



Bayley & Bender

AWARENESS IS POWER®

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BAYLEY & BENDER, INC
SUCCESS THROUGH INSIGHT!

Employment Laws You Should Know

There are many complex laws that govern the employer-employee relationships as well as the provisions requiring reporting or record-keeping. The more employees you have, the more such laws apply, and the more likely the employer is to inadvertently violate a law due to not knowing the requirements.

Here are two of the laws of interest:

At-will employment defines the employment relationship in many states. Under this approach, the employer and employee both may terminate the employment relationship for any reason or no reason at all, just so long as the reason is not illegal or otherwise prohibited by law, such as discrimination. Without an express or implied agreement of employment, employees are usually considered "at-will."

Consolidated Omnibus Budget Reconciliation Act (COBRA) is a federal law that requires employers to allow employees to continue their health insurance coverage after termination, in the same insurance group, at the group rate and providing the same benefits.



Top Ten Traps Hindering Hiring Success

Hiring is not easy today and it wasn't easy over 2000 year ago.

The Chinese Han dynasty attempted to create a scientific hiring process for their civil servants. They developed detailed job descriptions for various jobs. Historical records show that the people who created these job descriptions were not happy with the

results of their efforts. To their chagrin, few of those hired performed as expected. Today, organizations are still trying to hire employees with same unhappy results.

So, if hiring has never been easy and is truly a daunting task, then hiring in today's business environment makes it doubly so. The supply of people to hire is shrinking. The supply of people who have the capability of being top performers is shrinking at the same time.

Experience confirms what the Chinese learned in 207 B.C.; it is impossible to make hiring a science. On the hand, a systematic approach to hiring greatly enhances the odds of hiring a top performer. Making a sound hiring decision takes time and discipline. The hiring process is often sabotaged by 10 chronic mistakes.

Trap #1 - Being reactive

Most open jobs are the result of some being fired or an unexpected resignation, so the organization begins looking for someone with same qualities of the person who left. In actuality, the organization should be focusing on the job competencies necessary for future job success.

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Trap #2 - Unrealistic expectations

Organizations put together job descriptions that would take a super hero like Superman to live up to those expectations. Most times these job descriptions are put together without considering the “outcomes” the new person is expected to achieve. They often list every little detail of the job. I call it the “*soup to nuts*” approach. How could anyone ever be expected to live up to some of these awful job descriptions?

Trap #3 – Working with Absolutes

When interviewing most interviewers have their favorite set of questions they ask regardless of the situation or job. A couple of the more common ones are, “*Where do you want to be five years from now?*” Another is, “*What are your strengths and weaknesses?*” The people who ask these questions have in their minds good and bad absolute answers. The problem with absolute answers to absolute questions is that they are opinions provided in a vacuum and should be treated in that manner. The problem is that a candidate’s absolute opinion is taken as fact and you have no way of knowing if the opinion has any truth to it.

Trap #4 – Taking candidates at face value

During the interview process candidates are readily taken at face value. Most interviewers willingly accept a candidate’s answers to their interview questions. Worse, they believe what they read on the resume. I tell my clients that the resume is the second greatest story ever told. Many candidates slant the truth in their favor.

Think about this for moment – what are candidates looking for? Perhaps they want to leave a bad job, they need to make more money or they think maybe they can catch on with a better organization. Why wouldn’t a candidate have his/her resume doctored to highlight their successful positions and play down or eliminate others completely?

Candidates want to put their best foot forward. It is like the movies, the director always attempts to get the best camera angle. It is the same with job candidates; they want to give you their best look. Sadly, many organizations never look beyond the candidate’s efforts to promote their best camera angle.



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Trap #5 – Believing references

Amazingly, interviewers usually believe what they hear from references when they can talk with them. It is worth noting that a smart candidate would never list a poor reference or a reference that wasn’t credible on their resume. Most information gathered from a typical reference is of limited or little value.

In what other part of our life would we trust the word of a total stranger? If you were to have major surgery wouldn’t you want to talk with some reliable



sources to learn that the surgeon was highly qualified and had many successful surgeries? Yet when it comes to hiring a person we often take the word of a total stranger.

Trap #6 – Just like me

Who hasn’t been caught in this trap? Sure we’ve all been caught in the “*halo*” effect haven’t we – letting one good characteristic overpower all other characteristics. The really tough one though is our tendency to place people who are just like us at the top of the heap. We feel they must be the cream of the crop! It helps us feel better about our selves to hire someone just like us, yet the job may be better served by someone with different talents and skills.

Trap #7 – Conceding the process

Many managers delegate the important steps of the hiring process, reserving the right to make the final hiring decision. This includes having others conduct the first one or two interviews. Many times these interviewers are not prepared well for the interview and are not or do not have the same level of motivation to conduct a good interview at the manager him/herself. Well qualified candidates make take themselves out of the process if they feel they are not important enough to be interviewed upfront by the person they will work for.

Trap #8 – Interviews

Smart candidates and even those that aren’t so smart have learned how to win in the interview, even structured interviews. I ask those conducting the interviews how they know if the answers the candidate is giving are the candidate’s answers or are they a book, tape or seminar answer. They shrug their shoulders and say they don’t know.

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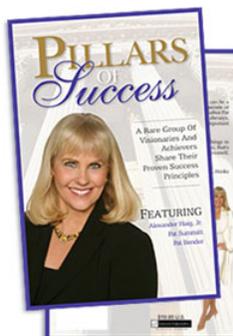
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It's no secret that success is something everyone wants. The process can be a mystery and *Pillars Of Success* is a book all about revealing success secrets of several of the most prosperous people in business today.

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The greatest danger for most of us is not that our aim is too high and we miss it, but that it is too low and we reach it.

– Michelangelo

Without leaps of imagination, or dreaming, we lose the excitement of possibilities. Dreaming, after all, is a form of planning.

– Gloria Steinem



ONE MINUTE IDEAS

Business Travelers: Passport needed to fly to Canada, Mexico

The U.S. Department of Homeland Security has begun tightening the rules for entering neighboring countries. Until now, Americans could come and go from Canada, Mexico or the Caribbean with just a picture ID, such as a state driver's license.

Effective Jan. 23, 2007

Americans entering or leaving those countries will need a valid passport if they travel by air. A driver's license will still be accepted if crossing the Canadian or Mexican border by auto.

Homeland Security is planning to expand the passport requirement to all entries and exits beginning June 1, 2009.

Note: Passports cost \$97 and are good for 10 years.

For more information go to: <http://travel.state.gov/passport>



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More times than not, the answers are learned answers. The candidate simply turns on their in-head recorder and plays back to the interviewer the appropriate learned response.

Job interviews also can turn into a “*nice visit.*” Both the interviewer and candidate feel about the experience, but little if anything about the candidate’s ability to do the job has been determined.

Worse, an excellent candidate may have been rejected because he/she wasn’t good at making small talk.



Trap #9 – Ignoring job competencies

Most hiring is done based on education, work history, and other hard data. What is missing is the soft data. What many organizations fail to look at is the soft data necessary to make an informed hiring decision.

What competencies does the job call for to perform it successfully? Does the organization have a process of determining the necessary competencies? What does the organization use to evaluate the candidate’s potential personality traits and behaviors to perform these competencies at a high level?

Psychologists have determined that this “*soft data*” is more than twice as important for superior job performance as intellect and expertise. The old saying is, “*Hired on experience, fired on personality.*”

Why don’t more organization measure a candidate’s potential against a well developed competency model? Simply because during the interview most candidates appear to have them in spades. Like in the interview, people learn the behavior that is expected and then put it on public display during the interview process. The ultimate question is do they actually have them or were they for display purposes only?

Trap # 10 – Political pressure to hire

Hiring managers are often intimidated by a superior to hire the superior’s friend. Often they are asked to forgo the organization’s standard hiring processes and procedures. In other instances a manager will want to hire someone not quite as strong to increase their personal chance of being promoted at a later time. Yet another example of political pressure candidates gets jobs because of favors rendered.

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*Need to improve Your hiring success?
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More Future Insights

Bring every employee up to – or above – standards. This task may not be as easy to achieve as you might wish. You will be tempted to waive some requirements or let some people “*get by.*” Every time you do this, you risk dropping your standards for everyone. If people are not working up to your standards, you’d be wise to give them a creative career redirection opportunity.

Tighten your hiring practices. No more warm bodies. No more hiring the best available. Every person hired must meet your standards. No exceptions. This practice sends a very clear message that you won’t allow anyone who may drag you down to become a part of your organization. By adhering to this rule, you reinforce the high performance of your current employees.

Recruit aggressively. Don’t wait until you have an opening to recruit qualified applicants. Always have a list of screened potential employees, ready to call when you have the right opportunity for them. Use internships, co-op programs, assessments and other similar tools to subtly recruit and evaluate future employees. Develop your succession planning for all positions to assure full utilization of your recruits.

Critically examine your organizational structure. Is your company structured in a way that is optimal for your smooth operation? Does it support productivity, accountability, and profitability? If not, make the changes that will concentrate your energies on results. Consider engaging an outside professional to give you an objective perspective. Use of Certified Management Consultants can be a valuable investment in your future.

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