

## Part 1. Hiring Staff: The Question You Should Begin Every Interview With

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Hiring family office personnel or domestic staff are some of the most important decisions a successful family must make. These people help ensure that the family can thrive over multiple generations and run smoothly on a day-to-day basis. To mitigate the risks of making the wrong hire, it's important to begin the hire process correctly with a strong application and interview process.

The overall goal of every job interview should be to gather as much information as possible so you can make the right hire. Whether you make that right hire will depend on the questions you ask during an interview.

Applicants can spend hours crafting a resumé. They will carefully calculate every response made on an application and vet their references carefully, so the interview is the part of the hiring process that employers control, for the most part.

Even so, don't go into an interview with the idea that it is you versus the applicant. Some families mistakenly think that interviews give them the opportunity to "trap" applicants with "gotcha" questions.

If your only goal is to "weed out" bad interviewees, you will end up hiring the best interviewee, and they are not always the best hire. Unfortunately, the best interviewees usually become good at interviewing because they have done so many.

With that in mind, your first question is very simple:

***Is everything you have provided to us accurate and complete?***

A simple question that accomplishes so much:

First, it establishes that truth and accuracy is important to you during the hiring process. No exaggerations or wild claims...just the facts.

Next, the question lays the foundation that your questions are meant to discover the facts and that what was submitted in writing will be an important part of discovering the facts.

It also allows the applicant to correct his or her submissions if there has been a mistake or an omission: "I would like to change the date on my time spent with the Smith family. I started there the first quarter of 2012 and not in 2011," for example.

Finally, it lays a foundation for a future use, if necessary, of the doctrine of after-acquired evidence. The doctrine is used for limiting damages when an employee commits wrongdoing that is discovered during the course of litigation. For example, suppose during discovery regarding Joe's age discrimination claim it is revealed that Joe lied on his resume about a material matter; and that if he had been truthful, he would not have been hired. If he is hired based on that falsehood, and later Joe brings a legitimate charge of age discrimination, Joe's employer could argue that any damages Joe seeks based on the discrimination claim should be limited to bar re-instatement or front pay.

The after-acquired evidence doctrine has teeth when the wrongdoing is made at the beginning of employment, allowing employers to argue that the claimant's falsehoods led to his or her employment.

Obviously, the written application is the best means for preserving the applicant's pre-hire representations (or misrepresentations). Every application should require an attestation to the truthfulness of the statements on it and during the entire hiring process. By reaffirming that attestation at the beginning of an interview, an employer tells the applicant (and a future court deciding a motion based on the after-acquired evidence doctrine) that knowing the truth was paramount in your organization's hiring decision.

In Part 2, we will discuss how to proceed once you have the applicant's affirmation that he or she has told the truth to this point.

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