

Randisi & Associates, Inc.

May 2009 Newsletter

Helping Employers Protect their Workforce, Clients and Reputation Through
Employment Screening, Drug Testing and Skills Testing

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IN THIS ISSUE

1. **Recipe when customers complain**
2. **Ways to make people feel essential**
3. **Defending against negligent hiring**

Quotes That Inspire

"20 years from now, you will be more disappointed by the things you did not do than by the things you did do."

Mark Twain

Common Employer Mistake in Employment Screening - Assuming you lose employees if you implement a drug free workplace program.

Many times I have heard an employer say "If I drug test my workforce, I will lose many of my employees".

That policy, however, results in unnecessary risks to fellow

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This month we present the following articles for your consideration:

1. Recipe for Recovery when customers complain - How do your workers react?
2. Ways to Make People Feel Essential - Are you aware of how people react to your leadership style?
3. Defending Against Negligent Hiring - Are you doing all that is necessary?

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.

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Recipe for Recovery when customers complain

workers, clients and the public and can result in higher worker compensation costs, as you will read later.

Surveys clearly reveal that employees do not want to work with individuals who abuse drugs and/or alcohol.

These statements are supported by a story I recently heard from John W. Doetzer CPCU, President of Consolidated Insurance Center, Inc. in Owings Mills Maryland. John's firm tried for years to have one of their clients implement a drug testing program. The client was reluctant to do so thinking that he would lose many employees. It was only after John suggested that the drug testing may help lower his increasing worker compensation costs that the drug testing program was implemented. Guess what happened?

Not only did he rid himself of several illegal drug users in his workforce and lower his worker compensation costs, he had higher quality workers from competitors apply for positions with his company.

When he asked these applicants why they were

Following is an excerpt from *The Competitive Edge* by Fran Tarkenton & Joseph Boyett

1. Apologize. When a customer complains, the first thing you and your staff should say is I'm sorry.

This statement sends a powerful message to the customer. Among other things, it says, "We care".

Or, when a client says it doesn't work, do you or your staff say "That's strange, we sell hundreds of these and nobody else has had a problem".

In effect, you are telling the customer, "You idiot".

Or worst of all, you may just quote company policy. If you don't say I'm sorry, you lose the opportunity to turn a complaint into a positive experience for the customer.

Obviously I'm sorry doesn't solve the customer's problem. But a sincere personal apology can help diffuse the customer's anger and put you on the road to a positive solution.

2. Listen to the customer and empathize with his or her problem.

Empathy sends the message that you can put yourself in the customer's place and understand how he feels. You must first deal with the customer's feelings before you can address the problem objectively.

3. Make an effort to resolve the problem. Zemke calls this step Urgent Reinstatement. Urgency is the key here.

You must show the customer that you intend to take steps to correct the problem immediately. You may not succeed, but you will try hard and do the best you can, sending the customer away with the knowledge that you did all you could. However, if the problem was truly serious then you may have to go further. For these serious problems, Zemke recommends taking two final steps.

4. Make symbolic atonement. This gesture tells the

coming to his firm, he was told that they knew he had a drug free workplace policy and didn't want to continue working for his competitors who did not keep illegal drug/alcohol users out of their workforce.

Kudos to John and his staff for helping their client implement this crucial risk management strategy.

customer, "We want to make it up to you". A coupon, an offer to waive part of a bill-all of these symbolic gestures can help smooth over ill feelings and restore relationships.

5. Follow up. In the case of a serious problem, a follow-up call to the customer is a good way to smooth over the whole incident.

The follow-up call provides another opportunity to tell the customer, "We care about you", and "We are sorry a problem occurred".

Few employees intentionally create problems for customers. Make a Real Commitment Ron Zemke's five steps to recovery represent a good approach to managing encounters with unhappy customers.

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appreciate that..." and not "I appreciate what you've..." No. "I appreciate YOU."

2. Four simple words. "I believe in you." NOTE: This doesn't work unless you look people straight in the eye. Who do you believe in?

3. Take notes. Taking notes is proof. Taking notes keeps you mindful in the conversation. Taking notes honors someone's thoughts. Taking notes is respectful. Taking notes increases someone's self-esteem. Do you carry a notebook or jotter with you at all times?

4. Come back to notes. At a later date, refer back to the notes you took while listening to somebody. Explain how you've applied their ideas since originally writing them down.

5. Tell people to write things down. This practice takes note taking one step further. Next time someone says something powerful, instead of YOU jotting it down, tell the person to jot it down. It gives them a chance to capture something valuable that they may not have recognized until you said something.

6. Ask people to repeat things. Not because you didn't understand their point; but because their insight was powerful. This demonstrates your desire for clarity. It also gives them a chance to rephrase, repeat or re-tweak their original idea, making it as strong as possible. How do you ask for clarification?

7. Cheer people on. The more cheerleaders people have, the easier it is for them to win. Are you that supportive of YOUR people?

8. Bring people joy. If you concentrate on doing this at least three times a day, your life won't just BE

swell; it will swell with happiness and purpose.
And so will the lives of the people you touch.

9. Acknowledge everybody. Stay present. Hold your eye contact with everyone you encounter for one additional second. ONE second. That's what Bill Clinton does. And see if you can acknowledge every single person you encounter for one day.

10. Remember people's names. Here's the plan. First, stop telling yourself you can't remember names.

Next, go buy Remember Every Name Every Time by Ben Levy. Next, start asking people to remind you when you forget their name, as opposed to insultingly asking them their name.

Ultimately, if you actually commit yourself to doing a better job of remembering names, you will remember them.

Defending Against Negligent Hiring Often Means Doing More than a Single Jurisdictional Criminal Conviction Search

Recent court cases indicate that employers should consider the number of prior years' residential addresses in which they conduct their criminal conviction searches.

The fact that employers do just one criminal conviction search at one jurisdictional residential address may not be enough to identify individuals with a propensity to injure a third party.

In determining the number of residential addresses to

investigate, an employer should consider the exposure your potential worker has to vulnerable members of our society e.g. the young, the elderly, the sick, etc. in an un-supervised scenario.

And, an employer must consider any government regulations that dictate the extent to which criminal convictions should be researched in prior years' addresses.

For example, there have been incidents of negligent hiring actions against apartment owners where maintenance employees, with a history of violent behavior, had access to apartments and assaulted tenants.

And, there was a recent negligent hiring case filed against a hospital where a nurse attacked a patient in a coma.

A client of ours, whose business is providing day care, performs criminal conviction investigations in the past seven years of residential, employment and education addresses. Let's say an applicant lives in Pennsylvania, works in Maryland and went to college in Virginia three years ago. In this example, a criminal conviction search is done in all three jurisdictions.