



# Human Resources Committee

Chair: Cory King  
Employer Lawyers

Vice Chair: Mario Malacara  
Service King



# Effective Hiring Practices and I-9 Compliance Update

Presentation by the  
**HUMAN RESOURCES**

Committee

July 2005



# Effective Hiring Practices

Who do you want?



# Use an Effective Application

- When was your application last updated?
- Does it just collect information, or does it provide **YOU** protection?



# What makes an Effective Application?

## ■ Collecting Information:

- ◆ Five years of past employers
- ◆ Exact reason for leaving
- ◆ Criminal history
- ◆ Personal references



# What makes an Effective Application?

- Protecting YOU, the employer:
  - ◆ Limit “active” period – 30 days
  - ◆ Statement regarding falsification
  - ◆ “At-Will” language
  - ◆ continued.....



# What makes an Effective Application?

- Protecting YOU, the employer:
  - ◆ Reference authorization
  - ◆ Binding Arbitration Agreement
  - ◆ Require a signature



# Rules for accepting Applications

- The “15-Second Screening”
  - ◆ Is it **complete**?
    - ◆ No blanks
    - ◆ All questions answered
  - ◆ Is it **signed**?





# Rules for accepting Applications

**DO NOT ACCEPT**

*INCOMPLETE*

OR

*UNSIGNED*

**APPLICATIONS!!!**



# Rules for accepting Applications

**DO NOT ACCEPT**

*A RESUME*

IN LIEU OF

**A COMPLETE**

**APPLICATION!**



# READ the Application

- The “20-Minute Screening”
  - ◆ Do they have the qualifications for the job?
  - ◆ Look for “trouble signs” on the application...



# READ the Application

- The “trouble signs”:
  - ◆ scratch outs
  - ◆ unexplained gaps in employment
  - ◆ frequent changes in employment
  - ◆ continued...



# READ the Application

- The “trouble signs”:
  - ◆ incomplete information
  - ◆ “victim-like” reasons for leaving
  - ◆ criminal history left blank



So...

you like them on paper...

**Interview Aggressively!**



# INTERVIEW

## “DOs” and “DON'Ts”

- The “DOs”:
  - ◆ DO ask who, what, when, and where questions
  - ◆ DO use 80/20 rule
  - ◆ DO look for signs of drug or alcohol abuse



# INTERVIEW

## “DOs” and “DON'Ts”

- The “DON'Ts”:
  - ◆ DO NOT ask about “protected” classifications
  - ◆ DO NOT write on the Application
  - ◆ DO NOT hire “on the spot”





# They passed the interview...

## What next?

- “Conditional Offer”

- ◆ **Background Checks:**

- ◆ Credit

- ◆ Criminal

- ◆ DMV

- ◆ **Drug Screening**

- ◆ **Medical Examination (if applicable)**



# But all that takes a lot of time...!

- Do you have the time to replace a “bad hire”?
- How much time do you spend dealing with “five percenters”?
- “Bad hires” are MUCH more likely to sue you – do you have the time (and \$\$\$) to deal with a lawsuit?



# I-9 Compliance Update

The Forms have  
Changed!!



# I-9 Compliance Update

- Old form may be used until **December 31, 2005**

- New form available now at:

<http://uscis.gov/graphics/formsfee/forms/index.htm>



# I-9 Compliance Update

- Documents that are no longer acceptable to establish identity under column “A”:
  - ◆ Permanent Resident Card
  - ◆ Certificate of U.S. Citizenship
  - ◆ Certificate of Naturalization
  - ◆ Unexpired Reentry Permit
  - ◆ Unexpired Refugee Travel Document



# I-9 Compliance Update

- New document that is acceptable to establish identity under column “A”:
  - ◆ Employment Authorization Document (EAD) – Form I-766



# I-9 Compliance Update

- Remember the basics:
  - ◆ Employer obligation is to:
    - ◆ See that the form is completed
    - ◆ View original documents
    - ◆ Certify that documents provided appeared genuine



# I-9 Compliance Update

- Remember the basics:
  - ◆ Employer has no obligation to:
    - ◆ Investigate applicant's SSN
    - ◆ Determine validity of documents





Thank You!  
Human Resources Committee

Cory King – Chair

[cking@employerlawyers.com](mailto:cking@employerlawyers.com)

Mario Malacara – Vice-Chair

[Mario.Malacara@ServiceKing.com](mailto:Mario.Malacara@ServiceKing.com)