



Proven Strategies for Establishing the Most Effective Hiring Practices

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Chris Boman was quoted in *Fleet Maintenance* on April 9, 2015. The article “Proven Strategies for Establishing the Most Effective Hiring Practices” highlighted several strategies for establishing the most effective hiring processes.

Chris was quoted on his take on these effective hiring practices.

This is a necessity for many reasons, including attracting qualified candidates and then qualifying those that will best fill the role, said Chris. “A well-drafted job description is also an important tool for employers to defend against ‘failure to hire claims.’”

Chris said a job description should include all the requirements of the position, including:

- A detailed description of the job’s essential functions.
- The hours/days expected.
- Daily responsibilities.
- A description of any physical or mental activities, and how often and how long the candidate will need to engage in the activities per day.
- Ability to come to work consistently and be on time.
- Ability to follow directions and comply with instructions, work rules and interact with peers.

There are many others that could be included, he noted, but “the details are driven by the specific job at issue.”

“A resume, otherwise known as an advocacy piece, is not sufficient,” Chris said. “The application should include certain legal disclosures and acknowledgements, the extent of which will depend on the company’s due diligence process – background check, drug testing, etc. The employee should be required to sign the application and attest that everything in it is truthful and accurate, and that nothing was omitted.

“If the employer uses some form of dispute resolution like arbitration, the application should contain the same language that the company’s employees are bound by. This will avoid having to defend an

applicant's 'failure to hire' claim in court where an employee would be obligated to arbitrate any claims he or she may claim to have.

"It is unbelievable what applicants will disclose on a well-designed application," observed Chris. "These disclosures will facilitate an employer's ability to screen out non-qualified applicants before moving further into the recruiting process."

The interview process "is very important," said Chris. "Similar to disclosures on applications, it is similarly unbelievable what applicants will disclose during interviews."

"We recommend use of the 80/20 rule, where the applicant should be speaking 80 percent of the time during the interview. Standard questions are appropriate for consistency. However, the interview should not be a rote exercise where the interviewee does not deviate from the list of questions."

"Follow up to responses is key to weeding out non-qualified candidates," he added.

"Recently, there has been a lot of administrative enforcement about background checks," said Chris. "For instance, the EEOC has made challenging background check protocols an enforcement priority arguing that disqualifying applicants with criminal history has an adverse impact on members of certain protected categories. Thus, employers need to analyze whether the background check is appropriate for each job at issue and make sure that they are aware of the associated risks."

"Additionally, employers need to ensure that they provide the requisite disclosures and obtain needed authorizations to ensure compliance with laws governing background checks, such as the Federal Fair Credit Reporting Act and similar state laws."

Chris recommended that "verbal offers of employment should be followed up with a detailed written employment offer which contains the pertinent terms and conditions of the offer."

Obvious pieces of information to include in the offer letter are:

- Position, start date, wage or salary.
- Benefits eligibility information.
- Who the employee will report to.

Additional important information to disclose includes:

- Whether the applicant must pass a background check or drug test before beginning employment.
- Compliance with the Immigration Reform and Control Act and deadlines to do so.

- That the employee must agree to execute and abide by the company's personnel policies and procedures, including employee handbook, dispute resolution agreement, and trade secrets/confidential information agreement, if applicable for the position.
- That employment with the company is at-will.

"Other information may also be appropriate," Chris pointed out, "but it will depend on the company and the position at issue."

As would be expected, there are legal requirements regarding recordkeeping related to the hiring process. But aside from these, "keeping records relating to the recruiting process is also a prudent practice for an employer, which enables a company to defend its hiring decisions when challenged," said Chris.

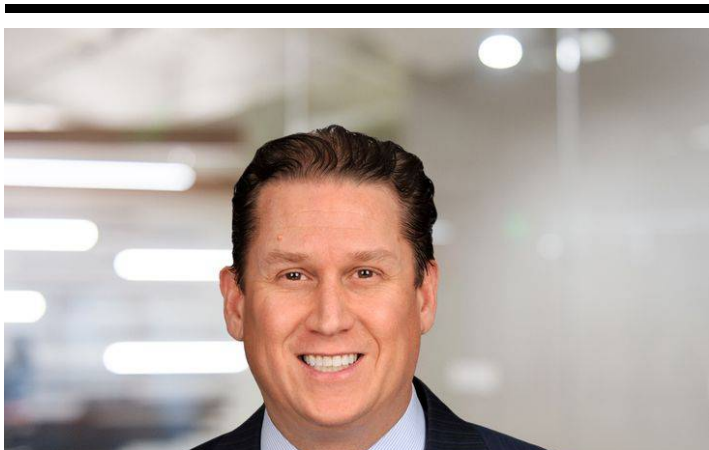
"Employers should keep copies of job postings, applications submitted, any correspondence with applicants and interview files for those that get past the initial screen. If an applicant is eventually hired, the application documents should become part of the employee's personnel file, which will include the application, any authorizations and disclosures for background testing and the results, drug test authorizations and results, the offer letter and any other documents the employer uses as part of its due diligence and hiring process."

The recruiting process "is an integral part of a well-designed human resources program," said Chris. "Matching an applicant's qualifications to the appropriate position through a careful recruiting and hiring process is the best way to minimize risks of labor and employment disputes, which are very costly."

This article was picked up by [Vehicle Service Pros](#) on April 9, 2015.

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