

Identifying and Fostering Talent in a Candidate Barren Environment



Today, all of us know about one or more companies affected by the lack of good employees due to the shutdown which occurred after the worldwide pandemic began in March of 2020. The workforce in all industries looks a lot different now than it did at the end of 2019. One significant challenge has been how employers address the labor shortage combined with the “Great Resignation.” The con-

struction industry has continued to suffer shortages both in workers, attorneys, and claim professionals to manage the large workload associated with construction litigation and pre-litigation matters.

Today, the hiring landscape has changed, and employers have had to adapt new practices to recruit, hire, and maintain a competent work force. This article will define the current state of the employment market, recruiting techniques, interviewing tips, retention methods, and offer best

practices by both a lawyer and an adjuster involved in the hiring and retention of employees within their large organizations.

Candidate Barren - New Hire Wasteland

The current state of the unemployment market continues to limit job candidates. Even the most recent unemployment numbers reflect an incredibly low (3.7% October 2022) unemployment rate, which has led to an inflationary effect on the salaries commanded by those seeking employment.



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According to the *Bureau of Labor Statistics News Release October 2022 USDL-22-2097*, the National unemployment rate had rose by 306,000 to 6.1 million in October 2022. Among the major worker groups, the unemployment rates for adult women (3.4 percent) and Whites (3.2 percent) rose most in October 2022, while the jobless rates for adult men (3.3 percent), teenagers (11.0 percent), Blacks (5.9 percent), Asians (2.9 percent) and Hispanics (4.2 percent) showed little or no change over the month. Of interest was the “long-term unemployed,” which was defined as those who had been jobless for 27 weeks or more, had little change at 1.2 million workers in October 2022 which accounted for 19.5 percent of all unemployed persons.

The same press release defined the labor force participation rate at 62.2 percent, which has shown little net change since 2022 began. Employment participation changed little over the last month in major industries like construction, retail trade, and government.

In addition to the above statistics, the pandemic changed workers’ expectations which in turn means that employers need to adjust their obsolete recruiting practices. In the past, a fair wage combined with a generous benefit package (health insurance and retirement benefits) was sufficient to attract workers. Many employees have had time during the pandemic to reevaluate their priorities and desires when it comes to their individual careers. Some employees enjoyed the work from home situation which allowed them to have more time to care for an ailing parent or homeschool a young child. Recruiters now need to be inventive to attract new employees and to encourage others to return to the active workforce. Employers will need to ensure that they are showing their best to prospective employees and that the company understands the employees’ desires. Employers will continue to be challenged to keep up with the current expectations of today’s workforce and tomorrow’s candidates.

Where Do Workers Look for Jobs?

How do today’s workers look for jobs? Where should employers advertise their open positions? Companies should con-

sider both the tech-savvy and non tech-savvy candidates.

Identifying “Passive Talent”

Although ZipRecruiter, Monster, and most recently LinkedIn, have dominated the online job seeking marketplace, word of mouth and familial connections continue to foster the most likely successful job candidates. In the litigation arena, “passive talent,” meaning sourcing those who are not looking for a job, remains the method of choice for recruiting talent. A number of benefits to recruiting passive talent exist. The candidate typically knows the area of law for which one is recruiting. The candidate’s work ethic is known to the legal community, and their reputation has pre-

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ceded their recruitment. More importantly, the candidate knows what the job description will entail.

On the contrary, some negatives to the passive talent recruitment process also exist. Generally speaking, the candidate was content working with their current employer and an increased salary is usually necessary to lure them to a new role. Another common recruitment tool is a flexible work schedule or hybrid office environment, which may appeal to some who are at a company that requires working from the office. Both recruitment tools may place a strain on the core business, and it also may lead to other employees requesting similar benefits.

Reputation

A positive company reputation and being known as a great place to work is one of the strongest recruitment tools in a candidate barren environment. Many prospective employees seek historically favorable work environments and read the annual “Best Employer to Work For” lists released every year.

Online reviews are also an incredibly influential recruitment tool (or deterrent).

Online forums such as Indeed or Glassdoor allow prospective employees to read current and former employee reviews of the workplace. Many of these online forums disclose salaries or pay ranges and often give personal insights into the work life balance. Online reviews are a double-edged sword, as many of the online reviews are often filed by disgruntled employees or former employees. Word of mouth can be the most successful recruitment tool. Industry reputation and peer opinions are simple ways for passive employment candidates to collect the requisite information they need to determine whether to risk meeting with a prospective employer company. Word of mouth is also the best way for employers to identify prospective employees, especially those that are not actively seeking new employment opportunities but would make an excellent new addition to a workplace team.

The Hiring Process - Posting the Right Job

Companies face an ever-increasing challenge trying to locate potential hires. The last thing a manager wants to do is recruit a potential candidate only to realize they misunderstood the job responsibilities.

Accurate and Thorough Job Descriptions Matter

There are myriad elements to listing the job description befitting the role you are seeking to fill. A thorough job description will include the following:

- Location of the job, including whether or not the work will be done remotely
- Salary band/range
- Mission / vision / values
- Brief description of each Essential Job Function
- Physical and mental requirements
- Soft skill and technological requirements
- ALWAYS include that other duties, tasks, and responsibilities may be assigned at any time

As the employer, a key tip is to vet the job description with the hiring manager and ask that person to put some thought into the ideal candidate. In a law firm, the managing partner usually conducts interviews of candidates, but the direct supervisor may also be included for input as to

what the caseload requires, what the needs of the legal team are, and what they want in a new associate or team member.

Once the job description is complete, a simplified job posting can be created. It may also be beneficial to post the same job with various/alternate titles to reach the widest audience of candidates.

Interview Tips

When interviewing qualified candidates, begin with an introduction of the company, the interviewer, and the open position. Be prepared to sell the company. It is key to know the details, how many offices, type of work, how long in business, client's expectations and then define how the position fits into the organization. Tie the introduction into the first question asked of the candidate.

Once the landscape has been set, begin the interview to get to know who the applicant is and why they want this position. It is best to ask job related questions which are open ended and wait for the applicant to answer. Eliminate distractions during the interview. If it is held in person, pick a conference room or a quiet office away from the daily distractions. If it is on Zoom, make sure that you look into the camera and pay attention to the candidate. Eliminate any background noises like pets or other guests. Never look at your phone or computer during an interview, as that action can be distracting and shows a lack of interest in the candidate. In addition to speaking, good interviewers are also good listeners. End the interview by turning the table and letting the candidate formulate and ask questions. This is a great opportunity to hear what the candidate is looking for and get a good example of how they create questions.

Expect to be asked about a remote work option. As an employer, be clear as to what the working situation will be for the position. If hybrid, remote work, or flex time are options, include those details in the job description and when selling the company. This is also a way to expand the talent pool. An employer offering remote work may consider posting the position outside traditional geographic boundaries.

Diversity, Equity, Inclusion Considerations

A successful organization should have a well written and circulated Diversity, Equity, Inclusion (DEI) mission statement. The hiring team should also be advised to

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use the organization's strategic diversity plan when sourcing and hiring candidates.

Extending the Offer

Hopefully, every interview results in an offer to the right candidate. Once the hiring decision has been made, be sure the person who extends the offer is positive and enthusiastic in the presentation of the offer. If possible, provide the offer in writing with a legally compliant offer letter, including a list of the contingencies (background check, and drug screen etc.). It is also a good practice to give a deadline to accept the job offer. Normally, 48 hours is sufficient time for a candidate to respond. Ensure that the offer letter is clear that a lack of response means that the job offer

expires. Within the acceptance period, a candidate may engage in salary negotiations. A negotiation over the terms of the job is not a negative development, but be viewed as a positive step. The hiring manager should be prepared to immediately respond to such a request and engage in discussion the terms of the position in a welcoming way.

Retaining Talented Employees

The more connected current employees feel to the organization, the higher the likelihood that the employees will be loyal and willing to stay with their current employer. Managers need to ensure they are embracing and exemplifying the organizational culture. Newly hired employees begin to feel connected through a thoroughly planned onboarding training schedule. Keep the employees incentivized by sticking to a consistent review schedule during the first year of employment, such as having a formal review after 90 days, 6 months, and one year. These reviews should outline goals and recognize both failures and successes with proper recognition. Assign a mentor or a welcoming team member (who is not the employee's direct supervisor) to help the employee get acclimated. This mentor can also help the new employee identify a clear advancement process within the organization.

Other retention efforts may include in office raffle prizes, discount coupons for standing or walking desks, plants to refresh the workplace, development of in-office workout or relaxation spaces.

Further examples of benefits that can be developed would include counseling/mental health benefits, parental leave, childcare and or elder care time benefits.



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