

Negligent Hiring

If other employees are endangered by a bad hire, the employer can be found at fault, guilty of negligent hiring. Since employers lose 79% of all negligent hiring suits and the average award is over \$1.6 million ("Public Personnel Mgt", *USA Today*, Nov 21, 2003), hiring the right people is vital not only to your employees' safety, but also to the survival of your company. Three simple steps can help show that your company took due diligence in checking out your new employee:

1. Carefully review applications.
2. Check references.
3. Conduct pre-employment background checks.

Why New Hires Fail

46% of new hires will fail within 18 months, but surprisingly, technical skills are not the main reason why. Communication skills and attitudes are shown to be even more important attributes to look for in interviews. Reasons for failure are:

- 26% can't accept feedback
- 23% are unable to understand and manage emotions
- 17% lack the motivation to excel
- 15% have the wrong temperament for the job
- 11% lack necessary technical skills

Source: www.leadershipIQ.com

Background Screening

Screening and Selection Services found that 44% of applicants lied about their work histories, 41% lied about their education, and 23% falsified credentials or licences (Source, "Spotting Lies", *HR Magazine*, Oct 2003). Background screening is a valuable tool in making sure you get accurate information. Nextep can take the hassle out of performing background screenings by doing it for you. Call 888-811-5150 for more information.

HIRING BONANZA

Hiring the right employees while staying within the law can be tricky. This month's issue is filled with tips on how to hire the qualified people and protect your business in the process.

Applications and Interviewing

Employment applications and interviewing are crucial steps to hiring your employees. The very first thing a potential employee should do is fill out an employment application that you keep in your file. This application can be invaluable later in letting go of an employee who supplied fraudulent information, or in proving yourself innocent of negligent hiring. Be sure that the person interviewing the candidate is well-trained on what to ask and that all questions asked of candidates are similar. Although some of the following topics can easily come up in the course of normal conversation, there are some areas that interviewers should stay away from to avoid an EEOC claim.

Topic:	NEVER ask:	Instead, ask:
Attendance	<ul style="list-style-type: none"> • How many children do you have? What age(s)? • Who is your babysitter? • Do you have a car? 	<ul style="list-style-type: none"> • What hours and days can you work? • Do you have responsibilities that will interfere with your job?
Citizenship	<ul style="list-style-type: none"> • What country are you/your parents from? • What's your maiden name? 	<ul style="list-style-type: none"> • Are you legally eligible to work in the U.S.? • Have you ever worked under a different name?
Arrests	Have you ever been arrested?	Have you been convicted of a crime?
Disabilities	Are you disabled?	Can you perform the duties of the job you are applying for, either with or without reasonable accommodation?
Military Record	What type of discharge did you receive?	What type of education, training, or work experience did you acquire while in the military?
Language	What is your native language?	Which languages do you speak and write fluently? (only if the job requires additional languages)
Organizations	Which societies, clubs, and lodges do you belong to?	Do you belong to any organizations that are relevant to the job or ability to perform it?

In addition, these questions should **NEVER** be asked in any form:

- What is your race or nationality?
- Have you ever filed for workers' compensation?
- What is your religion? Which religious holidays do you observe?
- What is your gender or title (Mrs., Ms., Mr.)? Are you married?
- How old are you? When is your birthdate?

Source: www.SHRM.com

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