

September 2009 Newsletter



Helping Employers Protect Employees and Clients Through
Employment Screening and Drug & Skills Testing Since 1995

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In This Issue

- How to Manage Workplace Violence.
- Why Everyone Should Have an Elevator Pitch.
- Are Performance Appraisals Effective?

Quotes That Inspire

" Your progress in life begins in your own mind and ends in the same place."

-- Napoleon Hill

Make your mind a fertile ground for ideas through constant study and learning, and condition through constant practice to discipline yourself to follow through on your good ideas.

To subscribe to Napoleons Hill's Thought For The Day

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This month we present the following articles for your consideration:

1. Violence in the Workplace can take many forms. This article will help you identify how to manage this risk and why it needs to be managed.
2. I am not a salesperson. Why do I need an elevator pitch? There is more to an elevator pitch than just selling. This article explains why it is crucial to clearly understanding and communicating what you do in business.
3. How important are performance appraisals? Do they really accomplish what they are supposed to accomplish. This article has some crucial information.

Information in this newsletter is not intended as legal advice. Please consult legal counsel before taking any actions.

I hope you find this month's newsletter beneficial.

Jim Randisi
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Workplace Violence: Trends and Strategic Tools for Mitigating Risk

Trend Overview Summary of an article by Philip s. Deming

Employers in the United States have taken definitive measures for managing workplace

please visit
<http://www.naphill.org/tfd/join.asp>

101 Ways to have a Great Day at Work by Stephanie Goddad Davidson

"Time is the coin of your life. It is the only coin you have and only you can determine how it will be spent. Be careful lest you let other people spend it for you."
- Carl Sandburg

It is easy to see what is not possible. The hard part is seeing what can be done. Is someone or something holding you back? Turn your attention today to the things you can control and do something about them.

Common Employer Mistake in Employment Screening:

Operating under the assumption that an employee who violates your drug and alcohol policy e.g. caught engaging in use of illegal drugs or alcohol in violation of your policy, is automatically protected by the Americans with

violence risks, and the results have contributed to a decline in workplace homicides. However, workplace homicides still remain the second leading cause of fatalities within the workplace for males and the first leading cause of fatalities for females.

Strategic Tools for Mitigating Risk

The General Duty Clause of the Occupational Safety and Health Act (OSHA) of 1970 states that *each employer shall furnish to each of its employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to its employees*. Employers who fail to comply with this general duty clause face potential civil and criminal sanctions.

Negligent Hiring: The failure of the employer to investigate a job applicants work experience, character, criminal history and other relevant data prior to the hiring of an employee.

It is important for the employer to expend the time and resources to know its employees. An acceptable practice for background investigations usually includes: (i) verifying prior employment; (ii) verifying educational experience; (iii) obtaining information relative to experience, knowledge and skills; (iv) obtaining criminal conviction information; and (v) in positions where there is financial risk, obtaining personal credit history information, including personal bankruptcy filings.

Negligent Supervision: The employer who fails to train or supervise its employees satisfactorily may be liable when the employee commits a violent act against a third party. Two typical scenarios are:

(1) The employer fails to exercise reasonable care in supervising employees, especially when the employee assaults or threatens another employee.

Employers should develop a training program for all persons having supervisory responsibilities.

(2) The employer fails to respond to complaints about an employee's behavior.

Employers should make a good faith effort to investigate complaints where there is a reasonable concern that the employees behavior might cause harm to himself/herself or to others. The following are suggested steps for internal investigative protocol:

Step 1: Designate a Person Responsible for Conducting the Investigation:

Step 2: Establish Protocol for the Investigation:

The employer should, in advance of the investigation, develop a process for how the reporting will be handled in terms of fact gathering, documentation, confidentiality (i.e., the reported threat, disclosure of the person who made the reporting) and any external reporting (i.e., law enforcement agencies).

Step 3: Gather Information:

The investigator should interview all persons concerning the reporting. A statement should be obtained from the person making the reporting as well as any persons identified by the reporting party and witnesses. In cases where the reporting is anonymous, the investigator should make a good faith effort to substantiate, within reason, the information provided in the reporting.

Step 4: Analyze the Data Collected:

Disabilities Act.

People with alcoholism who are substantially limited in a major life activity may have a disability under the ADA. However, even if a person with alcoholism meets the definition of an individual with a disability, an employer may discipline, discharge or deny employment to an alcoholic whose current use of alcohol adversely affects job performance or conduct to the extent that he or she is not “qualified.”

The investigator should determine whether the reporting has a factual basis and if there was any breach in the employers policy (e.g., workplace violence policy). The investigator should also prepare an investigative report, including a summary of the facts/findings, evidence collected and, if appropriate, recommendations (e.g., intervention, professional counseling, termination).

Step 5: Review the Investigators Findings and Recommendations:

A person(s) independent of the investigative process should review the investigators findings and recommendations. Based on these findings, a course of action should be considered, and any actions taken should be documented.

Negligent Retention: When the employer knows or should have known that the employee has a propensity for violence and fails to either discharge or reassign the employee.

Employers should be proactive in disciplinary measures. The intent should be on correcting the prohibited conduct rather than simply imposing punishment.

Premise Liability for Negligent Security: When an employer, who is in control of a property or premise, fails to provide reasonable security to those who depend upon the employer for such protection.

The employer should undertake a security assessment analysis for the purpose of identifying any potential threats to employees, visitors and the employers premises.

Summary

Regardless of declining statistical trend of job-related homicides, it is still imperative that employers exercise due care in managing behavioral anomalies and/or criminal acts that may adversely affect its employees, visitors and workplace environment. As such, there is a unique set of challenges that organizations face in their endeavor to mitigate risks.

Philip S. Deming is the principal of Philip S. Deming and Associates, a consulting firm specializing in human resource and security risk management, including workplace violence prevention based in King of Prussia, Penn. (www.demingassociates.net).

Develop an Elevator Pitch

Managers who create a two-minute summary of what they do clarify goals and minimize distractions.

Summary of an article By Edward Muzio

Create a two-minute story of what you and your team do—and stay on task.

In the space of a one-minute elevator ride, an effective salesperson gives you a compelling pitch about his or her offerings—why they are valuable to you and why you want to buy them.

Using the “elevator pitch” model to develop a summary about what you do at work can increase productivity and reduce stress in a complex, high-pressure work environment. A verbal summary output (VSO) list is an infomercial about your purpose at work. Your VSO list can clarify your goals, advertise your purpose and minimize distracting, irrelevant requests.

Say What and Who, Not How

A VSO list is a simple statement of what you are trying to do and with whom you are doing it. Each VSO on the list follows a simple format: *I spend X amount of my resources working with Y on Z result.*

The statement answers the questions of what must be done and who else is involved. A VSO never addresses how the work is accomplished. A salesperson doesn't talk price or payment terms in the first 90 seconds; you shouldn't talk process too soon, either.

Limit the List

You can write five to seven VSOs that make up about 80 percent of your responsibilities. Like an elevator pitch, your introduction and five to seven VSOs should take one to two minutes to articulate. Make it memorable...recite it from memory, advertise your purpose. Listeners will understand and remember what you accomplish.

Share Often, Adjust Frequently

Recite your VSO list at every opportunity. Use it as an introduction, a status update to your team and a discussion starter with your manager. A well-crafted, clear VSO list will keep you on track. But this list should not be written in stone. Leave it open to discussion with managers, co-workers and subordinates. You will also be developing a more capable, more communicative and more focused team.

Tips for Writing VSOs

- Be crystal clear about output, although time to completion can vary between items.
- Write for a broad audience. Avoid terms not widely understood.
- Be brief and compelling. Paint a picture of your purpose at work that will resonate with others.
- Practice out loud. State your VSOs quickly and easily.

The author is chief executive officer of Group Harmonics, a management consulting firm in Albuquerque, N.M., and author of Four Secrets to Liking Your Work (FT Press, 2008).

Performance Appraisals Used to Motivate, Weed out

Summary of an article by Rebecca R. Hastings, SPHR

Receiving a performance appraisal has a significant impact on an employee's engagement level. Yet some organizations fail to use this management tool, even when it's more important than ever to get the most out of every employee.

According to data drawn from a representative sample of workers surveyed in 2009 through *WorkTrends*[™], Kenexa Research Institute's (KRI) annual survey of worker

opinions, 62 percent of employees who receive a performance appraisal have a favorable engagement score compared to just 46 percent of employees who received no appraisal.

"Human beings have a fundamental need to know how they are doing. It's simply part of who we are and what we are about," said Jack Wiley, executive director of KRI, in a statement. "When we gauge the positive impact of this important talent management tool, we once again see that building an engaged workforce is often based simply about the fundamentals. In this case, it is about managers and leaders communicating expectations and providing their employees feedback."

A Bad Review Is Better Than No Review

"Just receiving a review is great—in and of itself," says Dick Grote, consultant and author of *Forced Ranking: Making Performance Management Work* (Harvard Business School Press, 2005) and other books on performance management. "A performance review is an opportunity—a formal and structured opportunity—for an employee and his or her boss to discuss the individual's performance."

Underutilized Tool

KRI reports that just 60 percent of employee respondents from the countries studied report having received an appraisal within the past 12 months.

"There's not one of the organizations that shows up in the multitudinous number of lists of 'best place to work,' 'most admired,' etc. that would allow managers to get away with not providing their employees with performance reviews," Grote adds. "A robust performance management system is one of the cornerstones of effective management practice."

One effort specifically is the use of new cross-training initiatives which the report says "are designed to maximize the value of every head, and to prepare for the end of the recession by crafting a more flexible and agile workforce."

"One of the few payoffs provided by this nasty economic storm is that it nudges companies into replacing those marginal performers that they allowed themselves to put up with when the profits were rolling in," Grote says. "Organizations should always be replacing poor performing employees, but in economic downturns, it's mandatory."

Rebecca R. Hastings, SPHR, is an online editor/manager for SHRM.