

BUSINESS MATTERS

Top 10 tips for more effective hiring

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The hiring process is never easy, but the following tips from employment lawyer William Hannum, a partner at Schwartz Hannum in Andover, Mass., can minimize the risks of liability for law firms.

"Using the checklist as a reference tool can help you and your organization to improve your hiring and selection process," he says.

1 Sharpen the job description.

A detailed, accurate job description helps when defending against discrimination and other employment claims. Update each job description on an annual basis, as well as when posting it for a new hire.

2 Focus on job-related criteria.

Stay away from requesting or using information on a candidate's age, race, sex, marital status, family status, disabilities, veteran status or other protected characteristics.

3 Make your job application more strategic.

Job applications should seek only relevant information. Be sure to get verification that all information provided is accurate, as well as the applicant's signature releasing you from liability.

4 Ask permissible questions – consistently.

"A lawful question that is not asked consistently of all applicants can raise issues of discrimination," Hannum explained. Create a standard set of questions, which exclude questions about age, an arrest record or marital status, for example.

5 Pre-employment tests must be job-related and necessary.

Any kind of test – from physical agility to a personality profile like Myers-Briggs – should be legally valid and consistent with business necessity.

6 Draft offer letters with care.

If not drafted properly, offer letters can become employment contracts. Watch out for inadvertent promises (such as references to an "annual" salary) and include an "at will" disclaimer (if appropriate), as well as conditions, such as background and reference checks.

7 Conduct background checks.

This is a must to avoid liability for negligent hiring and workplace violence. Be sure to use the requisite forms and policies.

8 Contact references.

Be sure to obtain written authorization from applicants to contact all references, and document contacts with former employers and references, including unsuccessful attempts to obtain information.



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9 Conduct post-offer medical examinations.

Medical examinations should not be conducted until after a conditional job offer has been extended. Even personality tests have been determined to be medical tests, so the same rule applies.

10 Confirm authorization to work in the U.S.

Now it's more important than ever that employers verify an applicant's legal eligibility to work or face liability themselves.

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