



How to Reduce Liability in Your Screening and Hiring Practices to Include Required Documentation



We are your human resource.



Seminar Objectives

- The basic do's and don'ts in screening and hiring employees to include complying with all federal and state employment regulations.
- Recommendations on how to hire those who are worthy an opportunity with your organization.



The Hiring Process

- Some statistics:
 - 50% of new hires last only 6 months in their job
 - Estimated cost of turnover – one-third of annual salary on average
 - 82,792 EEOC charges for 2007
 - Estimated that 1 million to 1.5 million illegally immigrate to US every year
 - Legal/human resource issues number one concern of employers
 - More employment regulations forthcoming
 - 53% of all applications contain false information



Application Form

- Only accept when you have job opening
- One designee for the company should be in charge of application process
- Require that applications be completed on site
- Separate applications into active/inactive files
- Ensure that your application is legal
- Always use an application form which includes proper disclaimers



Application Red Flags

- Rounded off dates
- No specific educational information
- Lack of reasons for leaving past jobs
- Incomplete salary progression
- Gaps in employment history



The Interview

- Ask open-ended questions (avoid “yes” and “no” questions)
- Develop questions based upon job description
- Take notes and thoroughly document interviews
- Tolerate silence
- Ask follow-up/challenging questions



Job Descriptions and The Americans with Disabilities Act

- When interviewing, do not ask any medical related questions
- Ask “Can you perform the essential functions of the job, with or without reasonable accommodation?”
- Use “Notice to Applicants” form
- Identify essential functions of the job
- Attach “Summary of Physical, Sensory and Environmental Requirements Needed to Perform Essential Job Duties” (**Required**)



Interviewing Do's and Don'ts

- See pages 7-8 for No-No's for Employment Interviewing
- See Pages 8-11 for Fair Employment Practice Guidelines



Screening Recommendations

- Conduct reference checks
 - Contact previous employers, preferably supervisors
 - Don't waste time in calling references provided/ especially personal references
 - “Would you rehire this person?”
 - No or little response from previous employers can be revealing



Screening Recommendations

- Conduct background checks
 - Customized for job (workers' comp, driving, credit)
 - Receive applicant's authorization
 - If rejected due to background check, properly notify applicant
- Conduct drug testing
- Do not conduct physical examinations
- Use Candidate Interview Evaluation (see page 15).



Establishing the New Hire

- Orientation Checklist (see page 18)
- Establishing compliant personnel files (see pages 19-21)
- Federal recordkeeping requirements (see page 22)



Questions and Answers – Immigration Documentation

See pages 23-26



New Hire Reporting Questions and Answers

See pages 31-32



Program Conclusion

“Thank you for your attention and participation”