

The SUPER adVISOR™

Real-World Solutions for Employee Management

Fostering career growth, advancement opportunities

For most organizations, making the best hiring decisions generally requires leaders to strike a balance between making strategic external hires and promoting employees internally. However, there can be significant cost advantages to promoting from within.

Not only do internal promotions have a lower failure rate than new hires, but companies can also lower their risk for turnover overall.

Talented employees are more likely to stay working for a company if they see opportunities to grow.

To ensure that you have the best talent available internally when the need arises, consider the following concepts to help create growth opportunities and encourage internal promotions:

Communicate company goals. Talented employees want to be in charge of their own career growth,

but they won't know whether they are making good career decisions when they don't understand the direction or goals of the company. Help employees better align their career goals with those of the company by communicating

see 'advancement,' pg. 2

Supervisor Pullout: See page 1s for "Supervisor's guide: Identifying who is ready for a promotion"

IN THIS ISSUE

- What's in a name? Ideas for creating new job titles** 2
- Do Your Supervisors Know** 3
...How to effectively conduct reference checks?
- Criminal records and hiring: Understanding the risks** 4

Supervisor Pullout

- Supervisor's guide: Identifying who is ready for a promotion** 1s
- Powerful words** 1s
- Popular tricks to help you enhance your productivity . . .** 2s
- Tips for conducting reference checks on applicants** 3s
- Test Yourself** 3s
How many breaks may a nursing mother take?
- On a High Note.** 4s
Solicit feedback to increase self-awareness, improve skills

Is your company failing in its efforts at employee recognition?

A recent survey by Office Team shows a discrepancy in how managers and employees view efforts to recognize employee contributions.

Nearly 89 percent of senior managers surveyed said their organizations are good at showing appreciation to workers, but 30 percent of employees gave their firms low marks when it comes to recognizing achievements.

According to the authors of the *5 Languages of Appreciation in the Workplace*, if you express appreciation in ways that aren't meaningful to your employees, they may not feel valued at all. The problem might not be that your company leaders aren't trying to show appreciation, but rather that they aren't speaking the same languages as the employees.

There are a variety of ways to say thank you and affirm that your employees are valuable. You may want to conduct an internal survey

to see if your own companywide recognition efforts are missing the mark.

You will also want to encourage your managers to get to know how their individual team members respond to certain types of praise and recognition.

Some employees will bask in the glow of public recognition, while others will be mortified to have their accomplishments publicized to the rest of the world. Your efforts to show appreciation and recognition should be customized to the individual being recognized.

Understanding what makes your employees feel valued, and then offering recognition in those ways, will help you ensure that your company managers and workers are on the same page about the effectiveness of your efforts. ♦

Supervisor Pullout: See page 1s for "Powerful words"

'advancement'

Continued from pg. 1

the company's strategic goals and future direction.

Develop employees

companywide. Don't just focus your employee development efforts in certain key areas; instead, develop leaders throughout your organization and encourage internal transfers. Laterally moving to different functions across an organization can help employees build a wider knowledge of the organization that will benefit them in leadership positions.

Create formal development

plans, give feedback. Create a development program where managers meet with employees at least twice a year to discuss career goals and craft formal plans with specific objectives.



Managers should also provide employees with feedback about their ability to advance in the organization, as employees can become frustrated when they don't understand the path for advancement or the experience required to move ahead.

Use experience as training. Most people learn through experience, so getting a chance to do new or different work is a great way to facilitate career development.

In work environments where employees are being asked to do more with less, it is tempting to divide the work so people are only doing things they already know how to do. It might be challenging, but managers and employees should always be looking for opportunities to take on special assignments that will build the skills or experiences needed for personal growth.

Hold managers accountable.

In addition to the standard performance review metrics, managers might also be evaluated on their ability to help their team move within the company. Some might be given bonuses for employees who get promoted, while other managers might not be considered for senior positions themselves unless the people on their teams have been helped to transfer into desired roles. ♦

What's in a name? Ideas for creating new job titles

As the business world evolves, you may find yourself in unfamiliar territory creating new positions within your company that have not previously existed.

You can give a new position any job title you desire (there are no specific rules), and in some corporate cultures they get downright creative about it (AOL has a Digital Prophet, Apple has Geniuses). But if you want to stick to more traditional job titles (and avoid confusing job seekers in the process), consider the following:

Align title with description:

Make sure your job titles and descriptions accurately reflect the

actual job duties. This helps you avoid unintentionally misleading applicants about what the job entails, which makes your hiring and recruiting process far more efficient.

Do some market research: Job postings can be very useful tools to help you see how other companies with similar positions have described them. It can also be helpful to avoid using or combining terms in the job title that customarily belong to another profession or that might suggest a different skill set than you require.

For example, the title Program Developer is used in computer technology to delineate a specific skill set. If you are hiring someone to develop community outreach programs, you would instead want to choose a title like Director of Programs.

Avoid title inflation: Understanding where the new

position fits within your company hierarchy can help you choose a title. If the new role is an entry-level position, it will likely include terms like associate, assistant, aide, or coordinator. A mid-level role might use terms such as specialist or representative.

Avoiding title inflation at the onset is important when delineating status or reporting structure, but it also helps establish salary (along with comparable market data) and a path for potential career growth. It can help to think about what you would title and pay the next position above the new job.

Your options for creating job titles are virtually limitless, and you can certainly choose to get creative. However, these considerations will help ensure that you choose a title that best represents the duties involved in your new position, how it is likely compensated, and what growth opportunities might exist. Job seekers will thank you. ♦



Supervisor's guide: Identifying who is ready for a promotion

Chances are, you don't spend every day thinking about your employees' career growth or opportunities for advancement. In fact, some supervisors might not think about employee performance or readiness for promotion outside of the annual review period.

But in a business environment where more companies are encouraging employees to look for career opportunities internally, some companies have made aiding employee development a part of every manager's job responsibilities.

Fulfilling these responsibilities might include activities such as encouraging employees to take leadership courses, or it might mean recommending employees for promotion. Such activities might seem overwhelming to supervisors who aren't entirely certain how to identify employees who are ready

for additional responsibility. Here are a few ways to pinpoint the employees who may be ready for a promotion:

Offers solutions, not just complaints. You are not looking for someone who never complains — there is nothing wrong with voicing a well-reasoned objection to an unpleasant situation — but rather, seek someone who also offers solutions to improve those situations. An employee who is regularly demonstrating problem solving skills might be ready to take more of a strategic role or leadership position.

Proactively shares knowledge. Look for employees who take the initiative to share helpful information with the team, or those who volunteer to train new hires and



Powerful words

Studies released within the last few years show that the overwhelming majority of employees say praise for contributions is more fulfilling than rewards and gifts. Furthermore, the most meaningful recognition they receive has no dollar value.

Considering that words of affirmation potentially have the greatest meaning to employees, it is even more important to learn how to properly speak them. Dr. Gary Chapman, who studies ways to make people feel valued and appreciated, says that such words consist of more than just praise for a job well done.

These words actually have three components:

1. Simple statements of appreciation (“I appreciate that you always make a fresh pot of coffee.”)
2. Words of encouragement (“You can learn this new process because you have such attention to detail.”)
3. Words of praise (“You do excellent work.”)

Most supervisors know how to say, “Good job!” when an employee performs well, but might struggle with more general appreciation or encouragement.

Remember to say “thank you” for the smaller things you appreciate, and give encouragement while employees are putting in the effort to complete a project, rather than waiting to give praise when it is finished.

Your employees will appreciate your efforts. ♦

Popular tricks to help you enhance your productivity 2s

Tips for conducting reference checks on applicants 3s

Test Yourself 3s
How many breaks may a nursing mother take?

On a High Note . . . 4s
Solicit feedback to increase self-awareness, improve skills

see ‘promotion,’ pg. 2s

Tips for conducting reference checks on applicants

Verifying the information provided by job applicants can help you not only ensure that you are hiring trustworthy and honest employees, but also confirm that they have the credentials to hit the ground running when they join your team.

However, checking an applicant's references is not always as easy as picking up the phone and asking a few questions. You will want to speak to credible sources and make direct inquiries about previous job performance to get the most out of the reference check.

Who to contact

Instead of contacting personal references who may only be able to speak to a candidate's general character, keep your reference checks focused on sources who have worked directly with the applicant and who have knowledge of the applicant's work experience. Verifying the information presented on resumes is often a very effective way to assess general work ethic and personality traits.

Making inquiries

Before you call, make a list of questions relevant to the position. It is best to start with questions that verify employment (e.g., dates of employment, job title, salary, and job duties) and then move on to more personal questions about the applicant's past performance.

Not only does this help you stay organized and confirm the accuracy of the information the applicant



has already provided, it also eases the person giving the reference into the conversation and may result in more candid disclosures.

Consider including questions like these:

- What was the applicant's reason for leaving? Would you consider rehiring this person? Why or why not?
- What other positions did he or she hold at the company? (You can ask more direct follow up questions to find out if the applicant was promoted, demoted, transferred, etc.)
- How well did the applicant perform his or her duties? Can you give an example of a time he or she went beyond what was required?
- Describe the applicant's strengths and weaknesses. How did he or she get along with coworkers, supervisors, and customers?
- What was the applicant's attendance record? Were there any issues with absenteeism or tardiness?

When discussing an applicant's past performance with a former employer, pay particular attention to any hesitations or pauses, and listen for tones such as sarcasm or bitterness. You will want to follow up on questions that elicit such responses by politely saying, "It sounds like you weren't pleased with those results. Would you mind explaining the details of the situation?"

End the interview by asking the reference if there's anything else to take into consideration before hiring this candidate.

While these are all good questions to ask, remember that there are also questions you shouldn't ask a reference. It is best to avoid questions that could suggest your company is taking illegal factors into consideration when hiring.

For example, avoid any questions that might reveal an applicant's membership in a protected class (e.g., questions regarding race, color, religion, sex, national origin, age, or disability).

Also, keep in mind that regardless of what you ask, some former employers have a strict policy on not providing references (beyond confirming dates of employment and job titles) due to concerns regarding defamation claims. If you encounter such a situation, inform your human resources department. You might be able to obtain a liability waiver from the applicant. ♦

Test Yourself

How many breaks may a nursing mother take?

One of your employees just returned from maternity leave and insists that she requires four additional breaks in a day to express breast milk. You know that

the Affordable Care Act (ACA) amended the Fair Labor Standards Act (FLSA) and requires you to allow nursing mothers to take breaks for this purpose for one year after her child's birth. You want to be in compliance with the law, but the

employee's requirements seem a bit unreasonable and are putting a strain on her coworkers. Must you provide her with the breaks she wants? **For the answer, turn to page 4s.** ♦

Test Yourself Solution

“Reasonable break time” may vary by employee

The law requires that employers allow “reasonable break time,” but it doesn’t define the term or outline how many daily breaks should be allowed. Instead, the Department of Labor recommends that employers make an evaluation based upon an employee’s circumstances, and suggests flexibility in scheduling whenever possible. Your compliance with the law will be judged largely on your

efforts to work with the employee to find a reasonable solution. For example, if the employee already gets a lunch and two breaks during her shift, she can use part of those breaks to express breast milk (if these breaks are normally paid, they should continue to be paid). The employee might then only require one additional break per day (this additional break may be unpaid). Also, keep in mind that your state may have additional provisions that need to be followed, so you may want to consult HR. ♦



On a High Note

Solicit feedback to increase self-awareness, improve skills

It’s a sunny day in the middle of June when a 13-year-old boy walks into the local grocery store and asks the store manager if he can use the phone. The store manager says OK, and hands the boy the phone.

The boy pulls a note from his pocket with a phone number scrawled on it and dials the phone.

“Hello, Mr. Peterson?” says the boy. “Are you looking to hire a boy to cut the grass and run errands for you this summer?”

The boy pauses to listen, and the store manager, suddenly intrigued by the conversation, perks up and listens to the boy’s side of the conversation.

“Oh, you already have someone who does that? Are you completely satisfied with his work? [another long pause] OK then, good bye.”

The boy hangs up the phone, says thank you to the manager, and turns to leave the store.

The store manager stops him by saying, “Just a minute, are you looking for a job? I could use a



boy like you to mow my lawn and run errands this summer.”

The boy smiles and says, “Thank you, sir, but I already have a job.”

The store manager is confused and asks, “But didn’t I just hear you trying to get a job with Mr. Peterson?”

“Oh, no sir,” says the boy. “I’m the boy who is working for Mr. Peterson. I was just checking up on myself.”

Seeking feedback

Asking for feedback is one of the best ways to get an accurate idea of what is expected of you and can help you judge how you can improve in your job performance.

Unlike the boy in our story, however, many people do not go out of their way to seek feedback from their managers or colleagues.

Use the following tips to solicit feedback from others:

- Let the other person know you would like feedback so they have time to prepare.
- Help the other person prepare by being specific about the feedback you are seeking.
- Ask open-ended questions. They tend to elicit more meaningful answers because they can’t be answered with a simple yes or no.

Some good examples of such questions include: How do you think I could handle this situation better? Why do you think I keep having this issue, and how could I improve things? How would you approach this if you were me?

For supervisors especially, seeking feedback can have several benefits for you and your team. It can help build a culture where feedback is just a natural part of the way you do things, it can build relationships that are based on trust, and it can improve your self-awareness about your supervisory style and management skills. ♦

Do Your Supervisors Know...

...How to effectively conduct reference checks?

According to a 2014 Career-Builder study, 58 percent of hiring managers said they have caught a lie on an applicant's resume.

The most common lies cited relate to embellished skill set (57 percent) or responsibilities (55 percent), dates of employment (42 percent), job title (34 percent), academic degree (33 percent), and companies where the applicant worked (26 percent).

While it may be horrifying to contemplate the extent to which applicants might lie, it is important to note that these lies were *caught* by the managers, a fact that highlights the importance of conducting reference checks during the hiring process.

Unfortunately, conducting reference checks effectively usually isn't as easy as just picking up the phone and asking a former employer a few questions. Even for a seasoned HR pro, the reference check process can present challenges and risks, so it can be especially daunting for hiring managers who might have little experience with the task.

To ensure that your company is using reference checks to its best advantage, implement standard policies and procedures for conducting the checks and if your managers will be making the calls themselves, train them on best practices for inquiries.

Consistent policy

A reference check is part of the larger concept of background checks, and just like any other check (e.g., criminal records check), your reference checks cannot be limited to certain individuals based on protected characteristics (e.g., race, age, religion, gender, or national origin) or to

individuals that seem suspicious to you.

In order to ensure that your processes are fair to all job candidates, the Equal Employment Opportunity Commission (EEOC) recommends that if you are performing a check on candidates for a certain position, you must do so for all candidates for that position. This does not mean you must perform a check for every applicant, but if you usually perform a check on your top three finalists, then you must follow that practice consistently.

Defamation waiver

In most states, employers have no legal obligation to provide information about a former employee, except in specific instances, such as where the employee was known to have engaged in violent acts.

As a result, some employers have strict policies on not providing references (beyond confirming dates of employment and job titles) due to concerns regarding defamation claims, although some states offer immunity from such claims to employers who give truthful references in good faith (even if they are unflattering to the former employee).

While you do not need an applicant's permission to conduct reference checks if you are conducting them in-house, you might want to implement the use of a reference disclosure authorization.

Having an applicant sign a form that waives all potential references from defamation liability not only keeps your screening process transparent to the applicant, but also provides a measure of comfort to those giving references, encouraging them to speak more candidly.



Making inquiries

While personal references can be useful to speak to a candidate's character, they often can't provide much information about the applicant's work experience. You might consider a company policy requiring the majority of references to have worked directly with the applicant. Often, verifying the information presented on resumes is an effective way to assess general work ethic and personality traits.

While there is no definitive list of questions that cannot be asked during a reference check, it is best to avoid questions that could suggest your company is taking illegal factors into consideration when hiring. For example, avoid any questions related to a protected class.

Train hiring managers to keep their questions related to the job. You may even want to provide them with a checklist starting with questions about verification, specifically dates of employment, job title, salary, and job duties.

Conducting reference checks can be challenging, but if you implement standard policies and procedures and train hiring managers how to ask questions, you can make the process easier for all parties involved. ♦

Supervisor Pullout: See page 3s for "Tips for conducting reference checks on applicants"

Criminal records and hiring: Understanding the risks

Imagine that you have found the perfect candidate for your hard-to-fill position. Not only does she have the requisite skill set and experience, but she is also a cultural fit. Now the only thing left to do is run a background check per your company policy and you can send the offer letter.

Then the background check comes back and reveals that your ideal candidate has a criminal record. Now you aren't quite sure what to do. Do you employ her and risk possible liability for a negligent hire? Or do you pass on this candidate and risk the possibility of a discrimination lawsuit? While these aren't the only potential outcomes in this scenario, they are two of the most feared results for employers.

Such fears cause many employers to struggle with how to consider a candidate's criminal record as part of the hiring process, often because they do not fully understand the risks associated with negligent hiring or discrimination.

Negligent hiring

Courts may hold an employer liable for the criminal actions committed by an employee while on the job, including anything from bodily injury to theft or property damage. However, for a hiring decision to be considered negligent, an employer must have failed during the employee selection process to take "reasonable care" to prevent harm to others.

One way for employers to take reasonable care is to conduct a background check and then evaluate

the specific circumstances involved in the convictions. This can help the employer determine whether hiring the employee could pose a risk for harm to the company, other employees, customers, or the general public.

Sometimes the mere fact that an employer took the time to conduct a background check and carefully assess risk can show due diligence to prevent harm, resulting in limited liability should a crime be committed.

Discrimination

There are also some risks involved in not hiring a person with a criminal background. Both federal and state discrimination laws need to be considered when a background check indicates a criminal record.

While employers should not have a blanket policy of automatically denying employment to individuals with criminal records, federal law does not require employers to offer jobs to such individuals. The risk for discrimination when denying employment to people with criminal records lies in whether such a decision has a disparate impact on a protected class (e.g., race, national origin, etc.).

To ensure that background screening is fair to all applicants, the Equal Employment Opportunity Commission (EEOC) recommends that the same screening process be performed for all applicants to a specific job, and that the established screening criteria (and the decisions based on it) are both

job related and consistent with business necessity.

Unlike federal law, some state laws do offer discrimination protection to applicants with criminal records. These laws, for the most part, mandate what the EEOC recommends; they bar employers from denying employment based solely on a criminal history, unless the convictions reasonably (or directly, in some states) relate to the duties of the job sought. The provisions of these state laws also usually limit what type of inquiries can be made about criminal records as well as the timing of the inquiries during the hiring process.

To help determine whether selection decisions are job related and consistent with business necessity, the EEOC recommends that employers use an individual assessment for applicants with criminal records. Employers should consider the gravity of the criminal offense, the time that has passed since the offense or time served, and how the nature of the offense may relate to the specific job sought.

The EEOC also advises employers to give the applicant the opportunity to explain why he or she should not be excluded from employment based on the individual circumstances of the offense.

Establishing a background screening process that is consistently and fairly administered can help employers reduce their risk of liability in both negligent hiring and discrimination lawsuits. ♦

Copyright 2015 J. J. Keller & Associates, Inc.

Neither the *The SuperAdvisor*™ nor any part thereof may be reproduced without the written permission of J. J. Keller. Government regulations change constantly, therefore, J. J. Keller cannot assume responsibility or be held liable for any losses associated with omissions, errors, or misprintings in this publication. This publication is designed to provide reasonably accurate information and is sold with the understanding that J. J. Keller is not engaged in rendering legal, accounting, or other professional services. If legal or other expert advice is required, the services of a competent professional should be sought.

DIRECTOR OF EDITORIAL RESOURCES: Paul V. Arnold

EDITOR: Kyra Kudick

CONTRIBUTING EDITORS: Dolly Clabault, PHR; Michael Henckel; Katie Loehrke; Ed Zalewski, PHR;

ISSN 1945-4503

GST R123-317687

(41814)

 **J. J. Keller**
& Associates, Inc.®
Since 1953



Printed on
Recycled Paper
(30% Post Consumer)

