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## How to Bring on the Right People and Why it Matters

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By Andrea Obston

**y**our employees and independent contractors (ICs) represent your business. Few of your customers know what your president looks like, but you can be sure they recognize their courier. What that means to your business is that who you bring on and how you vet them is critical.

I recently caught up with Cristine K. Huffine, Esq., a partner at the law firm of Swift, Currie, McGhee, and Hiers, LLP at the CLDA Final Mile Forum for a discussion about the critical role that personnel issues play in the success of logistics providers. Her concentration in our industry has given her a front-row seat on how employees and ICs can make or break a customer relationship.

## What is a good hire?

**Huffine:** A good hire is someone who is an asset to the business. A person who presents well; shows up to work on time and exhibits good common sense. A good hire is a person who has a respectful manner with those they service (clients), those they work with, and those who supervise them. If they aren't going to be polite to persons they work with and for, you can't expect them to be respectful towards your customers.

A good hire represents the employer well. They are clean and orderly looking. If you don't want them sitting in the client's waiting room, you don't want them delivering for you. They should also be mature enough to get the work done with minimal intervention from their supervisor. They should know how to order their work. They should know how to be timely. This is an industry where all your

representatives need to be on a strict timeline to get everything completed and packages delivered efficiently. If, for example, an employee or IC comes in late to work on a routine basis, how timely are they going to be for your clients and deliveries?

## What is the biggest mistake you see when it comes to bringing on people in our industry?

**Huffine:** The biggest mistake I see is whoever is engaged in hiring (the owner, human resources, a supervisor, etc.) does not perform the formal hiring process for every candidate. The need for a formal hiring process is, and the procedures should be followed every time with all prospective applicants. That includes requiring that prospective employees / ICs fill out an application. I often see companies hiring both employees and ICs based solely on the recommendations of those in the company. A suggestion

from an employee or IC you know is certainly a good place to start, but that shouldn't mean short-circuiting your normal vetting process just because a reliable source refers the person. You need to secure and investigate every application, no matter what the source.

## How does the person doing the hiring check the employment history on the application?

**Huffine:** The first step is calling the employers listed in the employment history to verify the previous employment, especially the most recent ones. You want to do more than confirm the employment history on an application, though. You're trying to determine the details of that history. This isn't easy, especially today. Many times, you'll call a previous employer, and all they are willing to do is to confirm the dates that the candidate worked for them. One way to address this is to ask something like "Why aren't they working for you?" or "Are they eligible for rehire?" If the answer to the first question is that the previous employer rather not say, there may be issues with the prospective applicant's performance. Typically, if the person parted ways from former employers on good standing, the prior employer is likely to say so. Similarly, if the person is not eligible for rehire, the person most likely left the company on unfavorable terms. While such information doesn't give you hard and fast details, it could be an indication of an issue.

## What are the red flags that investigating the application might raise?

**Huffine:** Well, for one, it might uncover the fact that the person doesn't have a stable work history. What I often see is a pattern of behavior with a candidate where they go from one employer to another, with significant gaps

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## What would you consider a good list for dos and don'ts?

- Do get the information on paper for every applicant. By that I mean, use a real application form.
- Don't be afraid to investigate the information on that application.
- Do check references as references are a good source of information.
- Don't let a vague response to a question about past employment stand in an interview. Listen to what the applicant is telling you and if the applicant doesn't answer to your satisfaction, ask again.
- Do ask about criminal history. You're looking for an honest response.
- Do ask questions to protect yourself and your company. You can only use the information you are given. If something happens after you hire a person, know that you're not negligent if you are provided with false information. Of course, if you ask about any criminal situations and they say there are no issues and later you find out something to the contrary, that's a red flag. (At that point you may need to decide on whether that person stays on with your company or needs to be terminated for falsifying information.)
- Do try your hardest to do a live in-person interview. A face-to-face meeting with an applicant is the ideal situation. People can present well over a telephone but not face-to-face. Remember, the applicant is someone who is going to be the face of the company when they are out performing the work. First impressions are critical. If they don't present well in the interview with you, how are they going to present to your clients?
- Do trust your instinct. If the person seems fine on paper and during the interview, but you have a feeling something is off, don't be afraid to go with that instinct. It is usually the right one.
- Do make sure that the person reflects the standards and look you want to project to your clients. If they come for an interview in a torn t-shirt and jeans and that look doesn't reflect what you want to put forth, this is probably not someone you want to hire.

between those jobs. They will work for one employer and then file a lawsuit alleging discrimination or file a workers' compensation claim. Then, they get a settlement and don't work for a while. Eventually, they go back into the workforce. I've had clients that have looked at the work history of an IC and found that they worked for two years, but then there's a five-year gap in their work history, and that information was never investigated or questioned. I've also

had clients that overlooked that gap because they needed a driver in a hurry. They hired that candidate, and within two days, the person filed a workers' compensation claim against the company.

Overlooking these kinds of situations and information can set you up for a lawsuit for a negligent hire as well. If someone is driving for you and they get into an accident without being properly vetted by your company,

the company could be found negligent. You need to have a good answer to the first question in such a suit: "What did you do to vet this person?"

## What if you find gaps in employment history on an application? Does that automatically mean you can't bring that person on?

**Huffine:** No, not necessarily. You have to dig into the reasons for such gaps, though. There may be a reasonable explanation for unstable work history. Don't assume anything. And don't be afraid to ask the questions, even if they seem hard or may be uncomfortable. Find out why the person didn't work for a period of time. Perhaps they were taking care of an elderly relative or sick child. Or they may have misinterpreted the question. They may tell you, "I ran my own business, and I thought you only wanted employment for a company on the application."

## Can you go into the background check a little more?

**Huffine:** Since many of the folks you are considering for hire will be driving vehicles, you must have background checks on them—for your protection and theirs. For certain types of products, say medical or hazardous products, you may also need to know that the person is safe and qualified to handle those products.

Background checks also look into criminal history, checking court cases that have been filed as well as convictions. While it's important for your business to know the results of these checks, don't immediately dismiss someone that's had a case filed against them. Things happen in people's lives. Those cases may be for missing an appearance at, for example, traffic court. The person

may have missed the date because the notice was sent to the wrong address. They didn't know and didn't respond, and now there's an open court case involving them. This could be explainable. That's why you get the information and then talk to the candidate about it. Of course, if an investigation uncovers hardcore issues like violent actions, clearly there's no reason to have an additional discussion with the candidate.

### Talk about certificates

**Huffine:** If your drivers are handling certain materials, say hazardous material, they will need additional training and the certificates to prove they've gone through the appropriate training. Get those certificates. Keep them on file and keep track of when they expire and need to be renewed. A candidate may have the proper certification when he or she starts but forget to do what they need to keep the certifications active. Make sure you're on top of that.

### Give us a few parting thoughts about the answer to the question we started with—who to hire.

**Huffine:** Before we conclude this interview, I want to talk about cell phones as they have become so mainstream in our lives. A person's interaction with their electronics can tell you a lot about their potential as a possible employee or IC. If the person can't put their cell phone down during a job interview, consider whether they are going to be able to put it down in the vehicle when they are driving. If they can't focus on a conversation with you for 20 minutes, what else are they going to have trouble focusing on when they are performing the job? What does their interaction with electronics (their cell phone) tell you about their ability to be focused at work? It seems like a small thing, but it can be an indication of a larger issue.

Also, certain industries allow for certain types of employees. The logistics industry is one of them. When you're putting a person out as the public face of your company, it matters. You know your clients, and you know your business. When it comes to hiring, first and foremost, go with your gut. It's alright to hire someone based on how they carry themselves, how they portray themselves, and how they dress because impressions in this industry

matter. Sometimes your gut says it's not the right person or the right fit. It might be something as simple as the person not looking you in the eye during the interview, or they get fidgety during the discussion of what you're looking for in an applicant. If you are not especially impressed, most likely, your clients will not be either.

Remember that when you are hiring, you are bringing on someone who will be the face of the company to your important customers. If you keep that in mind, your experience and judgment will help you bring on the candidates who will, in the end, favorably represent your company to the people who matter the most to your business' success – your customers.

**Cristine K. Huffine** is a partner in the Atlanta law firm of Swift, Currie, McGhee & Hiers, LLP. Her practice areas include catastrophic injury and wrongful death, employment counseling and litigation, insurance coverage, and Workers' Compensation. For more information, go to [swiftcurrie.com](http://swiftcurrie.com).

### About the Author

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