

Ten Steps to Begin a Successful Hiring Process

1. Application and Basic Assessments. All candidates should *completely* fill out **your** application form and sign it. The application should contain appropriate notices and state that if employment is offered, that employment is “at will,” unless some other term is expressly stated. The application should also state that fraud or misrepresentation of any kind on the application is grounds for termination. In the application, the candidates should give your company permission for various background and financial checks and any physical or medical exams, however, keep in mind that specific authorization language is required before such background and financial examinations should be pursued. The following areas are examples of the types of background information that may be sought, particularly where job related:

- Reference checks;
- Contact with past employers;
- Background checks (checks for criminal records);
- Credit checks;
- Drug screens; and
- Physical exams.

If your hiring approach asks the candidate come to your office to fill out the application, you could use the opportunity to have them take basic assessment tests like:

- a. Basic personnel assessment (cognitive); and
- b. Position skills self-inventory and/or technical skills test.

However, caution should be exercised before deciding to administer these tests. Furthermore, this is too early in the process for many employers to offer assessment testing. Often personality profiling and reliability assessments are used only on the group of finalists. As noted earlier, more intrusive psychological examinations, drug screens, and physical exams are typically given to the chosen applicant only after a conditional offer of employment and provided they are job related.

At the point each candidate makes application, the company processor or interviewer should thank the candidate, provide a time frame for the hiring process, and describe the selection timeline.

The application form can be an important document. Too often companies simply copy a form used by others. That can be fraught with danger. In addition, it can cause you to fail to collect information needed by your Company. The application form should also be reviewed by legal counsel to make sure that it does not seek impermissible information.

Carefully review the completed applications, checking on the following factors:

- a. Be alert to incomplete information and vague responses;
- b. Confirm the accuracy of spelling and addresses concerning past employment, references, education institutions, etc.;

- c. Identify any gaps in the applicant's employment history;
- d. Review the applicant's educational training if it has a bearing on the job for which he/she is applying; and
- e. Analyze the applicant's educational background and experience.

Other considerations include:

Physical Requirements. Such requirements must be related to the job as unnecessary physical requirements may impermissibly exclude qualified disabled applicants.

Educational Requirements. Educational requirements must be necessary and job-related so that they are not used as a tool to exclude members of minority groups or women.

Criminal History. Criminal convictions may be considered but cannot be an absolute bar to employment. Instead, further inquiry should be made to determine the relationship between the nature of the crime and the ability to perform the job. In addition, caution should be exercised to ensure that the application and interview questions comply with state law.

2. Conduct a first interview of the group that has made the first cut. In some processes, this interview can be done by telephone.
 - a. These can be short interviews of 10 to 15 minutes if you desire. Have questions ready. Ask the same questions of all candidates.
 - b. If these first interviews are in person, this may be a good time for the candidates fill out the Personality Profile Assessment and complete the Reliability Assessment if you are going to use those devices.
3. Screen the first group of candidates. Ideally, if you have carefully screened the candidates, you will have a group of semi-finalists *who could all do the job*. Now you have the task of finding the best out of the group of qualified semi-finalists. If you haven't performed the work listed below, now's the time to do it. Collect the following:
 - a. Conduct reference checks;
 - b. Call past employers;
 - c. Score the Reliability Assessment; and
 - d. Score Personality Profile.

If a personal reference is a family member, also ask for a non-related reference. Consider asking the following:

- How does the reference know the applicant, including when the reference first met him/her?
- Upon what is the reference based (personal observation from working with the person or secondhand information)?
- Description of the reference's knowledge of the applicant, including relevant considerations.

For professional/employment references:

- Determine the applicant's job duties. Do they coincide with those provided on the application?
- Determine the length of employment and why the applicant left the prior job.
- Determine if the former employer was satisfied with the applicant's performance.

There are many more inquiries to make and consider during the selection process. Once references have been checked, it may make sense to speak with the applicant again if clarification or additional information is needed.

When you have all of the data on all of the candidates, consider using a hiring team to help you reduce the group to a manageable group of candidates. Give each team member all of the information and ask them to rank the candidates who are still being considered. Conduct a meeting and collaboratively agree on the list of no more than six finalists. Then send thank you notes to all disqualified candidates to date.

4. Set up a schedule for the team interview of the finalists. You need to appreciate that effective interviewing is difficult and requires advance thought, preparation and practice. In order to best match the right candidate for the position, appropriate consideration needs to be given to the requirements of the job and the individual's qualifications. As a general rule, the most productive format is considered to be a semi-structured interview, where questions are prepared in advance but the interviewer can vary the format according to the answers given. If more than one person is to be involved in the interview process, all interviewers should be trained consistently. Interviewers should endeavor to maintain a similar format for each applicant and any ranking methodology applied consistently. Some tips for this process include:
 - a. Make the applicant comfortable and ask open-ended questions.
 - b. Listen actively.
 - c. Observe non-verbal cues.
 - d. Realistically describe the job and the company.
 - e. Avoid stereotypes.
 - f. Be aware of first impressions.
 - g. Treat all applicants consistently.
 - h. Control the interview but don't do all the talking.
 - i. Inform the applicant of the next steps in the process and the timing.
 - j. Be aware of impermissible inquiries under the Americans with Disabilities Act and other human rights legislation. For example, under the Americans with Disabilities Act, (ADA), an employer is prohibited from making disability-related inquiries. An individual has a disability for purposes of the ADA if he/she a) has a physical or mental impairment that substantially limits a major life activity, b) has a record of such an impairment, or c) is regarded as having such an impairment. A prohibited inquiry is defined as an inquiry, or series of inquiries, that is likely to elicit information about a disability.

Prepare for interviews by assembling lists of potential pertinent questions and put them in priority order. If certain team members have a greater interest in certain questions, plan to have that team member ask that question. Remind your team that the most important objective is to get the candidate talking freely. Start with easy, relaxing questions; end with more difficult, “put them on the spot” questions which test the candidate’s ability to think on their feet.

Try hard to schedule all final interviews on the same day. Plan for 45 minute to 60 minute interviews with 15 minutes of transition time built in. These times may vary for your company but the idea is to set aside enough time for each interview with a bit of time in between. You don’t want to cut one interview short or to have to rush into the waiting interview. If it is appropriate, prior to the interview, schedule tours of your facilities for each candidate. Use a non-interviewing team member to conduct these personal tours. Remember you need to be selling them on your company just as much as the candidate is trying to sell you on their abilities.

5. As soon as possible after interviews, have each interviewer independently score and rank each candidate. Then meet and collaboratively develop a final ranking.

Selection criteria should be job-related and consistent with business necessity. The criteria must not unduly exclude members of protected classes. A company needs to evaluate the core competencies necessary for the position. Core competencies are skills, abilities and knowledge needed for the individual to perform the job effectively. The core competencies identified should be analyzed, and prioritized, with reference to the elements of the job so that the interviewer can identify a list of characteristics desired for the job. Examples are problem-solving skills, effective communication, ability to relate well to others, enthusiasm and commitment, strategic thinking, receptivity to change, or ability to handle stress. Areas of inquiry or examination with respect to whether a candidate possesses needed core competencies include:

- a. Background and biographical information.
 - b. Technical knowledge and experience.
 - c. Past behavior in prior employment situations. Many experts agree that past behavior is the best predictor of future behavior in a similar situation. Such questions are also helpful in evaluating characteristics such as one’s ability to handle change, stress and conflict, difficult customers or co-workers, and drive.
 - d. Non-verbal cues. Although subject to misinterpretation, especially given cultural differences, the interviewer should pay attention to body language, eye contact and other non-verbal cues.
 - e. General assessment of the applicant’s skills, knowledge, and ability to present himself/herself in the interviewing process.
6. Once there is hiring team agreement on the identity of the top candidate, call that candidate and make a conditional offer of employment. The starting date and starting pay should be included in the offer. So, too, should any material additional requirements (e.g. need to execute a non-compete or non-solicitation agreement). The contingencies on which the offer is based should be spelled out.

- If candidate says “yes,” promptly schedule any drug screen, background check, physical exam, or other condition which must be met before employment can begin.
- If candidate isn’t sure about accepting the offer, set a short date, or time frame, for an answer. Don’t let this drag on. If this candidate doesn’t take the job, you may need to quickly offer it to your second choice. At that point, none of the other semi-finalists will know an offer has been made.

At a minimum, an employer should have a carefully drafted offer letter for each employee. Depending on the position, an employer may want to consider an individual employment agreement so as to provide both the employer and the employee with more certainty regarding the employment relationship. Key provisions include:

- Compensation. List the exact amount of the compensation, preferably in monthly terms, and specify how often the base salary will be paid (e.g. monthly, semi-monthly, every two weeks, etc.).
- Term of Employment. Is the employment at-will or for a fixed term?
- Position. Generally describe the position and if there is a job description, refer to it, or better yet enclose it.
- Termination. If the employment is at will, be sure to say that. If the employment will terminate either at the end of a fixed term, or as a result of some action or event, then specify what those actions or events consist of. For example, in an immediate termination “for cause” situation, the term “cause” should be defined and the agreement should provide different consequences depending on which party terminates the agreement and whether the termination is for cause.
- Employment benefits. It is common to describe that the employee is entitled to participate in such employment benefits that the employer offers such as the following group insurance benefits: medical, dental, life, long-term disability, retirement programs, sick leave, vacation, or describe other benefits for which the employee is eligible such as reimbursement for club memberships, moving expenses, automobile allowance and the like.
- Performance. Condition employment on the applicant’s ability to satisfactorily perform the job duties, as set forth in any written job description.
- Prior or Other Agreements. Confirm in the offer letter that the applicant is not subject to a non-compete agreement or some other employment agreement with a previous employer.
- Proprietary and/or Confidential Information. Consider stating in the offer letter that the new employee is expressly prohibited from bringing or using during employment with your company, any trade secrets or documents or information that could be deemed confidential or proprietary information of any previous employer.
- Execution of Agreements. If the candidate must sign an Employment Agreement that contains restrictive covenants, that fact needs to be spelled out in the offer letter. Failure to do so can cause the restrictions to be unenforceable. The better practice is to enclose a copy of the proposed agreement, or at least the language of the restrictive covenants, with the offer letter.

7. If the top candidate says “no,” or makes a counter-proposal that cannot be accepted, make a conditional offer to next candidate on the list. The process for that candidate would begin again at Step 6.
8. Once a candidate says “yes,” promptly have him/her take all final tests. When the conditions are met, set a start date.
9. Promptly upon satisfying all conditions, the candidate should come formally accept the offer by executing the offer letter or an Employment Agreement.

After you have a signature, then all remaining finalists can be notified by phone of the results. In addition to a personal phone call, send each of the finalists a special thank you letter. This is only fair since they have poured their heart and soul into this process. It isn't unusual for one of these great finalists to wind up being a candidate later—especially if they are treated well now.

10. Prepare an organized Orientation/Get Ready Training Process which will often be administered over several days. This material includes all of the necessary:
 - Employment forms;
 - Benefit issues;
 - Handbook;
 - Procedure Manuals; and
 - Other information needed to perform the work of the position.

Recruiting and hiring a top employee opens the door to all sorts of future opportunities, however, be sure that your employee is trained and evaluated in a fashion that sets him/her in the right direction.