



# Selecting Superior Performers Safely Under the Law



**Research Report**  
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## Introduction

*For the last 30 years, I have observed organizations hiring people that were not the best candidate for the position to avoid any potential liability from an EEOC claim. There is nothing in the law that says you must hire an inferior candidate. The law simply states that you, and any of the systems you use, cannot discriminate against the protected group(s).*

*This paper is not intended to provide you with a way to get around the law, but rather to provide you with a system for hiring that does not allow typical human biases to enter into the process. We all see the world from our own view; however, sometimes this view may not be in the best interest of the position or the organization.*

–Bill J. Bonnstetter





## Some of the Issues That Keep Us From Hiring Superior Performers

### **Bias: The Biggest Barrier (Challenge) in Selecting Superior Performers**

We all see the world from our own view point. This view is influenced by how we value experience, knowledge, economics, aesthetics, altruism, power and tradition. When we are confronted by a person who sees the world differently, these views could be called biases. Neither right or wrong, nor good or bad, biases are simply a reflection of our personal view point. Oftentimes, this personal viewpoint is unknowingly injected into the hiring process even when it is not relevant to a specific position or to the organization itself. When this happens, it creates a barrier, preventing us from selecting true superior performers.

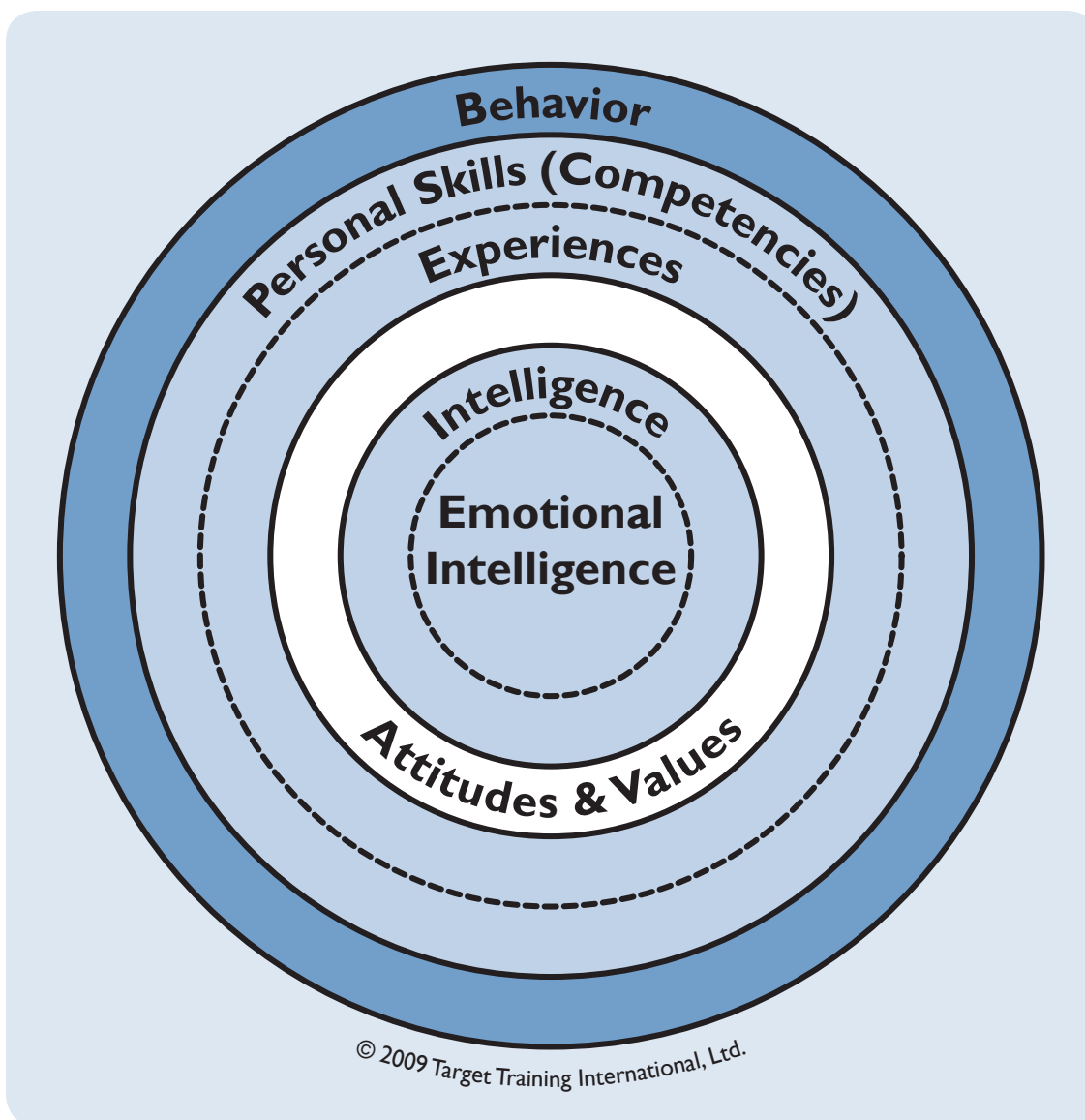
Today we have laws that keep us from acting on our biases as they relate to gender, age and nationality, but there are still biases that get in the way. Many people are also unknowingly biased on experience, education and intelligence, and this keeps them from selecting superior performers. In addition, people bring much more to the job, including their passions, beliefs, personal skills and behaviors. Perhaps one of the most important personal skills is that of personal accountability, and most companies are not aware of its importance, nor do they have a way to measure it.

*“Many people are also unknowingly biased on experience, education and intelligence, and this keeps them from selecting superior performers.”*



**Exhibit 1 represents some of the things people bring to the job.** Ninety percent of all people are hired based on what they say they can do or have done. We tend to hire for skills and fire for attitude. Keeping these factors in mind will help you understand our model.

### Exhibit 1





## Hiring and Performance Barriers

In addition to bias, there are several other things that prevent us from hiring superior performers. Sometimes these barriers are a result of inappropriate standards, as many organizations attempt to clone their top performers. At one time, I too thought this was possible; but after years of research, I have proven that there are serious problems with this approach:

- 1. A strong brand like Dell, Xerox or IBM, can actually carry a weak sales force.**

When you benchmark using your top performers, you end up comparing candidates to a C- sales force and set a standard that is also C-. When this occurs, the top and bottom sales people tend to look alike from the standpoint of behavior, values, skills, etc.

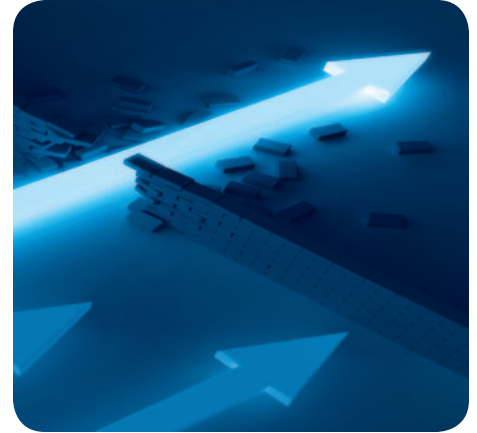
Our research has proven this two different ways. Years ago when we were attempting to benchmark using the top 10 salespeople and the bottom 10, both groups looked alike. In fact, the top 10 did not contain one candidate that fit our opinion of what we would expect as a superior performer in a small, unbranded company. Once we helped the strong branded companies hire to our standard, the candidates we recommended were the sales award winners the following year. This validated our opinion that you must benchmark jobs, not people.

- 2. Mismanagement can ruin a great hire.**

If you are currently hiring superior performers but not managing them correctly, they will leave. I have asked these questions in all of my international speeches on retention:

- Have you ever been mismanaged?
- What was your performance like while you were mismanaged?
- What did you do about it?

Over 95% of all people will state they have been mismanaged. They will tell you that their performance was sub-par during this period. Eventually they all left the company because of the one issue—mismanagement.





**3. When you benchmark the top 10 to 20 people in a position, the standard is reduced.**

My research indicates that you can quite often identify the top three people in a position, and many times in actual order of 1, 2 and 3, based on performance. Considering that the rest of the group actually waters down what you're trying to discover, you will sell yourself short by hiring someone who is believed to be a superior performer but only meets a low standard. What do people have or bring to the job that makes them a superior performer? This is easy to determine by looking at behaviors, attitudes and personal skills of everyone.

**4. Failure to use assessments as a part of your hiring or screening process limits your ability to accurately select superior performers.**

Assessments have been given a bad rap, and there are a few that should not be used. However, not all assessments should be dismissed because of the reputation of a few. Four-quadrant behavioral assessments when used as the only assessment will make everyone look good at the start but will eventually fail because behavior only describes "how" you do what you do. It is possible for successful people to differ on "how" they do the job.

Discovering "why" successful people do a job will provide a better understanding. When a person's intrinsic passions are fulfilled on the job, they will perform better than those who do not receive intrinsic rewards. Cloning the identical behavior of your top performer will not get the same results if they have different attitudes. Our research proves that using only behavioral assessments for hiring sales and executive positions will result in hiring mistakes. For many jobs, a person's passion is key to performance. I can prove very quickly with a four-quadrant behavioral system that a company will have superior performers in sales from all four quadrants as long as they have the correct values and passion for the job.



## 5. Failure to let the job talk.

If the job could talk, it would clearly identify the knowledge, personal skills, hard skills, behavior and intrinsic rewards that are needed for superior performance. Unfortunately, our personal biases keep most people from hearing the job talk. It wasn't until I acknowledged my personal biases that I started to discover the truth about jobs that leads to the selection of superior performers. I don't work alone in my research on performance anymore because of this one issue. Everyone involved in the selection process must be willing to admit their biases and be open to other views. It is important that this session be led by an experienced job benchmarking facilitator. To do this, pretend you are building a robot to do the job. What would we have the robot do? It is when we think of a person in the position that our biases also enter the process. Over the last 30 years, every time the use of assessments in selection is questioned it's because biases have entered the decision. The purpose of this paper is to assist you in selecting superior performers safely under the law. Don't dismiss assessments until you see, hear and touch the evidence to be presented.



## 6. Typically, organizations hire for skills and fire for attitudes.

This often happens because people are biased on the value of skills and do not fully understand attitudes. If skills always led to success, then all people who have passed skill or knowledge tests would be successful. For example, we know that not all medical doctors, lawyers, CPAs, nurses and chiropractors are successful. They have all passed an exam that certifies their knowledge and skills, but there is much more that contributes to success. In fact, we would be more successful in selection if we hired for attitude and focused on developing skills. To understand our biases about skills, identify the skills you want all candidates to bring to the job and then be truthful about the time and cost to develop them on the job. Typically, software managers want to hire programmers with at least five years of experience; but with technology changing at such a rapid pace, more often than not the tools being used in the position haven't been around for five years. So why is the experience important? A few years ago, I hired a programmer straight out of college who was refused an interview because he lacked the "right" experience.



He worked directly for me, and I made sure that he got the right experience so I could ultimately transfer him to the programming department. Today, he's still with the company and is one of our best programmers.

Before I explain the process, let's read about successes from this process.  
**See Exhibit 2 below.**

## **Exhibit 2**

### **Case Study: Job Benchmarking Provides Foundation for Success**

With our patented job benchmarking, one associate was able to revolutionize talent management at two different companies. In the first company, Corey, a sales manager, called me and shared a problem he had with his sales force. That problem was 74% turnover. We proceeded to benchmark the job using our patented, job-related process. Corey then compared all current and former sales people against the benchmark as well as new sales people. Everyone was put on a personalized development and management plan based on TTI's concept. The results were 0% turnover for the next 24 months. The company was sold, and Corey moved on to another company.

At this second company, he inherited a sales team that ranked No. 22 out of 22, or dead last. Again, Corey benchmarked the sales position using our process and compared his current sales people to that benchmark. He quickly discovered that 75% of his sales force did not match the benchmark. Corey replaced that 75% with people that matched the benchmark, and now his team is currently No. 1 out of 22 sales teams. Corey's new company had been using a competitor of TTI to screen candidates, which apparently didn't work, as people got through the system that were not qualified candidates.



## **Years of Research Went into Developing this Process that Allows You to Do Two Things:**

### **Select Superior Performers and Have Real Evidence to Support the Job Requirements.**

Avoiding the issues associated with the typical benchmarking process involving top performers is important in selecting the right candidate. To start, we need to discover what the job itself requires for superior performance. If the job could talk, it would clearly define the knowledge, the behavior, how the job helps satisfy people's intrinsic passions and the personal skills needed to do the job.

In addition, ensuring you hire superior performers safely under the law requires a system that clearly identifies what is required by the job and how each candidate compares to those job requirements. Based on over 30 years of research, I have created a job benchmarking system that addresses the common biases associated with selection, gives the job a voice and provides a benchmark that is job related. In 2007, this benchmarking system was patented (#7,184,969), making it a truly revolutionary process. The job benchmarking system incorporates seven major steps that must be followed for the best results:

#### **1. Identify the job to be benchmarked.**

Meet with key members of the organization to determine what position(s) should be benchmarked. A great starting point is to determine which positions have high turnover, low productivity or management difficulties. Another angle to look at is what positions you would like people to strive for, or whether you would like to increase performance even though the performance is already high. Talk about the positions that are critical to the organization's success. These are the jobs you want to start with.

#### **2. Identify key subject matter experts.**

Subject matter experts are critical to an accurate benchmark and properly selecting the right people to participate is important. Subject matter experts should be people who interact with the position being benchmarked on a daily or weekly basis. An ideal mix would be the direct manager, the manager's direct supervisor, two people who are performing well in the position or have successfully held the position within the past six months, and two people in lateral positions. The benchmarking process allows for up to ten subject matter experts; but three to seven is ideal, as it is better to have fewer people who really know the job than many people who do not.



**3. Subject matter experts meet and identify key accountabilities.**

Key Accountabilities are essential to superior performance and are the foundation of the job benchmark. Similar to performance objectives, they are a more detailed description of why the job really exists. Through a facilitated brainstorming process, the subject matter experts will establish three to five key accountabilities to ensure that all participants have the same clear picture of how the job should be done. The key accountabilities will later be integrated into job descriptions, performance evaluations, interview processes and commitment and accountability programs.

**4. Prioritize key accountabilities and determine time commitment.**

Once each key accountability is established, the group of subject matter experts prioritize those key accountabilities in order of importance to success on the job, then assign an approximate percentage of the work week to be spent on each key accountability. **See Exhibit 3 below.**

**Exhibit 3**

**Sample Key Accountabilities**

<b>Priority Key Accountabilities</b>	<b>Percent of Work Week</b>
1. Effectively prospect, qualify, demonstrate & close according to company guidelines to ensure sales goals are met while maintaining company’s integrity & brand image.	<b>40%</b>
2. Follow up with customers to ensure their needs are met and up-sell additional products.	<b>20%</b>
3. Keep abreast of industry related knowledge and competition in order to adapt sales presentations and marketing efforts.	<b>10%</b>
4. Work closely with other sales representatives in adapting and improving the sales strategy for specific products.	<b>10%</b>
5. Other activities.	<b>20%</b>
<b>TOTAL:</b>	<b>100%</b>



**5. Subject matter experts respond to the job assessment.**

Once the key accountability session is complete, each of the subject matter experts will respond to an online job assessment, keeping these key accountabilities in mind. The assessments will be combined to create a Job Benchmark Report, detailing the position's requirements for superior performance from 37 views: 8 behavioral factors, 6 motivators and 23 personal skills.

**6. Subject matter experts review results.**

The subject matter experts then meet a second time to discuss the results revealed in the Job Benchmark Report. In this step, it is important that all of the subject matter experts agree on the final Master Job Benchmark Report.

**7. Complete the Ideal Candidate Form.**

The hiring manager and everyone involved in the hiring process should complete the Ideal Candidate Form to document additional job details before the selection process begins. This is a very important step, and one that should be given careful consideration, as the recruitment and screening process highly depends upon the decisions made in this step of the process. Clearly define the experience required so that you don't miss out on Superior Performers who might lack this experience but that meet or exceed all the other requirements. Discuss how long it will take to give them the desired experience and how much it will cost.

*“Clearly define the experience required so that you don’t miss out on Superior Performers who might lack this experience but that meet or exceed all the other requirements.”*



## Exhibit 4

### Ideal Candidate Form Details

#### Pre-Employment

##### Assessment Requirements

- Personal Skills (top 5-7)
- Motivators (2-3)
- Ideal Behaviors

##### Educational Requirements

- Level required and degree type
- Certifications necessary

##### Experience Requirements

- Specific job and industry experience
- Number of years preferred

##### Custom Phone Screen Questions

##### Custom Applicant

##### Pre-Qualifier Questions

##### Resume Screen Preferences

- Job hopping
- Employment gaps
- Over qualifications

##### Recommended Background Check Package

##### Compensation Package

##### Marketing the Position Using Information in this Form

## Exhibit 5

### Sample Interview Questions

#### PERSONAL ACCOUNTABILITY:

A measure of the capacity to be answerable for personal actions.

1. Tell me about a time when it was necessary to admit to others that you had made a mistake. How did you handle it?
2. Give an example of a situation where others had made an error or mistake and you had to take the blame for their actions. How did you feel about doing that?
3. What is the worst business decision you ever made? What made it the worst? Would knowing what you do now have helped you to avoid making that decision?



## Safely Under the Law

In a recent US Court of Appeals for the Tenth Circuit from the District of Colorado, *Susan K. Turner v. Public Service Company of Colorado*, Case Number 07-1396, Judge Tymkovich ruled in favor of the Public Service Company of Colorado. Ms. Turner brought a gender discrimination suit in regard to their hiring practices. The court held, among others, that the criteria used to rate candidates were not excessively subjective because each applicant answered the same job-related questions.

TTI has over 6800 job benchmarks. These benchmarks come from Fortune 100 companies all the way down to businesses with as few as 50 people. The specific jobs are from all industries and many from Mexico, Europe and Asia. TTI has compared benchmarks from different companies, but with similar key accountabilities and job descriptions. They are never identical, but often very similar. Most often they require the same skills but in a different hierarchy.

TTI has the evidence to support and defend our process against any challenge. The fact that we have never been challenged for an EEOC claim speaks loudly to our factual evidence. All of the 6800 job benchmarks have all 37 factors ranked, including definitions and interview questions. Perhaps the best evidence lies with the people who were actually hired because they were a perfect fit for the position. Last year, 92 percent of people who were hired based on our job fit were still in the job 12 months later. Many have received special recognition based on superior performance.

Every company needs a selection system that all hiring managers can follow and that has documented evidence that the people hired using the system are above average or superior performers. **That system should contain the following:**

1. A view of the job—key accountabilities defined, analyzed and prioritized to determine the knowledge, personal skills, intrinsic rewards, hard skills and behavior that would lead to superior performance:
  - 23 personal skills
  - 8 behaviors
  - 6 intrinsic rewards that will match a person's passion
2. A complete description of all 37 factors, which can be compared to similar positions from other companies. For example, we have benchmarked hundreds of outside sales positions and find they are all similar, but not exact. Definitions of 37 factors available upon request.
3. All interview questions are job-related.





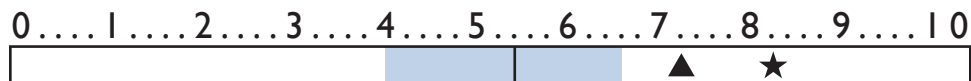
4. Superior performance research that supports benchmarking of the job, not people.
5. Gap Report to support both superior performance as well as those who are inferior performers.
6. A complete system for onboarding all new hires including a development plan that is personalized and totally job-related that leads to performance and retention solutions.
7. A performance management system modified to incorporate all the job related activities discussed through this system for current or new employees.

## The Results

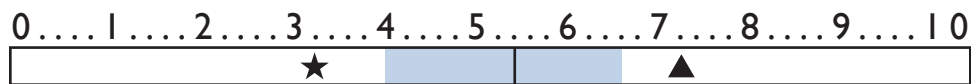
By adhering to an established, job benchmarking process, you will have the following detailed information to support your selection criteria, ensuring evidence to defend any EEOC challenge. Your results can be compared to potentially hundreds of benchmarks using the same process.

- Job description
- Key accountabilities
- Ideal candidate identified
- Interview questions for key success factors
- Top performer comparison
- Ineffective performer comparison
- Gap between job requirements (▲) and talent (★).

### Good Match:



### Bad Match:





## **If a Picture is Worth a Thousand Words, Then a Demonstration Could Be Worth a Thousand Pictures, and You're Just a Phone Call Away From a Demonstration.**

Now is the time for all companies to look objectively at their hiring practices. They need to be honest and identify any practice that is keeping them from hiring superior performers. Superior performers can change companies during good or bad economic conditions. As the economy improves, do you have the talent to take you to the next level?

If you have any doubts, we have facilitators all over the world. **Call The Talent Management Institute at (888) 669-3923 and ask for a demonstration.**

### **About the Authors**

**Bob Moore is President of Effectiveness, Inc and Director of the Talent Management Institute**

**Bill Bonnstetter is Founder and CEO of TTI Performance Systems, LTD.**

**Together they have over 60 years experience in talent management, selection and development. Both are highly credentialed experts in assessing jobs, teams, organizations and individuals.**

