

The Fordyce Letter

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STRAIGHT TALK FOR THE RECRUITING PROFESSION FOR OVER 40 YEARS

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Arm Yourself and Your Client To Win the War for Talent

By R. Gaines Baty

Most executives agree about the importance of having the right talent in place. Jim Collins, in *Good to Great*, talks about getting the right people on the bus (and getting the wrong people off) as a common strategy of great companies.

Some companies endeavor to apply a 'best practices' approach to talent acquisition, development and retention. Schlumberger, for example, continues aggressive pursuit and development of top talent in both good times and bad. This has resulted in deep bench strength and a reputation for the most talented employees in the oilfield services business. Financial results have been strong, and approximately 80% of top management started at the company right out of school. Further, attrition of high potential individuals is treated as a catastrophic event, warranting the same full-blown investigation as a major downtime event on an oil rig.

Many organizations apply various 'just in time/lean & mean' approaches, which certainly have their advantages. But obvious down-

(cont'd on page 26)

It Was a 'Magical' Forum

By John Zappe

Anyone who left the 2012 Fordyce Forum without a notebook of ideas, tips, and new friends and connections simply just wasn't there.

Jeff Allen called the event "magical." Others said it more than fulfilled the "hundreds of ideas" promise conference chair Barbara Bruno made during her opening comments on June 7th. She jokingly warned the nearly 150 recruiters and owners and professionals in attendance not to "try everything at once." Instead, "pick three."

There were two tracks to the conference: One focused on the art of recruiting, including prospecting, client acquisition, and candidate sourcing. The second was aimed at helping business owners help their team to grow their own books, and manage the operation.

Last year, when Bruno agreed to chair

(cont'd on page 2)



Barbara Bruno

(cont'd from page 1)

the 2012 Forum, her only condition was this: It has to be practice focused, with information people can use right away.

Everyone got the message. The conference was so laser-focused on the useful, that in sessions like Joel Slenning's *How to Elevate Your Desk Production to Extreme Heights* recruiters got sample pitch scripts and advice on how to move forward the conversation with a hesitant prospect.

Rob Mosley and Karen Schmidt, meanwhile, distributed sample planning forms, evaluation sheets, and checklists in their session *What Great Managers Really Do!* All anyone had to do was to follow along as they detailed the best practices in managing a team and boosting performance.



Here's the secret to getting a candidate to say yes: Appeal to one or all of the five prime motivators, says Greg Doersching. And these are: Quality of life; Responsibilities and challenges of the job; Whether it is a step forward in career; Geography, as in 'is it closer to home,' whatever home may be to them; and Money.

Almost unsung at the conference was one of the most valuable services: Private, confidential, and free one-on-one legal advice dispensed by lawyer, author, and agency owner Jeff Allen. From morning to evening, he met with recruiters and business owners helping them with issues ranging from collections to trade secrets. He wrote about



Joel Slenning shared his "Power of Three" recruiting secrets with a full house. What they got was a sample script to grab any (OK almost any) prospect's interest. Listen, Evaluate, and Recommend, he advises.

the more common questions on FordyceLetter.com.

Next year's conference will be held June 6-7th in Dallas, back at the Hotel Palomar. The agenda is just now being assembled, but we can tell you it will have three tracks. A staffing/temp track will be added, due to the tremendous growth in contract and temp hiring, as well as because more and more even small firms are adding a staffing component to their business.

Some speakers will return for an encore. Others will be brand new, offering other perspectives on the business of recruiting.

But no matter what the session or who the speakers are, one thing won't change: The emphasis on the practical – tips, tricks, and techniques that you can start using right away.

Excited to be a part of the 2013 Fordyce Forum? There's a special discount just for readers of this newsletter. See page 27 for details.

The FordyceLetter

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Interview Like You're On a Sales Call

By Jordan Greenberg

After 30 plus years as an executive recruiter specializing in placing IT sales professionals, I have learned scores of valuable lessons. One that keeps repeating itself in my practices is that even the most successful sales executives in the industry often lack the ability to translate those unique skills into an interview setting. Busy, gainfully employed candidates – the ones clients pay me to put in front of them – do not realize that interviewing, like selling any product or service, is a discipline that requires preparation and practice to master.

Let's start with a cliché that's probably a cliché because it's true! "You never get a second chance to make a first impression." Dress for success (okay, now I will dispense with the clichés). My advice is to err on the side of conservatism for any professional sales interview.

Research the business

Secondly, just like preparing for any sales call, spend at least 15 minutes researching your prospective employer. Any serious headhunter will assist you in understanding what to expect, but that's not enough. Check out the company website. Google their competitors; peruse the manager's LinkedIn profile. Today's technology makes this simple.

Go at least one step further. Most experienced interviewers will ask you if you have any questions for them at some point in the initial sit-down. Be prepared with three or more.

Sure fire questions

I'll give you two that almost always work. One, "Mr./Ms. Manager, I see from your profile that you have been tremendously successful at Blather and Blather; to what do you attribute your success? I too, want that track record someday and I'd love to know how you accomplished what you've earned."

Two, now that you have done the brown-nosing, "I see that you are in a very competitive market, what do you believe sets your company and its products/services apart?" My clients love that question as it shows that not only do you care about their marketplace, but that as a sales pro, you need to know what your chances are of succeeding based upon their distinctiveness.

Another aspect of being well prepared is to be well-versed with your own accomplishments and account base. Make a list of the five most notable achievements in your sales history before the interview. The same goes for your most coveted client/account relationships. Write 'em down.

Don't forget the close

If I had a couple bucks for every client that said to me post-interview, "We really like Sally and she actually has a lot of the credentials we seek too, but we will not be moving ahead with her because she didn't close me on the job offer," I'd be writing this article from my second home in Maui.

It is a principle of sales executives that if you are not qualifying and closing them as part of your interview strategy, they assume that's the way you will be treating prospects and customers.

Even the top reps I deal with often "forget" to close, are not sure when the right time is, or lack the script to articulate their desire to move to the next step in the process and/or to simply express their interest in the job at stake.

An example

Be clear and forthright: "Before we finish, may I ask you if you have any concerns that would cause you to hesitate from offering me the job or moving me into the next phase of your process? If so, please allow me to address any remaining issues."

If the interviewer discloses any specific concerns, address them. Otherwise say, "Great. I have really enjoyed my time. I am extremely interested in moving forward to learn more about this opportunity and I'd really like to know what I need to do (or can do) to set up our next interview before I leave."

Now, that wasn't so hard was it?

Oh yes, and one more issue for all of us salespeople. We, in general, have very healthy egos. My advice is to exercise humility. Leave with a firm handshake and feel the love by knowing that you have made an awesome, new connection, and perhaps have put yourself in line for an upwardly mobile career move.

For more help and information, check out my website at www.pinnaclesource.com and contact me personally.

Barb Advises On Driving Business and Collecting Fees



Ask Barb

Question & Answer

With Barbara Bruno

- Q. I'd like your opinion on the perfect size for a blended firm. I've downsized to myself working the clients and two recruiters working candidates in the past couple of years. I've been as large as 25+ in the past. It seems the big guys are getting these national contracts which are starting to squeeze the smaller firms out. Should I stay where I am, or hire and build again?**

Frank Z., Plantation, FL

- A.** The answer depends on your exit plan. If you intend to sell your company in the future, the

firms that are valued the highest are blended models that are larger in size than your current firm. If you are not positioning your firm to sell, you can create whatever model provides you with the lifestyle you desire.

I think it is a wise decision to hire when you have job orders or contracts slipping through your fingers because you don't have the manpower to fill them. You must also have the budget to hire someone, so you don't jeopardize your business. Put minimum standards in place to guarantee a return on your investment from this new hire.

Another issue with your current business model is your business is on your back. You are the only person working with the clients. You have to ask yourself, what would happen if something happened to me? If you intend to sell your business in the future, your personal production can't represent more than 25% of the

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revenue unless you want to go with the sale, which rarely works.

Regarding national contracts, you are correct that large firms land national contracts. When they are not able to fulfill the demands of these contracts, companies then turn to independent boutique firms who specialize in a niche. They will pay these firms higher fees and margins because they specialize. As a boutique firm, it is wise to develop a reputation and network in a specific niche vs. being a full service or generalist type of firm. There is plenty of business out there for staffing and recruiting boutique firms.

Attitude Is By Choice

Q. I have seen you speak live several times and I own your tutor training program. I have to ask you three questions. Where do you get all your energy? How do you always manage to be so positive and motivated? How to you motivate your people to stay positive?

When I participate on your live weekly calls, I can't get over how you present your ideas. I wish I could sound like you or present



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things the same way you do. I'm finding myself grumpy and almost waiting for the next shoe to fall. It obviously does affect the people who work for me because they are not that motivated either. There is just no energy in our

office, and I'm stumped on how to turn this around. Ironically, sales are okay but I'm sure they could be better. Any suggestions would be appreciated.

Simon G., New York, NY

A. My energy I believe is God-given, and the result of juggling all the responsibility of being a single mom for 15 years while owning my business. My attitude is by choice. One of the greatest lessons I have learned in my life is that you can choose how you react to situations, people, disappointments, crisis, stress and anything that is thrown at you. I often choose not to react at all.

In our profession we work with people on all sides. We have our clients, candidates, co-workers, split partners, managers and owners that we have to please. Each person in the equation cares primarily about what's in it for them. To stay positive and motivated I've removed "noise" from my life. My definition of noise is anyone or anything negative. When I can't eliminate some of the noise in my life, I choose not to react to it.

It's also important for you to realize you can't motivate your team. People do things for their own reasons, not yours. You may announce "I want to have a record year," and your team could be thinking "Good luck" and rolling their eyes.

Have your team members write down 10 non-negotiable goals with action items that are dated. This is in all areas of their life (i.e. personal, career, financial, health, spiritual, philanthropic, education); anything that is important to them. You then customize your contests to help them attain goals that they have set. You won't need to motivate them; they will motivate themselves for their own reasons. Attitude depends 10% on what happens to you and 90% on how you react.

Early in my career I realized my attitude was critical to my success. Do whatever it takes to get yourself pumped up before you get to work. It could be exercising, meditating, taking a walk, playing loud music, or listening to motivational tapes. You need to walk into your office positive and happy because this type of persona is contagious. As soon as possible, mandate the list of goals and dated action items, and watch what happens when your team realizes they are producing to attain what's most important to them and the people they love.

How Do I Find a Splits Partner?

Q. We have too many job orders and most of them are good orders. I don't want to hire because I just don't trust this recovery or the upcoming fall elections. How do I find split partners that I can trust who won't steal my clients behind my back? I joined a network, but then realized that most of the members didn't place in my niche so I quit. Can you provide me with a list of recruiters that you trust?

Rebecca R., CA

(cont'd on page 6)

A. Joining a network can be lucrative if you do your research and join one that does have members who specialize in your niche. I think attending conferences is a great time to meet other owners and identify possible split partners. I've always split business with individuals who have earned their certification and belong to one of the national associations whether it be NAPS, TSA, ASA, NAPR, because they all adhere to a code of ethics.

You might also consider the possibility of hiring someone virtual or remote to work the candidate side of the placement process. I'm seeing more and more owners building an in-house as well as a virtual or even off-shore team of recruiters. Technology is providing you with many options. I don't believe you and I place in the same niche, so providing you with a list is not something I can do for you. Your split partner relationships should be based on rapport and trust that is developed over time.

Take Precautions to Stop Fee Cheats

9. I'm sick and tired of presenting qualified candidates who are not hired and then come to find out they were hired behind my back six months later. Then they tell me they were hired for



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a different job and they didn't know they got the person from me. In one instance my contact was gone, but I have to wonder how often this happens and how we can prevent it?

Jonathan S., Kansas City, MO
pull quote

A. This has concerned me for years, especially when recruiters leave contact information for candidates on the resumes they present. When we initially present candidates, we list the candidate's first name and last initial. The telephone number listed on their resume is our office number. On the upper right hand corner we list our company name, name of the recruiter representing this candidate, address, and email address. We also leave off the name of the most recent employer – just listing a description of the company.

For years we have utilized one manual system – a Send Out Hot Sheet. Every sales person in my office has Send Out Hot Sheets attached to

clipboards on their desk. The hot sheet lists the name and contact information for the client and candidate, name of the position, status of the interview process, and results. At a glance, we can predict production for the month based on the number of send outs that are active. If we write a similar job order or contract next month, it's simple to see who we sent out this month that we can re-contact.

Another great use: we give our front desk person the Send Out Hot Sheets three months after we send candidates out on interviews. She calls each company and asks for the candidate we sent. In the past 10 years we've turned over at least one placement each quarter (even with the precautions listed above). We call the candidate to get an update, bill the client, and have collected 100% of the fees. We repeat this process six months later, again calling the companies where we have sent out candidates.

There is not a doubt in my mind that candidates are being hired behind your back which is why you need to develop a process to follow up months later. If you want a copy of our Send Out Hot Sheet just email support@staffingandrecruiting.com and put Send Out Hot Sheet in the subject line. **TFL**

Barb Bruno, CPC, CTS, is one of the most trusted experts, speakers, and trainers in the staffing and recruiting professions. If you want to receive free training articles from Barb, sign up for her NO BS Newsletter! Barb has spent the last twenty years focused on helping owners, managers, and recruiters increase their sales, profits, and income. Her Top Producer Tutor web-based training program jump-starts new hires and takes experienced recruiters to their next level of production. Barb's cutting-edge program, Happy Candidates, provides you with a Customized Career Portal in less than 10 minutes. Happy Candidates allows you to help the 95% of candidates you don't place and eliminates the greatest time waster in your business. If you'd like to contact Barb, call 219.663.9609 or you can email her at support@staffingandrecruiting.com.

Kick Start Your Tele-Prospecting With These 10 Tips

By Jim Domanski

Here's the cold, hard truth about telephone prospecting for new business: The real challenge is not the actual call itself, but rather sitting down, picking up the phone, and just doing it!

Once you start dialing, it's not all that hard. What's hard is getting started and staying focused. It begins with all the drama and angst that you fabricate before you hunker down to your calls. You worry. You delay. You hem. You haw. You dilly. You dally. You check your e-mails. You get a coffee. Check your e-mails again... Oh... and look at the time? Where did it go?

If this sounds like you then you simply need a process, a game plan, a roadmap, or system to get you into tele-prospecting shape. You need something that creates momentum. Here are 10 practical tips that can help kick start your efforts.

Tip #1: Schedule Your Cold Calling

Make your business development life a whole lot easier by scheduling your tele-prospecting on a daily basis. Using Outlook (or whatever planning system you have), literally block out when you are going to call. Create an appointment with yourself, and set your alarm. Your appointment is sacrosanct. Nothing should get in the way: not your boss, not a report, not a quote.

Schedule your cold calling a week ahead of time. Two weeks ahead is even better. Schedule your calling for each and every day. Do it in sprints, not marathons; about 1-1^{1/2} hours per session. By making it a routine it will become a habit, and each day gets that much easier. This simple little tip will get you started in the right direction.

Tip #2: Call Early

Schedule your calls early in the day; first thing in the morning - the earlier the better (like 7:00, 7:30 or 8:00). First of all, it gets your cold calling out of the way and off your shoulders. It's done. It does not hang over you like a little dark cloud for the rest of day. Once your prospecting is out of way, the rest of the day is a breeze.

But more importantly, call early in the morning

because your contact rates with upper-level decision makers will be higher. You WILL reach more decision makers and thus create more opportunities. It makes sense. Their day hasn't heated up so they tend to have more time and patience to hear you out. In addition, you often avoid gatekeepers who would otherwise screen your call.

Tip #3: Set a Clear Goal

Everyone (especially bosses) get caught up on dials. It gets easy to believe you really pushed yourself with 60 dials. It sounds impressive! But dials are important only because they are necessary to reach a decision maker. What's important is a live contact.

Set a goal for the number of contacts you'd like to reach and dial until you achieve that goal. In B2B situations only about 30% of your dialing effort will result in a contact. What this means is that if you set a goal of reaching, say, three decision makers per day then you're probably going to have to make 10-15 dials. Maybe more, maybe less. If you haven't reached your goal, you might have to crank out a few more dials. Do what it takes to achieve your goal.

Tip #4: Create a Master List

Achieving your decision maker contact goals is a lot easier if you have a Master List. This is a very, very important tip!

A master list contains 25-30 top prospect names and numbers (and maybe a note or two; see Tip #5 below). Put them on a yellow legal pad or on a spread sheet. Start at the top of the list and dial the first contact. If there is no answer don't leave a message. Hang up and go to the second contact. Follow this process until you reach a live individual. If you go through all your names, simply start at the top of the list and cycle through it again. Do it a third time if necessary.

This creates rhythm and flow in dialing, and that makes prospecting easier and more effective. Using a master list means you're not fussing about in your database. Avoid your database if it means you

(cont'd on page 8)

Successful Tele-Prospecting Means ‘Just Do It’

(cont'd. from page 7)

have to open a file, close a file, search for a name, review a file, check for notes, write notes etc. Let's face it. Itty-bitty tasks like these chisel away at your productivity. What happens is you often spend more time reading, selecting and bouncing around than you do in dialing. Trust me, this works and works well.

Tip #5: Streamline Research Time on Prospects

One of the biggest destroyers of productivity and effectiveness is the time you take to research your prospects! Sure, take a look at the company's web site or quickly scan Linked In, but don't go overboard. Don't spend precious time and effort looking for that 'special something' that you can use in your opening statement. Too much research is often just an excuse to NOT pick up the phone. Everything you need to know lies in your prospect's head, not on their web site or company profile.

As mentioned, some research makes sense. Do it. But do it in one big batch of time. Take your Master List and spend a couple of hours doing some research on all the prospects. Then it's done and out of the way. If required, put a note or two on your Master List (e.g., type of company, company size etc.), but that's it. When it comes time to dial, you don't want to interrupt the flow of your calling by Googling every

name on your list. Streamline the process.

Tip #6: Create and USE a “Call Guide”

If you are going to prospect on a daily basis you need to have a call guide. No question about it.

In effect, a call guide is your prospecting GPS. It outlines the direction and flow your call should take from beginning to end. I don't necessarily mean a script* because most people can't pull a script off very well. Rather, have broad outlines of the key parts of your call including: qualifying, presentation of an offer, and closing/advancing. List the



objections you might encounter and your response. Have a voice-mail message prepared (if you plan on leaving a voicemail, which I don't recommend).

Put these parts down on paper and follow them like you would a roadmap. It will keep you on track but more importantly, it will make you more consistent; you'll be less likely to 'wing' it and your call quality will improve. Use point form and have prepared key phrases that will prompt you to present an idea or thought. In this way

you'll sound more natural but still have a structured approach.

*There is one exception to scripting: the opener. You should have a word-for-word opener that you practice, drill and rehearse so that it flows from your lips. The opener is critical because it's where you capture (and keep) your prospect's attention.

Tip #7: Avoid Distractions

The moment you start dialing is the moment you'll be tempted by the 'Dark Side' of distractions. It's easy to get sidetracked and lose your focus. Resist it. Close your door or turn your back to your colleagues so your eyes are not wandering about. If your voice-mail light flashes, leave it flashing or cover it up, but whatever you do, don't check it. You'll break the rhythm of calling. Avoid the irresistible urge to check your e-mails every five minutes

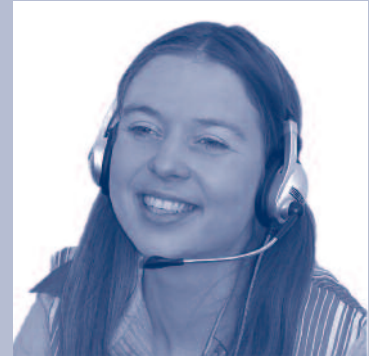
for precisely the same reason. Just dial. Put your smart phone in a drawer somewhere far away. Clear your desk so that you won't be tempted to open mail or work on a project or read a memo.

Tip #8: Batch Your ‘Action’ Items

Similar to Tip #5, batch your action items and stay focused on your dialing. Action items are those tasks that occur as a result of a call to a prospect. For

10 STEPS TO SUCCESSFUL TELE-PROSPECTING

1. Schedule your cold calling
2. Call early
3. Set a clear goal
4. Create a master list
5. Streamline research time on prospects
6. Create and use a "call guide"
7. Avoid distractions
8. Batch your "action" items
9. Keep score
10. Don't quit



instance, perhaps a prospect wants some information. The average recruiter is so thrilled with a 'result' that he or she stops the cold calling and puts together a nifty e-mail or direct mail package, or writes a lovely thank you card, or whatever. This takes 10 minutes; maybe more. The trouble is twofold. First, that 10 minutes could have been used to make 10 more calls to prospects. Second, productivity experts estimate it takes *another* 10 minutes or so to get back into the rhythm of calling again because you've lost the momentum.

Batch those tasks, and do them after you have done your calling and achieved your goal. Don't mistake activity for results. Get the heavy lifting out of the way first and then sit back and write your thank you cards, send your e-mails, fax your pro-

posals or courier your fancy packages.

Tip #9: Keep Score

Keeping score means tracking your results. Track the number

The cold, hard truth of phone prospecting: It's not the call. It's picking up the phone and dialing.

of dials, contacts, appointments, follow ups, no answers, etc. Tracking will give you data that you can analyze. Over time you can work out the ratios for each and it will give you a pretty accurate picture of your performance. You can eventually

use it as a predictive model for your efforts.

Tip #10: Don't Quit

Perhaps easier said than done, but don't quit. What happens is some recruiters will implement this system for two or three days and if they don't see immediate results, they quit. That's a cop out. This is akin to exercising and eating right for two or three days and getting disappointed when you haven't lost 10 pounds. Each day that you follow these tips makes you stronger, more resilient, and more effective. Stick to the program.

Summary

Don't be your own worst enemy. The price of discipline is far less than the cost of regret. **TFL**



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Why You're Not Getting Things Done And How To Fix It



Gary Stauble's

**2-MINUTE
COACHING**

In one of the discussions in my *Recruiter's Roundtable* program, a member mentioned a recent blog post

by Seth Godin that touched a nerve with several people. In the post, Seth talked about why many people don't succeed using the most popular planning advice put out by productivity gurus like David Allen. He said that most of those strategies don't work because they lack a key ingredient.

Here's an excerpt of what Seth had to say:

Getting things done, 18 minute plans, organized folders...none of them work as well as you'd like. "The reason is simple: you don't want to get more done. You're afraid. Getting more done would mean exposing yourself to considerable risk, to crossing bridges, to putting things into the world. Which means failure... Until you quiet the resistance and commit to actually shipping things that matter, all the productivity tips in the world aren't going to make a real difference. And, it turns out, once you do make the commitment, the productivity tips aren't that needed. You don't need a new plan for next year. You need a commitment.

Seth's words reminded me of the fact that a lot of the tasks that I discuss with recruiters — planning, making calls, tracking activity etc. — don't get accomplished because people don't *want* to do them. Trying to get yourself to do things that you don't want to do can work in the short term, but over the long haul it's like swimming upstream.

That's why you need to find a way to connect your passion to this business. If you're excited about what you're doing, time flies, you're "in the zone," and you're performing at your peak. I've interviewed dozens of \$500,000-plus recruiters in my work, and I cannot think of one of them that lacked a passion for the business.

Many years ago I received some very good advice from an accomplished owner when I first opened my firm. He said, "Gary, focus on the parts of the business that you're talented at and look forward to, and pay people

to do the rest." This perspective has allowed me to focus my energy on areas where I could flourish and excel instead of waking up every day trying to get myself to perform a list of tasks that I was resisting.

Here are some things that you might focus on to add passion to your work:

1. You love to help candidates bump up a level in their careers.
2. You love making a ton of money.
3. You love being able to afford the best schools.
4. You love helping people.
5. You love your niche.
6. You love the thrill of the hunt.

And for the parts of the business that you find mundane or unappealing, hire someone to do them for you, then get back to doing what you do best. Even if you are a recruiter working for someone else, it may make sense to hire someone to do some of your sourcing or admin work.

Here are some websites where you can find assistants at very inexpensive prices:

- **Fiverr**, www.fiverr.com: It doesn't get any cheaper than this. People will do some very creative things for you for just five bucks. I pay \$5 to have my audio interviews for the Roundtable edited via this website.
- **Ask Sunday**, www.asksunday.com: Can you really get a dedicated assistant to do some of your dirty work for just \$119/month? Yep, you sure can.
- **Get Friday**, www.getfriday.com: Their basic plan starts at just \$65/ month. They provide similar services as compared with Ask Sunday.
- **Elance**, www.elance.com: The old standby. Elance is easy to use and has excellent reporting tools to track your contractors. I pay just \$10/ hour for my web site administrator through elance.

The bottom line is that there is help out there (if you look for it) that would allow you to focus your time and talent on the parts of this business that you enjoy. You can either do what you love, or find a way to love what you do, but one way or another, you've got to add **desire and inspiration** to your work in order to really excel over time.

Gary Stauble is the principal consultant for The Recruiting Lab. He provides recruiting professionals with the training and tools to make more placements with less effort. He offers a complimentary special report on his website entitled, "\$1 Million Time Management." In the report, Gary outlines nine time management secrets of a \$1 million producer. Get your copy now at www.TheRecruitingLab.com.

Cultural Fit: Looking for the Perfect Match

By Debra Wheatman

Candidates and hiring companies have at least one thing in common. Both are looking for the perfect match. Skills, knowledge, and experience are the tangibles to determine a functional fit within an organization. Aspects of values and personality may determine one's ability to adapt to an organization's culture. Recruiters, human resources professionals, and hiring managers understand the value of assessing a candidate's potential cultural fit. Poor cultural fit is something that cannot be resolved with training.

Cultural fit goes beyond simply getting along with your fellow workers. For example, according to an Accountemps survey, "Nearly eight in 10 (79%) chief financial officers (CFOs) interviewed said an employee's sense of humor is important for fitting into the company's corporate culture."

Fit is important to the employer and the employee. If you are going to spend more than 40 hours per week working, you want to be with people with whom you can relate. There are several methods that employers, recruiters, and candidates use to ensure a cultural match is made.

Job Posting: An employer can signal candidates by writing a detailed job posting including information about the company and its culture. The description will hopefully attract candidates of like minds and deter candidates with opposing values. Take a look at these sample postings. Can you determine if you would be a cultural match?

- Apple – <http://bit.ly/KTsPa6>
- Kaiser Permanente – <http://bit.ly/KTsWT1>
- Solutions IQ – <http://bit.ly/KTt1Gf>

Résumé: Just as an employer communicates their values through the job posting, a candidate can share their values through the résumé. Candidates should be careful not to go over the top. For example, résumés should focus on skills, accomplishments,

and knowledge. Through achievements employees can demonstrate values such as customer care, attention to quality, and on-time delivery of projects. Characteristics such as humor and honesty are not necessary to list on a résumé. A candidate can also show compassion through community and philanthropic roles.

Interviewing: Employers may ask questions to uncover a candidate's work ethics, personal values, and work style. This may be achieved through situational questions in which the interviewer inquires about a choice you may make or how you would solve a particular problem. To determine fit, often multiple team members will interview the candidate.

Testing: Some employers use psychometric tests to learn more about a candidate's personality traits and how they will interact with others in the company. According to the search firm Sanford Rose Associates, "It has been estimated that 30% of all companies have incorporated some sort of personality testing into their hiring process."

Internet Search: Employers can gain insight into an employee's personality by performing an online search and reviewing a candidate's postings on social media sites. Candidates can learn about a company by performing online research, especially the corporate website.

Job Shadowing: A trial day or even few hours is a great way for the candidate and the hiring company to evaluate each other.

It is beneficial to the employer and the candidate to be forthright and honest throughout the job/candidate selection process. Any manipulation or false representation can result in a mismatch, which is a setback for the employer and the employee. With openness during the process, a perfect match can be found. **TFL**

Debra Wheatman is a Certified Professional Resume Writer (CPRW) and Certified Professional Career Coach (CPCC). She is globally recognized as an expert in advanced career search techniques with more than 18 years corporate human resource experience. Debra is a featured blogger on numerous sites and posts regularly on her own site. She has been featured on Fox Business News, WNYW with Brian Lehrer, and quoted in leading publications, including Forbes.com, The Washington Post, The New York Times, The Wall Street Journal, and CNBC. Debra may be reached at debra@careersdonewrite.com or visit her website at www.careersdonewrite.com.

Never, Ever Discuss Money!



*By Terry Petra,
CPC, CTS, CIPC*

Most recruiters and consultants realize the importance of preparing their candidates to “never, ever, dis-

cuss money” with one of their clients. However, how often do you prepare your clients to “never, ever discuss money” with one of your candidates?

Recently, I received a call from a recruiter who wanted to discuss his process for working with clients. As he detailed the step-by-step process, I was stunned when he reached the “offer stage” and stated, “... at that point I step out of the picture and allow my client and candidate to speak directly with one another about the specifics of the offer.” Although I did not say anything initially, when he completed his description, I made this statement:

“Anytime you have a candidate and a client in direct discussion about compensation, you have lost control of the process.”

He then asked, “What if the client brings up the subject with the candidate?” or “...asks the candidate how much they are currently earning?”

My reply was:

“There should never be a circumstance where your client brings up the subject of compensation directly with one of your candidates. If you are doing your job correctly, there is no justification for your client to discuss this subject with any of your candidates.”

For many recruiters, this approach may appear to be radical or even impossible to implement or police. Nevertheless, it is essential if you are to maintain control of the process, and be viewed by both your client and candidate as trustworthy and capable.

The key is your positioning. You establish this positioning when you first take the order/assignment with the client and when you conduct your initial interview with the candidate. For the sake of this article, let’s focus on the client side.

In order for one of your clients to present an offer that will be accepted by your candidate, they need to know four numbers:

1. Your client must know what they can afford to pay.

If they say it is “open” or “totally depends on the person” or “whatever it takes,” do not accept any of these as a valid answer. Ask what amount they have budgeted for the position? If they have not budgeted an amount for the position, it also means they have not budgeted an amount for your fee. Is that the type of client with whom you wish to work? I think not.

There can be many reasons why a client could be reluctant to disclose the range of compensation to a recruiter. They may suspect their range is too low, and, therefore, you will not work on their opening. They may believe that if you know the true range of compensation, you will only present candidates at the high end of the range because you will receive a higher fee if one of them is hired. They may not trust you to keep the information confidential.

If any of these reasons are identified, you should not proceed. You have yet to earn the trust of your client. This lack of trust will show up again and again in many areas of the process, and severely compromise your ability to effectively create a positive outcome for your client.

2. Your client must know the current market value for the type of individual required to successfully perform in the position.

An experienced recruiter is the best source for this up-to-date information. As a matter of standard practice, concurrent with your search efforts, you should be compiling compensation information that can be used to clearly establish market value.

3. Your client must know the compensation history and/or the present or last level of compensation for each of your candidates.

Obviously, this is information that you should share with the client in preparation for their first interview with your candidates.

4. Your client must know the exact level of compensation that needs to be included in the offer in order to gain an acceptance from your candidate.

Once again, you should be providing this specific information to the client. You must determine with your candidate two critical numbers:

- First, what is the lowest level at which they would even consider an offer, one dollar below which you have his or her authorization to instruct your client to offer the position to someone else?
- Second, what is the specific offer number they would feel comfortable in accepting on the spot?

Armed with this information, you should be able to guide the client in preparing an offer that meets or surpasses the second number. If this cannot be accomplished, prepare your client to either move to their secondary candidate (one of yours if you have done your job properly), or be prepared for an offer turnaround.

As you can see, three of the four numbers the client must know in order to present an offer that will be accepted should be provided by you. And the first one, their budgeted number, should be clearly identified before you commence any efforts on their behalf. The one exception to this might be a situation where the client engages your services to help them establish a budgeted compensation range for the position.

If you are correctly positioned at the time you write the order/assignment, and your client understands the importance of knowing the four numbers referenced above, you will have established yourself as a critically important controlling force throughout the process. Also, you will have removed any reason for the client to ever directly discuss money with one of your candidates. Your client will understand that if you provide them with timely and accurate information, there is no valid reason to discuss the subject of money directly with one of your candidates.

However, old habits are hard to break. If, in your interview follow-up, you determine that the client

has brought up the subject of compensation with one of your candidates, ask them, "Specifically, what was your reason for asking that question? What were you trying to accomplish?"

Listen carefully to their answer. They may simply state, "I forgot" or "It's an old habit I'll need to break". If this is the situation, remind them of the benefits of keeping those questions between the two of you.

On the other hand, if the client responds to your question by saying something like, "That's my job" or "I needed to get a feel for it directly from the candidate," stop everything. You are not properly positioned. You have not earned the trust of your client. You need to have a frank and open discussion regarding the importance of your role in the process. To proceed otherwise would be counterproductive.

Remember: If your client issues an offer that is turned down by your candidate, you have not correctly performed your function in the process.

No excuses accepted. You have not properly selected and/or served your client. Other than "acts of God," when an offer is turned down, everybody loses. If, based on your proper positioning

in the process, you determine that the offer is not going to be accepted, do not allow it to be issued.

One of the earmarks of a true professional in this business is a near perfect offer to acceptance ratio. They know the importance of making certain that no offer will be extended until an acceptance is assured. That is one of the major benefits for a client in working with a professional recruiter. It also is a strong indication that your processes are designed to serve the best interest of everyone involved.

As always, if you have questions or comments about this article or wish to receive my input on any other topic related to this business, just let me know. Your calls and e-mails are most welcome.

TFL

*When client and
candidate talk money,
you lose.*

Terry has successfully conducted seminars for state, national, and international associations as well as in-house consulting and training programs for hundreds of staffing/recruiting firms in the U.S., Canada, Mexico, Australia, New Zealand, England, South Africa, Russia, and the independent states of the former Soviet Union. Recipient of the "Harold B. Nelson Award" in recognition of his untiring efforts in the continuing fight for the preservation of our free enterprise system, Terry is President of Professional Services Consultants, a Minnesota-based Search, Contract Staffing, Consulting and Training Company. Terry provides a full range of training and consulting services focused on the needs of the staffing/recruiting industry. Training products include the updated "Petra Training System" and a newly revised advanced CD Training Program entitled, "Just Do It Right! A Client Centered Process That Works." For a full review of his products and services, visit his web site at www.tpetra.com.

Easy Wins: How Data Helps To Grow Your Business

By Robert Woo

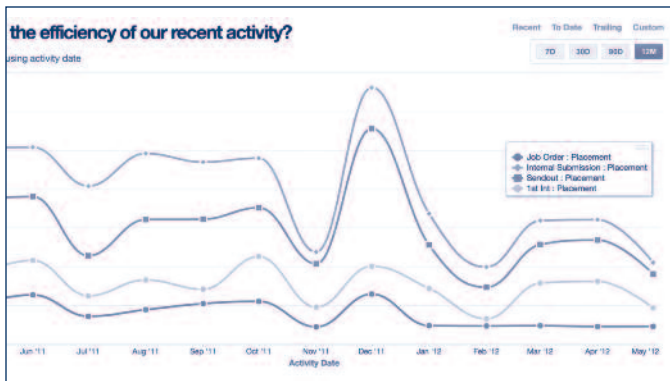
It's finally nice outside! For those, like us, who live and work in New England, we need to take advantage of what little good weather we get. We have nine months of winter to lock ourselves inside to work really hard. Let's enjoy summer a little!

Of course, your recruiting business doesn't stop when the weather gets nice out. Goals and benchmarks still need to be met and surpassed. If only there was a really easy way to grow your business so you could focus on more important things, like just how many rooftop BBQs you can fit in in the next few weeks. Well, there is.

Our company, InsightSquared, provides in-depth business intelligence to well over 100 staffing and recruiting companies. We've seen first-hand how a little bit of better data analysis can lead to a lot of big, easy wins. Here are just a few ways you can move the needle with minimal effort.

Work Only on the Right Activities

Doing this data analysis directly impacts your business growth. If you know what activities really move the needle, and more importantly, what activities don't, all you really need to do is do more

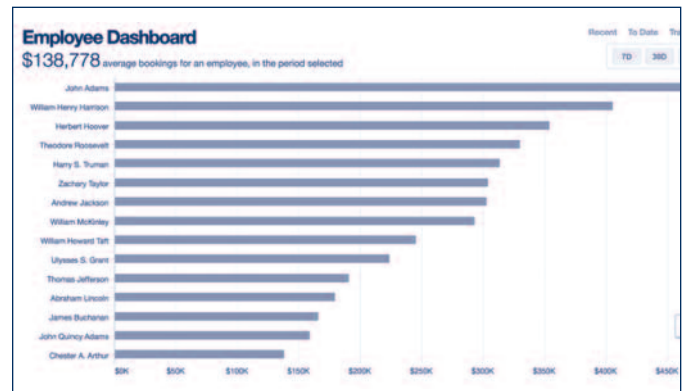


of what works and less of what doesn't. Sounds too simple, right? Exactly the point. The best part is that it works.

Turn Newbies Into Veterans

Having easy and in-depth access to your employee's historical data can make this a breeze for your

company. How did John Smith nail that record-breaking quarter? Your data can tell you exactly how by keeping track of what clients John had; what activities he performed on each client and when; the length of each stage of every one of his deals until closed; and more. Basically, your top



performers are top performers for a reason, and if you can model their performance, you've got yourself a clear guidebook to help your new employees get up to speed much faster.

Side note: Having employee activity data accessible to all can also foster a healthy competitive work atmosphere that provides motivation, especially for sales teams.

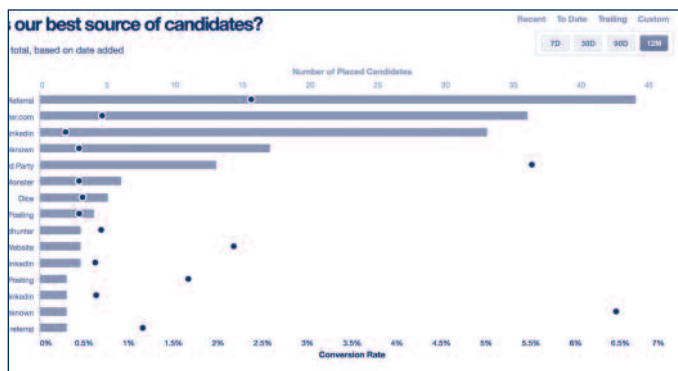
Save A Deal In Danger

Nothing's worse than losing a deal due to negligence. Finding and saving a deal in danger of slipping through the cracks takes much less work than starting from scratch. Good intelligence on your data can make this a breeze.



Find the Easy Money

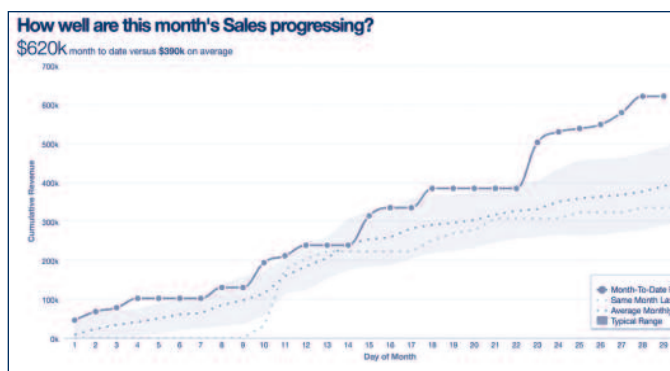
The client was vindicated when the data showed that, indeed one candidate source was better than the other; specifically, it had a much better con-



Work smarter, not harder. It's a cliché for a reason.

Get Smarter and Better Looking

No one really wins business using Excel. No matter how great the actual data is, you're not going to show prospective customers an Excel spreadsheet. It's tough to look at and not pretty. That's why everyone has to spend time in PowerPoint for presentations, and this takes a lot of effort. Besides, pulling together reports to show is a huge pain.

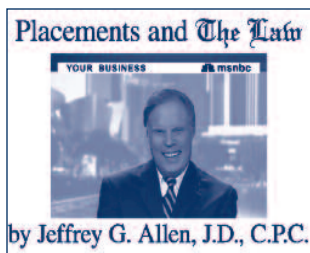


How long does it take to run a report? Half an hour? What if you need five of them? You're going to be in VLOOKUP town for a long time.

You've got the impressive numbers. Now you just need a good way to show it off during sales presentations. A good BI solution will do this for you. Reports are auto-generated, auto-updated, and instantaneous. Visualization is better than what you can do in Excel, and unlike PowerPoint, the data is live, meaning you can drill-down if a prospect wants to see more. If you arm your sales team with these tools, winning new business gets a lot easier. This isn't a small benefit either. Many of InsightSquared's clients point to the ease of presenting as one of the main benefits of having a business intelligence solution. It helps close deals, with almost no effort at all.

Now, will someone pass the iced tea? **TFL**

How To Help Your Criminally-Challenged Candidates



You'll soon hear about a new EEOC policy with regard to considering a candidate's criminal record in pre-employment screening. Employer lawyers are gearing up for a round of seminars, work-

shops and in-house enemas for employers.

Save your money. Use that time to make placements.

In a sentence, the "new" EEOC policy is:

File a charge of discrimination if a candidate isn't hired (or is fired) for having committed some non-job-related crime.

If you're doing contingency-fee search, your existing policy in a sentence is:

Race to place.

That means:

1. If it's not job-related, don't consider it.
2. If it has no bearing on the job duties (like a conviction for embezzlement of a bank veep candidate), don't disclose it.
3. No third-party criminal background checks.

But how about a new policy for you too? How about one to help criminally-challenged candidates resume productive, placement-fee-generating careers?

Criminally-challenged candidates usually think there's nothing that can be done about bad reps except to conceal them. But with a little help from you, they can be officially sealed forever. There's no higher calling for a professional recruiter. No more fulfilling reward. And no more grateful a candidate.

He'll interview better, too. Paul Evans and Ferando Bartolome noted why in their *Harvard Business Review* article "Must Success Cost So Much?"

Talk with someone who has a clear sense of professional identity, and you feel this in his vocal and confident description of himself. His self-confidence comes across as authentic, not simply as a mask. He can describe his strengths, and also his weaknesses. But these weaknesses do not seem to be strong limitations on his career.

Here's how to implement this policy:

Ask The Candidate About His Criminal Conviction Record

Most recruiters never even mention the subject of a criminal record. This is doing a disservice to employers, candidates and themselves. The few who mention it just say something like, "This position requires a bond. Is there any reason you won't qualify?" The answer is always the same here, too. People with criminal skeletons are used to keeping the closet locked.

The difficulty of obtaining this is even greater because it's an omission. Paul Ekman noted why in his book, *Telling Lies*:

- "Not everyone considers concealment to be lying; some people reserve that word only for the bolder act of falsification..."
- When there is a choice about how to lie, liars usually prefer concealing to falsifying. There are many advantages. For one thing, concealing usually is easier than falsifying. Nothing has to be made up...
- Concealment may also be preferred because it seems less reprehensible than falsifying. It is passive, not active."

In some ways, we're glad the subject isn't mentioned. The constitutional right to privacy, and statutory equal employment opportunity laws have created a web of unclear, inconsistent federal, state and local rulings that attempt to protect candidates. There's merit to this - if someone's paid their debt to society or has been stripped of his stripes, the record shouldn't haunt him forever. But what about the employer's right to know? Will the past predict his future job performance? Can he be trusted? Is he dangerous? What is the employer's duty to protect employees or the public?

Fortunately, you don't need to deal with these philosophical issues - only the legal ones. Just be certain you make your role clear to the candidate.

Tell him:

- It's absolutely necessary that he confide in you about everything in his background that will legally cost him his job.
- You're not asking on behalf of any particular

employer, but because you want to know anything that could affect your integrity in presenting him.

- Some of the employers you work with run security checks that take time. Therefore he might be hired and then terminated for concealing the information.
- All discussions will be held in the strictest confidence.
- He might be able to have the records sealed.

Then (after you've checked with your state labor or equal employment department for legality) ask the candidate these kinds of questions:

1. Have you ever been convicted of a crime?
2. Have you failed to perform any obligation imposed on you by a court order in connection with conviction of a felony?
3. Have you ever had a professional license denied, suspended or revoked?
4. Have you ever been reprimanded, censured or disciplined by any professional licensing authority?
5. Have you ever been denied membership, suspended or expelled from any professional association?
6. Have you ever been reprimanded, censured or disciplined by any professional association?
7. Have you even been refused a bond in connection with your job?
8. Has anyone ever sought to recover against a bond for your conduct on the job?
9. Have you ever been suspended, expelled or disciplined by any educational institution?
10. Have the records of any of these items been sealed or expunged?

It is necessary for your protection that you know what can't be legally asked in a pre-employment inquiry. Therefore, checking with your state labor or equal employment department is essential before asking these or any other questions regarding criminal activity.

Sealing Records

Since the procedure is different in every jurisdiction, the following general information is provided solely for you. It should give you the typical ways records are sealed, but is not intended for candidates. Citations to federal law are provided where applicable.

1. If The Record Is A Conviction For Possession Of Drugs

Drug possession crimes are 10 times more common than any others you'll hear about. They're also treated differently than other crimes by federal and state authorities. That's why we've treated them separately. Driving under the influence (DUI) cases are still generally treated as traffic violations, so have little impact on eligibility for employment.

If your candidate was at least 21 years old and was charged under federal law with possession of certain controlled substances (21 USC 812), his case may be dismissed and the records sealed. To qualify, he must show:

- a. No prior conviction of a drug-related crime.
- b. No similar dismissal of a drug-related crime.
- c. That he pled or was found guilty of the possession of controlled substances.

Federal law [21 USC 844(b)(1)] allows the judge to give a sentence that can prevent "guilty" from ever appearing on the court record. In these cases, the candidate was placed on probation for a specified period (usually one year). If no condition of probation was violated, the court can discharge him and dismiss the charges.

Once the order is entered, the court records are sealed (placed in a file or envelope, then sealed) and archived by the court clerk. The candidate's name is removed from all indexes and docket lists. Only the U. S. Department of Justice keeps a non-public record of the dismissal, since a candidate cannot have it granted again.

This procedure is extremely significant, since the candidate can honestly answer "No" when an employer asks, "Have you ever been convicted of a crime?" (Of course this assumes there's no other conviction for anything.)

In addition, if he's ever convicted of possession again, he will be sentenced as though he was a first offender. But after that, sealing the record under federal law is unlikely. He'll need the best lawyer he can find to petition the court. Fortunately this is one of the few areas where public interest legal clinics excel, so there may be almost no cost involved.

Expungement Is Available for Juveniles

A candidate charged with possession when he was under 21 has an additional remedy [21 USC 844(b)(2)]. It's called expungement (literally "destruction"). After 10 years, the sealed file is physically destroyed – forever. Even the Department of Justice doesn't retain the records.

(cont'd on page 18)

Other Types of Records Can Also Create Problems

(cont'd from page 17)

In *The Criminal Records Book*, attorney Warren Siegel offers the best advice for your candidates:

“Getting your criminal record destroyed is the most complete form of “record cleaning” available . . . [But] regardless of what’s supposed to happen, sometimes agencies don’t take papers out of their filing cabinets or entries out of their computers when they’re supposed to. After several months have passed, we recommend you obtain copies of your criminal records . . . to see whether the agencies have complied. If they have not, point this out to them and hopefully you’ll get some action. All agencies have procedures to respond to requests for correction of mistakes in their records.”

States vary widely in their laws and procedures for prosecuting drug-related crimes. However, most have downgraded the possession or use of small quantities of marijuana (usually under one ounce) from felonies to misdemeanors. The punishment is usually payment of a fine, and informal (unsupervised) probation. Then there’s automatic destruction of the record within a short period of time (usually two years).

Some statutes even provide that after satisfactory probation:

- A jobseeker can answer “No” to questions about a prior criminal record.
- A professional license cannot be denied based upon the conviction for limited marijuana possession.

2. If The Record Is A Conviction Of Any Other Crime

When federal law is involved, the sealing remedies vary depending on severity of the crime, type of conviction, sentence imposed, compliance with probation, and other variables. There are exceptions and limitations throughout the statutes, so a criminal attorney should be consulted.

However, state law is probably involved. All states provide a procedure for petitioning a court



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for sealing. Whether the petition will be granted depends on the answers to four questions you should now ask your candidate. Here they are, along with answers that usually apply:

1. Were you an adult when the crime was committed?

As noted earlier, minors receive preferential treatment. However, this doesn’t mean sealing happens automatically.

The best thing for the candidate to do is request the record (“rap sheet”) from the appropriate department (county clerk, etc.). If a conviction is still “of record,” you should contact the probation department. It will often prepare the necessary

papers, petition the court, and represent him if necessary – at taxpayer expense.

This should only be asked if your state (really the employer’s state) allows non-felony pre-employment inquiries.

2. Was the conviction for a felony, misdemeanor, or infraction?

We’re not talking about the crime charged here. A plea bargain (typically reduction of the felony charge in exchange for a guilty plea to a related misdemeanor) is the same as the misdemeanor charge and conviction.

Many state labor or equal employment laws prohibit employers from asking about convictions for misdemeanors. It just doesn’t work though. Interstate employers use forms that ask about them. Others use outdated forms. Still others don’t care about the law. Ditto for arrest information.

Even those sophisticated, law-abiding employers that comply pick up arrests, charges and sentences for everything from smoking in the boy’s room to bouncing a check at the market. Being sophisticated, they just find another reason not to hire (or to fire if they already did).

But the law’s the law, so you’d better not ask if an employer can’t. Too bad – so many candidates in these states don’t realize they’re walking around with an invisible ball and chain.

3. Were you placed on probation?

In our overworked criminal justice system, many candidates don’t even realize they were placed on probation! They’re placed on unsupervised, summary probation, left on their

own recognizance or just OR. The judges recite the sentences like auctioneers. The convicts pay the fine, and rush out to find a parking ticket waiting on the windshield.

This becomes very significant because our overworked criminal justice system does almost nothing automatically. That probation sentence can be like an invisible ball and chain too – invisible only to the candidate.

4. Were you placed on parole?

There's a big difference between "parole" and "probation." Candidates don't confuse these, but they don't necessarily tell all either. If you confuse them, you might be wasting everyone's time.

Parole occurs after someone is imprisoned. There's always a parole officer, and it's always a supervised, easily-checked occurrence. It's always after a conviction, and usually for a felony. So you can ask about when it began, if there were any parole violations, if the terms and conditions of parole were met, whether the candidate must report to his parole officer, when, etc.

Depending on these answers, the candidate must either:

- a. Wait until he's off the hook, or
- b. Proceed directly to the parole board for help in sealing the record.

3. If The Candidate's Professional License Has Been Denied, Suspended Or Revoked

Applications for almost all state licenses carefully ask about anything that could even remotely affect a candidate's character. Unlike pre-employment inquiries, the granting of a professional license is directly for the protection of the public. Therefore, privileges from disclo-

sure are virtually nonexistent. You can ask about these items freely, and should.

Let's look at the three areas separately.

1. The denial of a license.

While this doesn't usually haunt the candidate as a public record, the question often results in a "candid candidate." That's because somewhere around 30% of the people who say they have a professional designation in industrial occupations (engineering, physics, architecture, etc.) don't.



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Professional licenses are as easy to check as dialing a phone number. So even though an employer might not find out about a denial, there's an intentional misrepresentation – fraud – which is "just cause" to terminate any professional employee for sure.

Of course, asking the question may indirectly surface criminal skeletons jangling around in the background too.

2. License suspension.

Unlike denial, suspension is usually a matter of public record. That's because it usually signals

a temporary stripping until there's a hearing, restitution, or compliance with certain conditions.

If reinstatement occurs, statutes vary widely in terms of the extent and period of disclosure. Few go beyond 10 years if there are no further incidents.

One thing's for sure; your candidate will know all about the way it works. Find out all you can. Placing him is difficult enough without playing games.

You can intervene as much as you like, though. It's not a "pre-

employment inquiry." It's a presentation one! And your primary professional prerogative.

3. License revocation

License revocations rarely occur without a hearing, right of appeal, and entry of a final order. They're not only easily accessible by phone or online, but often receive dishonorable mention in official publications.

Records of license revocations are particularly difficult to seal or otherwise remove. That's because:

- Licensing agencies often have their budgets tied to statistics. The more revocations, the more they get.
- Protection of the public outweighs the private rights involved.
- Those with an active license want to keep those without it from operating.

This same basic analysis applies to certification by public or private entities.

(cont'd on page 20)

Your New Policy: Help Them and Place Them

(cont'd from page 19)

4. If The Candidate's Professional Membership Has Been Denied, Suspended Or Revoked

The courts have generally considered that membership in a professional (trade) association is not an enforceable right unless it is a prerequisite to actually working in the field. Then it becomes virtually the same as a license.

The U. S. Supreme Court ruled in *Gibson v. Berryhill* (411 US 546, 93 S.Ct. 1689, 36 L.Ed.2d 488) that the Alabama Board of Optometry could not discipline a licensee because its members had a financial interest in preventing him from practicing. It was deemed to be a restraint of trade and violative of due process.

Most trade associations don't hold the keys to the office though. So the reported cases usually involve alleged violation of civil or property rights in conjunction with entry into the hal-

lowed roster. Suspension or revocation usually translates into some breach of contract or conspiracy allegations.

The cases vary so widely that no all-purpose legal rules can be applied. But one practical rule



Image(s): FreeDigitalPhotos.net

you should know is: Volunteers don't want litigation. Conventions, members and certification, yes. Litigation, no. So there's

much that a lawyer can do to set the record straight (or eliminate it).

As you can see, it's much easier for a candidate to get into trouble than to get out of it. Or admit he was in it. But once he does, you can really help. The irony is that candidates who conceal crimes are often the most honorable. Robert Liston told why in *When Reason Fails*:

"[T]he more virtuous the person, the greater his capacity for guilt. A person with a strong conscience may feel guilty over some act such as lying . . . that another person would not give a passing thought to."

So your "new" policy should be:

Place as many candidates as possible and help them clear their records.

Now you can do it. Best wishes for fulfilling five-figure fees! **TFL**

Jeffrey G. Allen, J.D., C.P.C. is the world's leading placement lawyer. More than 35 years ago, Jeff turned a decade of recruiting and human resources management into the legal specialty of placement law. Since 1975, Jeff has collected more placement fees, litigated more trade secrets cases, and assisted more placement practitioners than anyone else. From individuals to multinational corporations in every phase of staffing, his name is synonymous with competent legal representation. Jeff holds four certifications in placement and is the author of 24 popular books in the career field, including, How to Turn an Interview into a Job, The Complete Q&A Job Interview Book, and the revolutionary Instant Interviews. Jeff's experience includes: Author of "The Allen Law" – the only placement information trade secrets law in the United States; Expert witness on employment and placement matters; Recruiter and staffing service office manager; Human resources manager for major employers; Certified Personnel Consultant, Certified Placement Counselor, Certified Employment Specialist and Certified Search Specialist designations; Cofounder of the national Certified Search Specialist program; Special Advisor to the American Employment Association; General Counsel to the California Association of Personnel Consultants (honorary lifetime membership conferred); Founder and Director of the National Placement Law Center; Recipient of the Staffing Industry Lifetime Achievement Award; Advisor to national, regional and state trade associations on legal, ethical and legislative matters; Author of The Placement Strategy Handbook, Placement Management, The National Placement Law Center Fee Collection Guide and The Best of Jeff Allen, published by Search Research Institute exclusively for the staffing industry; and Producer of the EMPLAW Audio Series on employment law matters. You can email him at Jeff@placementlaw.com.

A Screensaver to Boost Your Placements

Can a screensaver get you more placements? Jeff Allen says his can.

Available free at www.placementlaw.com, his Recruiter Screensaver floats up a series of little sayings and phrases that psychologists call affirmations.

Says Jeff, “High billers burn a few focused, specific statements into their subconscious. By some estimates, internalizing them boosts production by as much as one placement a month!”

As a former recruiter and an agency owner, he says the positive statements work for recruiters because they overpower the negativity inherent in executive search.

“Most cold calls are met with rejection,” Jeff says. “Most recruits don’t become viable candidates. Most referrals aren’t interviewed. Most sendouts aren’t hired. Clients and candidates can be unreli-

able, unpleasant and very unkind. Insulation from this negativity is essential to succeed.”

Jeff explained that when he worked a desk he posted positive statements in the office and they increased the PDA (per desk average) in his 30-desk office by over 10%. When he started practicing placement law in 1975, he gave the signs to recruiters.

Now, he’s turned these into a screensaver. Not only do you *see* the sequenced phrases with corresponding images, but you can also hear them. Jeff says the words, graphics and sound combine in a scientifically proven way. “The system uses your two most direct senses – visual and auditory — to

properly program that amazing goal-actualizing computer between your ears. You naturally concentrate on making placements. As a result, you have more sendouts and close more deals,” he says.

Instead of going dark, your computer screen will continually give you the motivation you need. Use the mute button when you’re on the phone or permanently turn off the sound. But, says Jeff, “Wait a week. By that time you’ll ignore the voices – a sure sign the screensaver is starting to do its magic.”

“The screensaver works on your belief system. When you *believe*, you *achieve*. Every winner knows that you *win* from *within*.”

After downloading and installing the Recruiter Screensaver, download the Monthly Progress Tracker, also free, and available by clicking the “How it works” link im-

mediately below the screensaver download.

“Virtually every trainer in our industry,” says Jeff, “recommends documenting your progress. This not only helps you see the results, but it dramatically increases them. It will have you competing with your ultimate challenger — *you!*”

Use the first tracker every day for one month (30 days). Repeat that for two more months for a total of 90 days. Keep your average number of hours worked the same, and your production will increase. If you need help along the way, call the Law Offices of Jeffrey G. Allen at (310)559-6000. Jeff says he’ll coach you through the process personally. **TFL**



Fed Courts Split on Applying Criminal Hacking Law To Employees Taking Data



COUNSEL'S CORNER

By
A. Bernard Frechtman
Esq., C.P.C.

Note: This article is not intended as legal advice. In all instances the reader is cautioned to consult with legal counsel when utilizing this information.

In a recent article (*TFL*, September 2011) I described the criminal case of *United States v. Nosal* involving a former employee of Korn/Ferry accused of taking documents off its computer data base in violation of the Federal Computer Fraud and Abuse Act. The Act subjects to punishment anyone who:

“Knowingly and with intent to defraud, accesses a protected computer without authorization, or exceeds authorized access, and by means of such conduct furthers the intended fraud and obtains anything of value.”

A district court dismissed the indictment and held that the Act was only intended for computer hackers. A three-judge panel for the Ninth Circuit (which covers the states of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington) reversed that decision and found the Act applies to situations where an employee “violates the employer’s [computer] access restrictions.”

Nosal appealed the ruling, and the Ninth District agreed to rehear the case *en banc* (before all nine of the circuit court judges). The court reversed the decision ruling the Act must be limited to an “anti-hacking” statute because prosecution of harmless misconduct could lead to discriminatory and arbitrary enforcement.

Much of the court’s opinion focused on the concern for the potential overreaching to employees who would have “little reason to suspect they are

committing a federal crime.” The court expressly declined to follow the Fifth (Texas, Louisiana, Mississippi), Seventh (Wisconsin, Illinois, Indiana), and Eleventh (Alabama, Georgia, Florida) Circuits all of which interpreted the Act to broadly cover violations of corporate computer use restrictions or violations of a duty of loyalty.

While in California the Act may not be able to be used by employers to protect themselves against employee data theft, the same is not true in the other circuits. In short you should continue to have each employee sign an agreement where the employee acknowledges that information contained in the database is confidential; require access to the computer through a password; and insert the same acknowledgement in the company handbook. Continue to protect your most valuable asset, the confidential information contained in your database.

Waiving Liability Via Credit Check Disclosure

Do you use a separate disclosure form for the applicant/candidate to sign or is it part of the application form or other document that an applicant/candidate fills out?

Some employers are including a general release from liability in connection with their background screening disclosures and as a result may be violating the Fair Credit Reporting Act (FCRA), according to a recent court decision in Maryland. The court held that including a liability release in an FCRA disclosure willfully violated the FCRA’s requirement that the disclosure consist solely of notice that a consumer report may be obtained for employment purposes.

Readers should review their disclosure forms and consider revising in the light of this decision. **TFL**

A. Bernard Frechtman, Esq. is the author of Staffing Industry Law, A Guide for the Personnel Professional. He may be reached at (917) 826 4846 or via e-mail at abflaw@att.net or on his web page: www.frechtman.com. This article, like the many others he has written, and his book, are based on his 50-plus years as an active litigator and transactional lawyer for the staffing industry, practicing nationwide. Bernie maintains an active office in New York City while residing in Indianapolis, Indiana, from where he commutes whenever court appearances require it. His representation has included public companies, nationally franchised staffing companies, state and national staffing industry trade associations, and litigation from the basic fee controversy to the more sophisticated and complicated trade secret, restrictive covenant and contract litigation. He has also served as an expert witness. His many accomplishments include being named by NAPS as its first Hall of Fame Honoree. A graduate of Brown University and St. John’s University Law School, where he was a member of the Law Review, Bernie is admitted to practice in the States of New York and Indiana, various Federal District and Circuit Courts and the U.S. Supreme Court.

Hiring Likely To Remain Ho-Hum

By John Zappe

Temporary staffing was one of the few bright spots in an otherwise dismal jobs report from the U.S. Labor Department in June.

Only 69,000 jobs total were created during May; 9,200 (13.3%) came from the temp sector. So far this year, temp hiring has created 94,600 jobs.

Besides surprising analysts who had been expecting the report to show about 150,000 new jobs, the government revised down its March and April job counts. April went from 115,000 to 77,000 and March's initial 154,000 was trimmed to 143,000.

According to the Bureau of Labor Statistics, there are now 2.491 million temp workers. That's an 8.5% increase over May 2011. For comparison, jobs nationally only increased by 1.36% year-over-year.

a high of 2.567 million workers were employed by the staffing industry. At the current growth rate, the milestone could be surpassed later this year.

However the gains in staffing were offset by losses in the employment sector overall, which collectively added 6,200 jobs seasonally adjusted or 81.1 on a non-seasonally adjusted basis. The sector includes search firms, nurse registries, modeling agencies, and other placement services.

Specific breakout data for executive search firms runs a month behind and is available only on an unadjusted basis. For April, search firms added about 100 workers. But with cuts in January and March, the net gain since the year began is 200 for a total of 31,100 search firm employees as of April.



Those seasonally adjusted numbers pale, however, in comparison to the raw, or unadjusted numbers. Using those counts, the temp sector added 72,800 positions from April to May. (Economists adjust employment numbers up or down to account for seasonality and statistical aberrations in the estimates. Job counts are based on surveys conducted each month by the BLS.)

“The nonseasonally adjusted numbers for temporary help employment, which provide a real-time snapshot of what’s going on in the economy,” commented Richard Wahlquist, president and chief executive officer of the American Staffing Association, “suggests continued – albeit agonizingly slow – improvement.”

Even so, temporary hiring has surged since hitting bottom in the summer of 2009. As the chart shows, the total number of temporary workers is approaching the peak years of 2006 and 2005, when

Data for June was or will be released by the Bureau of Labor Statistics on July 6th. At the time this article was prepared, economists were beginning to speculate about the possibility that June’s numbers may be lackluster, confirming suspicions of a summer slump. In both 2010 and 2011, job growth dramatically slowed beginning in late spring, and didn’t recover until after the end of summer.

There’s all sorts of speculation about the causes, including the normal summer cycle of slow hiring as workers, including hiring managers and recruiters, take vacation. However, 2010 was marked by a buildup in temp hiring by the Census Bureau, which conducted the nationwide census count in April and follow-up visits by inspectors in the months after. By mid-summer, the Census Bureau began laying off workers, a process that wasn’t concluded until the winter. **TFL**

John Zappe is the Editor of The Fordyce Letter.

Are You Being LinkedIn Or Lied To?

By Deborah Millhouse CPC, CTS, CSP

There's been an unsettling trend in business over the last decade or so to make every member of the workforce appear and feel just as important as the President or CEO. Receptionists are now the "Director of First Impressions," while our janitors became "Custodial Engineers."

Now I truly have all the respect in the world for the hardworking people who hold these challenging and important positions but let's keep it real — directors and engineers they are not. Not surprisingly, this phenomenon of rebranding, and exaggerating basic functions has now spilled over to the average resume and, in particular, on LinkedIn profiles.

I do not mean to disparage LinkedIn; in fact, my company uses it a lot. But there are flaws in the system that both hiring companies and job seekers need to be aware of. At the core, there simply seems to be no methodology in place for monitoring accuracy, and frankly, with over 160 million subscribers, maybe that's just not realistic.

Let's be honest, anyone with half a brain is going to produce a resume that paints them in the best light possible. As a recruiter, I would encourage them to do so. There is indeed an art to a properly crafted professional profile that can mean the difference between getting the interview or not. But that's a far cry from what I'm seeing, which I would politely label 'flagrant misrepresentations,' and more directly, flat out fraud.

Titles are exaggerated to the point of pure fiction. Job functions and experiences are grossly overinflated. Work dates are incorrect or worse, complete fabrications. References are even bogus or at best guilty of the "I'll endorse you if you endorse me" game. I often can't tell if some of these people just have amazing, albeit misguided, imaginations, or if they're in fact that delusional.

Consider this a wake-up call.

First, to recruiters and hiring managers: Take nothing at face value. Crosscheck references and throw out the tit-for-tat love fests in favor of real

(cont'd on page 25)

SEO For the Job Seeker Resume

There's now an SEO service for job seekers. It won't do much to help you make a placement or land a new client, but it is something that can help salve a disappointed sendout who's going to shoot off resumes anyway.

Preptel's Resumeter is an ATS emulator that will score a resume, telling you how well it ranks against the job description. It goes on to tell you how to improve the score, including letting you know what specific keywords to add, and what other changes to make.

Your candidates, especially the marginal ones or your social worker cases, will thank you forever for pointing them to the site. Should you be one of those unlucky enough to have to submit candidates through a VMS that uses the typical ATS parser to score submissions, then by all means run the resume through Preptel. The charge is \$25 for a month of service.

Preptel works the other side of the street from the marketing agencies that promise employers improved search engine visibility for their job postings and career site. It's no more gaming the ATS than optimizing a job posting with a better headline and an individualized landing page is gaming Google.

Even if you have no use for the service, take a look at Preptel.com. The video demo is like watching David Blaine do his magic. First the example resume scores a relevance rank of 48. (Preptel uses a Taleo system in the video, but they all work about the same.) The resume is then put through the Resumeter, which shows what's missing, what formatting should be changed, and what keywords to add. Voila, the resume now scores 100, which will practically guarantee it gets a recruiter's attention. **TFL**

(cont'd from page 24)

conversations and fact-finding with former employers. Probe deeper than ever before with questions that quickly weed out exaggerations and fiction. Funny thing, the worst liars almost always choke at the slightest confrontation. ("I see you were a manager. How many people did you manage? What was the first name of your top producer?" That silence or stumbling you hear is the sound of lying.)

Candidates: I beseech you to cut out the dramatics. Get real about who you are, what you've done and where you've been. Endorsements from your fellow cube mates mean nothing to me. And if you failed at something along the way, be honest about it. One of my favorite questions is to ask candidates to describe one of their failures. If they can't come up with one, I know I'm dealing either with an ego bigger than the both of us, or a person incapable of insight and self-reflection. Either quality is too toxic for me to hire.

There's a somewhat sarcastic saying that goes, "This I know, because the Internet tells me so." Given the current environment and resulting diffi-



Scott Thompson was forced out of Yahoo after his resume embellishment was discovered.

culties, recruiters have to be cautious, sharper, and on top of their game more than ever before. Ronald Reagan's signature phrase was "Trust, but verify." While that has always been a mantra of the recruiting industry on some level, today I'm afraid we must make it our standard policy. **TFL**

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Simple Strategies for the Talent Battles Ahead

(cont'd from page 1)

sides include a thin bench and inability to scale when appropriate. When a key defection or promotion occurs, a very painful and expensive vacancy can result in significant opportunity costs.

And of course, we all know of firms for which the “people are our greatest asset” claims are merely rhetoric.

Regardless, few would argue that many US industries are entering, if not well into, an improving economy with opportunities for growth. Corporate America has significant cash reserves, and seems ready to start spending some of it. The markets for high-level software engineers, management consultants, health-care/life sciences and other professionals are hot. This fact accentuates the critical nature of acquiring, developing and retaining the best talent possible. Many top executives are betting the company, not to mention their own careers, on the ability to solve this talent challenge. Failure will be very costly.

We are entering what some have described as a “perfect storm,” in which acquiring and retaining top-tier talent will be extremely difficult. Combine the expanding economy and increasing demand with today’s demographics and trends, and a severe talent shortage looms on the horizon.

Talent is becoming scarcer

The baby-boomers will retire at an increasing rate in the immediate future, with a deficiency of suitable replacements due to sheer lack of numbers in Gen X. Additionally, statistics indicate a significant decrease in graduating

engineers, scientists, technical specialists, etc. And as technical functions are placed offshore, much of the foreign talent that has fortified the US technology industries’ prosperity over the last decade will follow. As Manpower CEO, Jeffrey Joerres, states, “Every body counts.”

Talent acquisition is more difficult

The improving economy and job market result in increased demand and increasing competition for that talent. Both employed and unemployed candidates are evaluating numerous attractive options and often receive multiple offers. Candidates won’t accept lowball offers because they now have options. Potential employers who have long interview or decision processes before making offers are now losing desired candidates to more aggressive and decisive competitors.

Retention is getting harder

This demand vs. supply-based competition for talent will naturally put pressure on top producers as other organizations attempt to poach. Are these valued and targeted individuals especially receptive because they feel overburdened or under-appreciated... and under-rewarded, as a result of corporate purging/downsizing over the past few years? It is said that good people join good companies, but quit bad bosses. A competitor’s attempted (or successful) poaching of a company’s human assets can cause turmoil, distraction, poor morale, and considerable expense, not to mention huge costs related to lost opportunities.

Some best recruiting practices

- **Develop a performance profile.** Define success; specify and prioritize what a person must accomplish to be successful. What has the person done to indicate they can do these things for others? This should provide the most important evaluation criteria, along with cultural assessment. And know that the best performers are not necessarily the best “interviewers.”
- **Have a strong talent pipeline.**
- **Tighten up the recruiting, evaluation and decision making process.** An organized and crisp process is very impressive to a strong candidate. And the opposite is especially true! The experience should be professional, engaging, and challenging, and the candidate should be treated the same as an important customer. Immediate re-sponse, prompt interviews and feedback, consistent positive messages and evaluation criteria from all interviewers, followed by decisive action will contribute to a positive impression. Create a compelling (not inhibiting) process to attract the best talent.
- **“He who hesitates is lost.”** Candidates’ positive emotional momentum will fade as days and weeks pass, leading strong candidates to be more receptive to firms that know he’s the one they want. Time delays create opportunities for a competitive suitor to beat you to the punch for an all-star. Today’s market dic-

(cont'd. from page 26)

tates urgency and demonstrated enthusiasm.

- **SELL the vision, career opportunity and organization.** Do not assume that a candidate knows the things you know. Don't treat candidates as commodities. Recruited candidates are usually not looking, but are receptive to better career opportunities, and must be convinced of the advantages of your offer. Why would a happily employed person quit a good job, possibly relocate a family, to take the job you're proposing?
- **Recruiting is a team sport.** Stay involved and work closely with the entire recruiting team to make sure the vision, challenge and career opportu-

nity are presented accurately and enthusiastically, and that candidate concerns are resolved. According to interviewing expert and author of Power Hiring, Lou Adler, "Making a good recruiter a partner (not a subordinate) in the hiring process can make productivity soar."

- **Pursue 2-3 good candidates in parallel.** Favored candidates sometimes decide to go in other directions, requiring time-consuming and expensive restarts of the process if a single-candidate approach is taken. Having suitable backups in the wings helps to ensure success in the short run.
- **Create a win-win proposition.** Make a good, acceptable

offer. Uncompetitive comp packages make recruiting the best people very difficult. Lowball offers insult the best executives and frequently result in turndowns. Don't let a few thousand dollars stand in the way.

- **Be flexible.** Each individual is different, has different priorities and issues, and may require a tailored process or accommodations after joining the firm. The willingness to accommodate a top performer's needs frequently is the key to acquiring and keeping that person.

These approaches must be taken NOW to win this war. Your success may ultimately depend upon it. **TFL**

This article is part of the "How to Win the War for Talent" series. R. Gaines Baty is president of R. Gaines Baty Associates, Inc. (est. 1977), a leading retained executive search firm headquartered in Dallas, TX. RGBA is best known for recruiting difficult-to-find strategic leaders to drive important growth and/or turnaround initiatives. www.rgba.com

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Stay tuned for information regarding Fordyce Forum 2013

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