The Effects of the Hiring Process on Employee Termination: Concept and Issues

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Abstract

This research examines the correlation between institutional hiring practices and discipline issues of employees in a large County Sheriff’s department. The cost of hiring the wrong candidate is expensive and time consuming. Additionally, discipline problems create negative public relations issues for the department. This concept paper is a prelude for ongoing research where this control group is compared to other departments. Follow-up research will analyze the committee’s findings, compare departmental statistics to other agencies, and attempt to determine if there are significant relationships between the hiring process and employee termination for disciplinary reasons. In this paper, relationships between hiring practices and discipline problems are also analyzed for improvement in the hiring process.

Introduction

The trust of the public is an important issue in law enforcement and Collier County Florida is no exception. Faced with disciplinary issues at a higher rate than Sheriff Don Hunter was willing to accept, the department formed a Quality Assurance (QA) committee comprised of local experts to determine if the hiring practices utilized by the Sheriff’s Department played any role in future discipline issues. The QA team met for approximately six weeks to review statistical data, hiring practices, and quality initiatives. This paper describes the process and initial results. Follow-up research will analyze the committee’s findings, compare departmental statistics to other agencies, and attempt to determine if there are significant relationships between the hiring process and employee termination for disciplinary reasons.

High expectations and compliance checks and balances have been the hallmark for the tenure of Sheriff Don Hunter. However, according to the Sheriff in his 2007 open letter to law enforcement “even with elevated standards we are periodically disappointed by our fellow members.” The Quality Assurance Committee was formed to determine if any further checks and balances might strengthen policies and procedures currently in place to curb discipline issues in the organization. Additionally, the committee was charged with evaluating correlation between existing hiring practices and employee termination. The main goal was to continue ensuring the high standards and integrity of the Collier County Sheriff’s Office (CCSO) remained constant. Committee members included ten (10 members of the community representing two from psychology, one human resource director, two university professors, one retired law enforcement officer, one community activists, one marketing director, and a representative from the U.S. Marshalls Office.

According to Sheriff Hunter’s open letter, CCSO is one of 582 accredited law enforcement agencies in the United States. Additionally, the department is designated a “Flagship Agency” by the accreditation body. This is no small feat as only 72 agencies have been awarded this honor. Employee termination and discipline problems are not unique to CCSO as this is an ongoing problem in all organizations. Additionally, due to
strong leadership plus existing checks and balances, the agency does not have a huge problem. However, in a job where public trust is at stake, one termination for disciplinary reasons is too many for the leadership at CCSO.

Sheriff Hunter states that “In 2006, 92% of our applicants [there were over 1,000] did not complete our rigorous applicant screening process.” He went on to state “Of those selected, 4.7% did not complete our academy training and 2.3% did not successfully complete the field officer training program.” Even with increased competition for qualified applicants and a decreased pool of potential law enforcement officer, the department never wavered from its hiring practices.

This paper is in the initial research phase to analyze hiring processes and termination statistics to determine if a correlation exists. Initial hypothesis include:

H1: There is a significant relationship between hiring processes at CCSO and employee termination due to disciplinary issues.

H2: There is a significant relationship between the use of a polygraph examination in the hiring processes at CCSO and termination due to disciplinary issues.

H3: There is a significant relationship between the demographic indicators of this study and termination due to disciplinary issues.

Research variables include:
1. Hiring practices
2. Polygraph exam
3. Employee termination
4. Demographics
   a. Age
   b. Tenure
   c. Education

This research is limited by the time frame that the committee was in existence and statistics available from other agencies that match to CCSO. Additionally, this research must consider that every employee discipline problem is unique and circumstances will serve as a guideline for action. It is recognized that duty position is a critical element in employee discipline due to the amount of stress placed on officers in the line of duty. This initial research paper will outline the issue and make initial correlations. It is important to note that this research is the first of two papers that will be produced as a result of this research. This paper serves as a concept paper for this research. Follow-up research will compare and contrast data with industry standards and other local agencies.

**Hiring practices**

Law enforcement officers should be the pillar of integrity, ethics, and values. They represent our communities and must maintain the trust of the people to be effective. Every law enforcement agency is comprised of outstanding public servants. However, there are always a few exceptions. It is up to the leadership in agencies to ensure that only the best are hired and retained to protect and serve. A review of hiring practices is accomplished to ensure that adequate screening of applicants.

When faced with more than 100 cases being thrown out of court due to alleged trooper misconduct, the North Carolina Governor ordered a review of hiring practices (staff, 2007). Sheriff Hunter did not any problems when you compare the situation at CCSO to examples such as this, but as noted previously, one issue is too many when dealing with the public’s trust. Therefore, Sheriff Hunter ordered a review of departmental hiring practices by an outside panel of experts. Listed below are the steps required for hiring at CCSO as presented to the QA committee.

- The hiring process at CCSO:
  - Application
  - Skills testing
  - Dispatch testing (where applicable)
  - Non-Certified testing (where applicable)
  - Pre-interview
  - Interview
  - Conditional offer
  - Polygraph Examination
  - Psychological Evaluation
  - Drug test
  - Medical Questionnaire
  - Medical Examination
  - Agility Fitness Evaluation
  - Background Investigation
  - Final Review at Executive Level

Conditional offers are given after initial review of applications, criminal history, and interviews. Once a conditional offer is given, we start the polygraph, psychological, medical, and background. CCSO is one of several law enforcement agencies that utilize a polygraph examination. This is not required by State, but a very effective tool. The Sheriff’s Psychologist interviews include; 1) Series of Psychological examinations, 2) Interview – Rates candidates 1 to 5. 1 is the best – only 2 ever, 2-3 is the majority of the applicants, 4 & 5’s are not hired. Follow-up research will outline the hiring process in great detail.

Polygraph exam

One of the most interesting and controversial steps in CCSO’s hiring practices is the use of a polygraph examination. CCSO has utilized this process for many years with tremendous success. Stories of potential employees being arrested for information disclosed in the polygraph examination were very interesting to the QA team. Yet, for various reasons, many departments leave this step out of the process. In an effort to ensure recruitment of the best possible employee, CCSO uses every tool available. The polygraph examination is no exception.

The use of polygraph tests for pre-employment testing, and for other purposes, has historically been controversial since it was first developed over 100 years ago. Proponents defend its use vigorously as a tool for uncovering untruthfulness in job applicants and for detecting thievery and other workplace crimes once a person has been hired and is on the job (White, 2001).

After failed attempts in 1965 and 1974, in 1988 Congress enacted the Employee Polygraph Protection Act (29 USC 22). The Act, which is administered by the United States Department of Labor’s Employment Standards Administration, generally prohibits the use of a polygraph on an applicant for employment in the private sector (White, 2001). When this Act was adopted, Congress specifically did not impose any limitation on its use by government agencies, including state and local governments (Kovach, 1995).

By the late 1990s, two thirds of state police agencies and 62% of local police departments required recruits to pass a background polygraph examination before they were hired (Lehrer, 1998; Beardsley, 1999; White, 2001). The American Polygraph Association performed a study which revealed that local police departments disqualified approximately 25% of applications based upon the results of a polygraph examination (White, 2001; American Polygraph Association, 1999). This study of 626 local police agencies revealed that the use of polygraphs in screening recruits detected that 9% of recruits had some involvement in unsolved homicides, 34% in forcible rape, and 38% in armed robberies (American Polygraph Association, 1999).

Those opposing the use of polygraph examinations believe that lack of thoroughness and training by polygraph examiners can result in inaccuracies or false results (White, 2001). They also believe there is no scientific evidence to fully support the validity and reliability of these exams (White, 2001).

From a standpoint of legal obstacles, Kleiman, Faley and Denton (1990) point out potential violations of EEO laws, Fourth Amendment issues related to the “right of privacy”, Nineteenth Amendment issues of due process, potential defamation of character, and possible intentional infliction of emotional distress. All of these issues have been the subject of legal challenge with mixed results (Kleiman, Faley and Denton, 1990).

The opponents of polygraph tests perhaps received their biggest boost from a 2003 report issued by the National Academy of Sciences. The report concludes that the government should not rely on polygraph examinations for screening employees to identify spies or for other national security purposes due to its lack of scientifically established validity (National Academy of Sciences, 2002).

It is clear that the controversy over the use of polygraph testing in general, and for use by government agencies for pre-employment testing, will not be resolved anytime soon.

**Early Intervention System**

The Early Intervention System at CCSO is used by the Office of Professional Responsibility (OPR) to identify potential problems before they arise. The system is designed to be helpful and not a threat to employees. It is designed to identify early problems. Early warning (intervention) systems are systems that collect data and provide support to employees showing signs of potential problems (Walker, Alpert, & Kenney, 2000). This system must have measurement criteria in place to produce red flags when actions are not consistent with the accepted norms of the organization.

According to (Walker, et. al., 2000), a perfect early warning system will flag potential problems and provide support and guidance to help employees deal with the issue. CCSO prefers prevention program instead of discipline. This produces an “intervention” system rather than a “warning” system. It also creates a positive peer culture. Peers usually know a lot about their co-workers and friends. Without an early intervention system, a voluntary cry for help goes unpunished. The early intervention system is supported by the “Member Assistance Program” administered by the Human Resource Department.

The entire package is supported by “Blue Team” software. This software is designed to help OPR use data collection to build a successful early intervention system. This computerized system is a data collection system that replaces data collected by hand. Blue Team is an internal affairs software package initially utilized by NYPD. The software provides CCSO with a valuable tool for supporting employees and managers.

**Employee Termination**

The CCSO early intervention system and leadership support policy provides an opportunity for identification and support when trouble is perceived. Research indicates that both issues are important. According to Manzoni and Barsoux (1998), employers must look at themselves first when there is a termination. Employees deserve the leadership and management necessary to give them every chance for success.

One of the most significant issues facing organizations is the lack of management skills necessary to provide support prior to the situation evolving to termination (Long and Berk, 1991). Once an organization identifies signs that an employee is experiencing difficulty, it is important that action is taken to provide help. The early intervention
system at CCSO is designed to ensure that all situations are not painted with the same brush. Their system identifies traumatic events such as; divorce, sickness, family problems, drinking, etc. Lack of skill, ability, knowledge, and training are common in organizations with high termination rates (Rosenberg, 1993).

Rosenberg (1993) indicates that communication is a critical element in a successful progressive discipline program. Early intervention is designed to provide information to ensure that every employee is provided an opportunity to seek support and guidance when indicators of trouble are first present. According to Rosenberg (1993), all employees must be aware of the processes and consequences. Rosenberg provides a step by step guide that includes; communication, discussion, verbal warning, written warning, suspension, and finally discipline.

CCSO takes this process further as it provides support and counseling at every step. Discipline is progressive unless the issue is a clear violation such as an illegal activity or immoral act. Sheriff Hunter and the leadership at CCSO are very forgiving in regards to mistakes, but not illegal activity. At CCSO, most disciplines that resulted in termination are related to issues of sex, violence or truthfulness. Research indicates that this typical among organizations (Long & Berk, 1991)

**Collection and Use of Information**

The ability of human resource professionals to collect and analyze data is paramount to organizations efforts to improve decision making processes (Eddy et al., 1999). CCSO is no exception as they have worked tirelessly to improve information gathering systems in order to provide accurate data to leaders. As discussed, the addition of Blue team is a great example. However, according to Stone et al., 2006 and Turnbull, 2005, care must be taken to ensure that information gathered and disseminated does not become intrusive. Employee Unions and privacy groups are concerned about unknown or unauthorized dissemination of information to third parties (Simon, 2005). CCSO has numerous steps in place to ensure that managers have information available to managers, yet protect employee rights.

Organizations gather a lot of information as an early intervention system (Alder et al., 2007). Information such as age, tenure, and education is not intrusive until you add disciplinary and termination issues. However, in law enforcement, it is critical that data is collected to display red flags when potential problems exist. Managers rely on this information and key decisions are predicated on good data.

Data displayed below from CCSO’s 2006 annual report shows that the organization is statistically improving despite increased population. This statistical view indicated efforts to curb crimes against property paid dividends during the past decade. However, there have been too many discipline problems resulting in termination to please the leadership at CCSO. The rest of this initial report addresses this issue.

Table 1 - Collier County Florida – Historical Data

<table>
<thead>
<tr>
<th>Year</th>
<th>Collier County Population</th>
<th>Crimes</th>
<th>Crime Rate – per 100,000 population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>171,909</td>
<td>10,326</td>
<td>6006.7</td>
</tr>
<tr>
<td>1997</td>
<td>178,822</td>
<td>9,681</td>
<td>5,413.8</td>
</tr>
<tr>
<td>1998</td>
<td>188,682</td>
<td>9,241</td>
<td>4,893.0</td>
</tr>
<tr>
<td>1999</td>
<td>198,598</td>
<td>8,812</td>
<td>4,437.1</td>
</tr>
<tr>
<td>2000</td>
<td>215,522</td>
<td>8,509</td>
<td>3,948.1</td>
</tr>
<tr>
<td>2001</td>
<td>227,722</td>
<td>8,816</td>
<td>3,871.4</td>
</tr>
<tr>
<td>2002</td>
<td>240,601</td>
<td>8,347</td>
<td>3,469.2</td>
</tr>
<tr>
<td>2003</td>
<td>254,777</td>
<td>7,818</td>
<td>3,068.6</td>
</tr>
<tr>
<td>2004</td>
<td>268,167</td>
<td>6,884</td>
<td>2,567.1</td>
</tr>
<tr>
<td>2005</td>
<td>279,651</td>
<td>6,721</td>
<td>2,403.4</td>
</tr>
<tr>
<td>2006</td>
<td>287,969</td>
<td>6,440</td>
<td>2,236.4</td>
</tr>
<tr>
<td>2007</td>
<td>Awaiting 2007 Update</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: CCSO 2006 Annual Report

Initial Committee Analysis

The Quality Assurance (QA) committee identified the following:
  o CCSO has a very solid leadership team.
  o The hiring process at CCSO is outstanding.
  o Intervention is adequately built into the hiring system to assure CCSO that they are hiring the best qualified person.
  o The committee identified a need to revitalize CCSO’s Peer Assistance Program.
  o Training could be improved for supervisors to assist employees including 1) Blue Team software utilization, and 2) Professional recognition training
  o Understanding that the new Blue Team Program was implemented as a total human resource package, leaders should:
    ▪ Review with all CCSO employees.
    ▪ Use the system as a monitor.
    ▪ Use the system as a means for rewarding positive behavior.
    ▪ Use the system as an “early warning device” for employee problem intervention.

As noted in Table 2 below, the process eliminates a significant number of employees applying for positions at CCSO. Each step of the process serves to identify the best possible candidate. Early analysis indicates that this process is extremely successful.
Table 2 - Applications in 2007

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Applications</th>
<th>Conditional Offers</th>
<th>New Hires</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>1835</td>
<td>598</td>
<td>132</td>
</tr>
<tr>
<td>2006</td>
<td>2367</td>
<td>878</td>
<td>194</td>
</tr>
<tr>
<td>2005</td>
<td>1740</td>
<td>622</td>
<td>136</td>
</tr>
<tr>
<td>2004</td>
<td>1858</td>
<td>625</td>
<td>169</td>
</tr>
<tr>
<td>2003</td>
<td>2479</td>
<td>784</td>
<td>152</td>
</tr>
</tbody>
</table>

Tables 3, 4, 5, and 6 indicate that no pattern exists to indicate that terminated employees are from any one group or demographic. Further research will test this against other agencies to determine if CCSO is unique. One item noted by the committee was an apparent high number of veteran employees, both in age and tenure, were included in the dismissal list. This aspect will be reviewed further to determine significance.

Table 3 - Education (dismissed personnel)

<table>
<thead>
<tr>
<th></th>
<th>GED</th>
<th>HS Grad</th>
<th>Associates</th>
<th>Bachelors</th>
<th>Masters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4</td>
<td>55</td>
<td>9</td>
<td>12</td>
<td>3</td>
<td>83</td>
</tr>
</tbody>
</table>

Table 4 - Age (dismissed personnel)

<table>
<thead>
<tr>
<th></th>
<th>Gen Y</th>
<th>Gen X</th>
<th>Baby Boomers</th>
<th>WWII</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4</td>
<td>53</td>
<td>22</td>
<td>4</td>
<td>83</td>
</tr>
</tbody>
</table>

Table 5 - Age for CCSO (2007)

<table>
<thead>
<tr>
<th></th>
<th>Gen Y</th>
<th>Gen X</th>
<th>Baby Boomers</th>
<th>WWII</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>67</td>
<td>819</td>
<td>421</td>
<td>57</td>
<td>1364</td>
</tr>
</tbody>
</table>

* The 7 with less than HS are Student Clerks who work part-time; also, CCSO employs 4 with doctorates.

Table 6 - Personnel removed by Tenure through the PRB Process

<table>
<thead>
<tr>
<th></th>
<th>&lt; 1</th>
<th>&lt; 5</th>
<th>&lt; 10</th>
<th>&lt; 15</th>
<th>&lt; 20</th>
<th>&gt; 20+</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>9</td>
<td>33</td>
<td>12</td>
<td>14</td>
<td>10</td>
<td>5</td>
<td>83</td>
</tr>
</tbody>
</table>

After reviewing hiring practices, the panel agreed that the practices of the sheriff are thorough and consistent with practices in the private sector. The department goes above and beyond in most cases. Additionally, under the Blue Team concept the agency supervisors will have access to the “total employee” record with the agency. This serves to strengthen the “early intervention system” and will act as a “warning flag” for supervisors.
Conclusion and future research

This research outlines committee deliberations and initial conclusions. Future research will examine each demographic and compare results with other law enforcement agencies.

The committee considered the possibility of moving the identification/treatment process out of the Office of Professional Responsibility (OBR) and into the HR department, but determined that Collier County probably has the process in the best possible place. Additionally, CCSO’s departmental naming the Office of Professional Responsibility (OBR) is better than the industry standard “Internal Affairs Office”. CCSO could consider strengthening periodic Integrity/Ethics training for all employees focusing on ethical behavior expected of employees and supervisors.

Future research suggested by the QA committee included a review of the corporate culture. There is a hypothesis among committee members that, much like every other law enforcement agency, two different cultures at CCSO. 1) The management culture; featuring top-down leadership, and a police culture; mistrust of everyone and everything. A complete analysis of this hypothesis could shed light on disciplinary issues.

Overall, the Quality Assurance Committee adjourned reporting that CCSO did an outstanding job hiring new personnel. There appeared to the committee that absolutely no correlation existed between the hiring practices at CCSO and termination issues. However, to ensure that this initial analysis is correct, this team of researchers will continue evaluating practices and statistics at CCSO when compared with other law enforcement agencies. This follow-up research is submitted for consideration for presentation and publication at the International Conference of Public Administrators in September 2008.

References


American Polygraph Association (1999). The validity and reliability of polygraph testing.


