WELL-ROUNDED CANDIDATES WHO HAVE A GREAT MIX OF SKILLS AND PERSONALITY.

In some positions, skills are everything. In others, it may be more important to have a new hire who fits in well with your team, versus one who has the exact skill set as the person who held the position before them. After all, if the person you choose doesn't fit in well, you may have to start over again.



IN THIS HANDY GUIDE, you'll learn the do's and don'ts of hiring so you can be sure to find and retain the best employees for your company.

INTERVIEW QUESTIONS: Cover All Your Bases

Let's start with the interview. What should you ask? You want to make sure you cover the basics, of course, as well as the candidate's personal motivations and skills. Make sure you ask about communication and teamwork, too.

One set of questions is not necessarily more important than the other. **You really need to ask questions in many areas to gain the right feel for a candidate.** Maybe you'd prefer to have separate interviewers focus on different sections. If you do it that way, make sure each person knows their subject ahead of time.

Goals and Motivation

Let's start with a conversation that's goal-oriented. For example, "Tell me about a time you set a difficult goal for yourself. What did you do to achieve it? What might you do differently next time?"

This line of questioning can help you decide whether the person might be able to handle the goals you have set for them, and walk you through the process of how they might reach them. If they answer well, you'll have some insight into what you can expect should you offer them the position.



"What motivates you to do your best work? Tell me about a project that made you really excited."

Here, you'll learn about what makes the candidate tick. This is important because as an employer, you want to know how to best encourage your employees to do their best work. These questions also allow you to see how hardworking and dedicated the candidate might be.



"What is something you've done in your career where you've been successful, but wouldn't want to do again, and why?"

This question will help you learn the candidate's philosophy about doing something he or she didn't want to do, and/or working with a team. Does the candidate understand the value of working on a project even if he or she doesn't agree with the strategy? Did it fall apart because of that strategy? Was it a lack of communication? How does the person handle situations like that? What was their role on the team? What made it so unpleasant? Was there a safety issue? The answers to these questions will likely show you almost instantly whether the candidate will be a good fit for your team.

Communication and Organization

This is one of the most challenging, yet most important parts of any team. Perfecting it takes time, but without it, bigger messes are created.

Here are some interview questions that will help you get a good feel for how the candidate communicates best and where there may be some shortcomings.



“How do you prefer to communicate with coworkers and bosses?”



“How important is communication and interaction with others on your team?”

It's important to make sure the candidate can communicate on many platforms, including face-to-face. Someone may be great at email, but if they won't speak up in a meeting, at a job site or during a discussion on strategy, they may have problems communicating.. Some people prefer to work alone, without group discussion or participation. For some companies, that may work out, for others, it may not.

As for organization and time management, it's important to know whether a potential employee can handle multiple projects at once. “What do you do when you have multiple priorities? How do you organize a plan for major projects? If you had conflicting responsibilities, what would you do?” The answers to these questions allow you to learn just how much the candidate can juggle and just how well he or she might keep those balls in the air.

Teamwork

Hiring someone who works well with others, specifically the others you already have working for you, is the key to success. Think of your current team, and seek a person who can fill any holes you may have.

For example, you may have someone who isn't the strongest communicator on your team, so hiring someone with strong communication skills would make sense. You want the person you choose to be a seamless fit into the team you've already worked hard to build. Ask these questions to learn more about how the candidate operates in a team:



"How do you motivate those around you?"

This question will help you understand whether the candidate will rally around his or her teammates when there's a victory to celebrate. It will show you whether the candidate will have the backs of your other employees in good or bad situations. **One of the most valuable assets of a candidate is the ability to work with a team.**



"How do you determine which issues to bring to your boss, which to delegate and which to resolve yourself?"

You want to know the candidate can work both as a part of a team, and independently, ideally without a lot of direction from you. Once the potential employee learns the ropes, he or she should be able to handle most of the things that come their way, or delegate to the right people, without bringing every issue to you. For example, if you hire a job site supervisor, you want to be confident he or she can potentially run the site without you.



"Can you give me an example of a conflict you've had with a supervisor or subordinate and how you might handle it differently (or the same) in the future?"

You want to choose a candidate that shows respect for authority, colleagues and customers. How a person treats those they work with is an indicator of the personality they have. Are they kind to others? When conflicts arise, are they going to handle things with maturity and respect?

Skills

This is the part where you want to learn about the skill set the person brings to the table. Here, you want to ask job-specific questions about the candidate's background as it relates to the position you have available. Here are a few examples of very specific skill-related questions:

If you're looking for a welder for example, you'd want to be sure the candidate has welding experience. Here, you may also want to ask questions about safety training or programs the candidate may have been a part of at his or her past job. This will give you an idea of where the candidate stands on following procedures as well as how experienced a welder he or she might be.



“Describe your proficiency with technology. Which programs are you familiar with? What types of new technology or software might you introduce to make your work more efficient?”

If your company uses a particular software program that the candidate happens to have experience in, that means they won't have to be trained as long, so that's a win for both of you.

Sometimes, a candidate will have developed a software or system by which the work you do, could be better organized or handled. This could also be a benefit for your company. On the contrary, if everything your company handles relies on technology, and the candidate has little proficiency, that could be a problem.

Let's say the position calls for a lot of writing. Ask the candidate to describe the types of writing he or she has done and for which audience. You want to know the candidate can write, but also that the candidate can write in the style you need. Although some styles can be taught, you want to have a clear understanding of what the candidate is bringing to the table.

Skill-related questions are important. After all, if you're interviewing someone who can't handle the basic duties of the position you have open, what's the point? But beyond skills, think about the candidate's personality traits and work ethic. Remember, asking open-ended questions will help you get the candidate talking in order to hopefully obtain the information you're seeking.

It's also important to think about your company's culture. How would you describe it? Is it about family, teamwork or dedication to excellence? Make sure you share the values you hold and the values you seek, then have a discussion with the candidate about whether they feel they're a good fit, too.



INTERVIEW QUESTIONS: The Do's and Don'ts

We've established that it's important to ask a variety of interview questions to learn the candidate's potential fit in your company. But you can't ask just anything. While there is not a specific list of illegal interview questions, there is certainly a stream of questions that could become problematic, either before the interview, or during it.

Here's a bit of advice: Only ask questions that will provide information about the person's ability to do the job, with or without reasonable accommodation. For example, an age inquiry may be made to confirm the applicant is of legal age to be working in that position. However, directly asking a person his or her age could be viewed as discrimination.

Asking questions about a candidate's family can also be discriminatory. For example, if the employer only asks women if they are mothers, to weed out what some consider a common source of absenteeism or tardiness, then that would be illegal. **Questions about whether someone is married or has a partner can also allude to his or her sexual orientation, so it's best to skip those.**

An employer may inquire about an applicant's ability to perform certain job functions, but inquiries about a person's disability, health or workers' compensation histories are unlawful. It's also unlawful to inquire about a candidate's citizenship or country of birth. It is, however, okay to ask if the potential employee has the legal right to work in the United States.

When it comes to an employee's criminal history, it is only relevant when the charge is related to the job. For example, a person applying to be a bookkeeper, who is facing charges for stealing funds from a previous employer, may be questioned about the situation. If the employer feels like he or she needs to ask about the conviction, he or she should also point out that the conviction will not necessarily prevent the candidate from getting the job.

The hardest part is that some forbidden questions seem harmless. Here are some examples of information you might need, with a look at the right and wrong ways to obtain it:

Wrong: Are you a U.S. citizen?

Right: Are you legally authorized to work in the U.S.?

Wrong: How long have you lived here?

Right: What's your current address?

Wrong: Have you ever been arrested?

Right: Have you ever been convicted of X?
(Something very specific to position.)

Wrong: How old are you?

Right: Are you over the age of 18?

Wrong: Are you married or do you have a permanent partner?

Right: Do you have any restrictions on your ability to travel?

Wrong: How many children do you have?

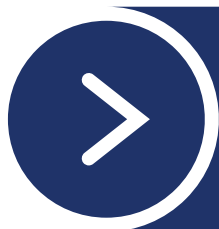
Right: Do you have responsibilities or commitments that will prevent you from meeting specified work schedules?

Wrong: Do you have any disabilities?

Right: Are you able to perform the essential functions of this job with or without reasonable accommodations?

Wrong: What clubs or social organizations do you belong to? Do you go to church?

Right: List any professional or trade groups or other organizations that you belong to that you consider relevant to your ability to perform this job.

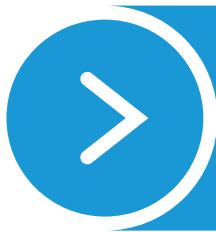


HERE'S THE TAKEAWAY: Don't ask questions that would lead a candidate to disclose information about a protected class because that opens you up to discrimination accusations.

You've Made the Offer, Now What?

Once you decide which employee(s) to hire, you begin the process of scrutinizing his or her background. For example, you may contact the person's past employer. You may check the potential employee's criminal background as long as you get his or her authorization ahead of time.

You may have a reason to check the candidate's credit report, but make sure it's legal in your state. Also, you may decide as part of your drug and alcohol policy that you want the candidate to do a drug screening before his or her first day.



HERE'S AN IDEA of how to screen new employees, along with what you, as an employer might consider before sharing:





Past Employment

There are no legal restrictions on what information an employer can — or cannot — disclose about former employees, but there are privacy laws you'll want to consider.

If someone was terminated, the company can say so. A representative can also give a reason, but that's not necessarily the best practice. Many things can go wrong with offering information the applicant didn't already disclose, so **less is more**. As a past employer, you certainly wouldn't want to say something like, "Sam was unable to return to work after a workers' comp injury."

Because of defamation laws (libel, slander), most companies are careful about what they disclose to hiring managers. It's called a "verification" which means a prospective employer should be verifying information he or she already has. **You will find many past employers will only confirm dates of employment, position and salary.** Here are some examples of what might be asked and the proper responses:

- "Sam stated his salary was \$30,000 per year, is that correct?" **Yes.**
- "He says he was a legal assistant, is that correct?" **Yes.**
- "Sam stated he left on his own terms." **That is incorrect, the termination was involuntary.**
- "What is the reason?" **It's not our practice to provide that information.**
- "Is Sam eligible for rehire?" **Yes or No. (No explanation needed.)**

State labor laws vary, so be sure to check your [state labor department website](#) for information on laws that limit what employers can disclose about former employees, or be safe and stick to the basics above.





Education and Licensing

For many positions, a certificate, course, license or degree is required.

Sometimes, without these acquired items, the candidate would not have the expertise needed to perform the job. Over the years, hiring managers and recruiters have found that if a candidate is going to be dishonest about anything, it's usually his or her education. These are the two most common examples:

- Someone will turn his or her two years of college into a full-blown bachelor's degree.
- The person will say they obtained a degree when they never actually stepped foot on the campus.
- Verifying education isn't very difficult. Once the candidate has provided the basics, like name and location of the school, major and year of graduation, the school's registrar office can confirm it. You can also use third-party services.. You may run into some hiccups if the person has a very common name, the wrong graduation date or a different name than their degree was obtained under. If you can't verify a degree for whatever reason, you can always ask a candidate to supply a diploma or transcripts.





Background Check: Criminal and/or Credit

Before doing a background or credit check, employers must receive written permission from the candidate.

If anything in the report leads an employer to decide against hiring the person, the candidate must be informed of the reason and given a copy of the report. In all cases, employers should make sure to treat everyone equally. For example, it would be illegal to ask only people of a certain race or gender about their financial histories or criminal records. Here are three things not to do during [background check screenings](#):

- Don't try to get an applicant's genetic information, which includes family medical history. If you somehow get it, don't use it to make any hiring decisions.
- Don't have a blanket policy that prohibits hiring anyone with a criminal background. The results of the background check must be considered on a case-by-case basis.
- Don't run credit checks on applicants without first checking the laws in your state. Some states prevent this hiring practice.





Drug Testing

As with all screenings, if employers require one candidate to do it, all candidates must be required to do it. That is unless there's a legitimate business reason to treat groups differently (for example safety-sensitive positions vs. non-safety-sensitive positions). If an employer isn't careful, he or she can be accused of discriminating.

Many companies have a drug policy in place. Each state has its own laws about employment drug testing, but generally, **the laws allow for drug testing of applicants provided that the applicants understand the testing is part of the hiring process for all employees.** Some states require a formal offer of employment be given first, before the testing takes place. Keep the following things in mind when conducting the drug screening process:

- Testing should be completed before the candidate is put to work.
- Testing will need to take place at a licensed, independent medical laboratory, at the employer's cost.
- Candidates who refuse to test, or don't show up to test, should no longer be considered for employment.
- If an employee tests positive, the offer for employment should be rescinded.



What About Medical Marijuana?

More than 20 states now allow residents to use [marijuana for medical purposes](#). The law does require the user to have a doctor's authorization to use the drug, often for certain diseases or disabilities. State laws are changing all the time, but as it stands, employers in most states may refuse to hire employees who test positive for marijuana in a drug screening.



Social Media Use in Hiring

As you know, social media is part of mainstream life. Nearly everyone uses Facebook, Twitter, Instagram or LinkedIn, especially those who might be looking for a job. Studies show companies have taken advantage of that.

It's common for employers to post available positions on social media. And while it's proved to lead to successful business relationships, it's not the only way. If employers use social media in the hiring process, it's also best to make sure to advertise the position somewhere else, too, just in case a potential candidate doesn't have access to social media.

In addition to publicizing job openings, employers can also use social media to confirm a candidate's qualifications. However, some employers have backed off this method for fear of legal trouble. It's not hard to understand how trolling social media can lead to discrimination accusations.



For example, just by looking at a potential candidate's profile picture, an employer can learn his or her gender, ethnicity and age range. And that's just the beginning. Think about your Facebook or Twitter feed and what people post about most often. It's likely things like medical or family problems, or even a rant about politics. Social media can teach you a lot about a person, but it's not supposed to be information that is used against that person in the hiring process. If you use it, make sure to follow these rules:

- **Have HR do the checking.** Make sure the person who looks up potential candidates on social media is someone who works in HR, rather than a manager or supervisor.
- **Look later.** If you're going to check a candidate's social media page, it's best to do it later in the process, after an applicant has already been interviewed. That way, many of his or her protected classes have likely already been established (without asking). Looking later could also avoid the perception that what you see is the **ONLY** reason you didn't hire someone (even if it's one of the reasons).
- **Document your reasons.** If you see something on social media that prevents you from hiring someone, such as bad judgment, print the page with the content that led you to that decision. That way if something is removed later, you'll have evidence to back your choice.
- **Stay consistent.** If you're going to look at one person's social media profile, look at all the profiles of potential applicants.
- **Consider the source.** Focus on the candidate's own posts. Don't spend a lot of time worrying about what other people say about the applicant on social media.
- **Never ask for passwords.** The law in many states says employers may not ask for potential candidates or current employees' social media passwords. In all states, asking for an applicant or employee's password creates a risk of violating the federal Stored Communications Act.



In Practice

All business owners know that finding and keeping talented workers can be a challenge. It begins with the creation and advertising of the position and ends with hopefully the right person in the right seat on the bus.

Remember these key points when it comes to hiring:

- Ask a variety of questions about skill and motivation during the interview. Sometimes, it may be best to have different hiring managers focus on different topics. For example, one manager may ask about teamwork and communication, while another may focus on skills and duties. It's ideal to find a candidate who has the experience and know-how of the position as well as the personality to work well with others. Finding someone who fits well with the team you already have in place is important to the long-term productivity of your business.
- Ask the right versus the wrong questions. Make sure to keep in mind the way to legally phrase basic questions to protect the rights of the potential employee. For example, you shouldn't ask whether someone has any children or whether he or she has been convicted of a crime. Instead, ask if the candidate has any restrictions on travel. If you know of a conviction, it's only relevant to mention if it relates directly to the position you have available.
- Make sure you have written permission to check a potential employee's background. Anything you find that causes you to choose not to hire someone should be disclosed to that person. Credit checks are not legal in some states, so make sure to check on the rules governed by your state's labor board. If you choose to screen potential employees for drugs or alcohol, remember that some states require a former offer to be made before that testing can take place.
- Follow the social media scouting rules. Advertising open positions on social media is common, just make sure you post those positions in other places too in case someone doesn't have access. If you're going to vet a candidate's background on social media, make sure to have an HR representative do it, not a supervisor. Also, if your company screens one candidate, it should screen them all. Keep documentation on your findings, whether positive or negative.

If you as an employer make sure your hiring practices are organized, fair and consistent, you should be lined up to get the highest quality employees possible. And if you have any questions, our team of HR experts is here to help you.

INTERESTED IN MORE ADVICE FOR ACHIEVING YOUR HIRING OBJECTIVES?

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