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#1 in a series of
Articles on Hiring

By Ann Durham

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Featured Practice

Linda Harlan &
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PNWPPS Services:

- Listing & Sale of
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- Associate Placement
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- Arbitration & Nego-

Transition Success

Volume 22

Part 1 of The Hiring Process

February — March 2008

Our guest author this month is Ann Durham. She is the founding member of Durham Meyers Jeffers PLLC. Ann earned her law degree at the University of Washington School of Law and has over 25 years of trial experience. Ann's practice focuses on providing legal services to dentists. Her practice areas include practice sales, employment contracts and disputes, restrictive covenants, commercial and residential real estate lease and sales, corporate formations, probate & estate planning, business counseling for dental practices in all stages of development and disciplinary hearings.

THE HIRING PROCESS

REMEMBER:

An employer can inadvertently transform "at-will" employment into "for cause" employment by making promises in any phase of the employment relationship (e.g. job descriptions, applications, advertisements, recruitment, interviews, background investigations, etc.) of specific treatment in specific circumstances, OR of employment for a specific period of time.

An employer cannot violate the discrimination laws in any phase of employment

Prepare a Job Description

Take the time to draft a comprehensive job description. The process will help you clarify and communicate exactly what you are looking for in a new employee. Good job descriptions contain a summary of the job responsibilities, as well as a list of the "essential job functions."

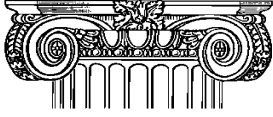
An "essential job function" is a fundamental duty. In evaluating whether a function is essential, the courts look at whether the position exists to perform the function, whether there are a limited number of employees who can perform the function, or whether it is a highly specialized function and the candidate is hired for his or her ability to perform it. A list of "essential job functions" is necessary because employers cannot discriminate against disabled persons who can perform "essential job functions" with or without reasonable accommodations.

Checklist

1. Determine the job title
2. Identify the position's supervisor
3. Determine whether the position is part-time or full-time
4. Determine whether the position is temporary or permanent
5. Determine the purpose of the position
6. Determine primary job responsibilities and how much time will be spent on each
7. Determine whether the position will have supervisory authority
8. Determine whether the position will permit access to confidential information
9. Determine whether the position will permit access to company funds
10. Determine the necessary experience, training, and level of education
11. Determine what technical skills, if any, are required. Identify physical requirements (e.g.

**The Hiring Process
Continued**

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Next Newsletter Topic:
Questions you can
And cannot ask

**Linda Harlan &
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- Agreement & Contract

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Dental Assistant Job Description (Sample)

Our dental assistants help us to ensure that each patient is 110% satisfied with his or her visit. The moment a patient walks through the door, a dental assistant greets them with professionalism and heart. Each skilled assistant performs a wide variety of services including sealants, prophies, placing restorations, making temporary crowns, and taking impressions.

ESSENTIAL DUTIES:

- Accompany patient to chair
- Clean and set-up operations
- Perform X-rays
- Discuss consent forms
- Stock supplies and forms
- Help dentists stay on time
- Change nitrous oxide and oxygen tanks
- Charts: documentation and fees
- Help train new assistants

Schedule assistants

Recruit the Right Candidates

There are many different recruitment methods that can be used alone or in conjunction:

- **Solicitation and Referrals.** Encourage someone you know to apply for the position, or ask people you trust for recommendations.
- **Recent Graduates.** Consider recent graduates, especially those you have previously worked with in some capacity.
- **Place an Advertisement in the Newspaper.**
- **Place an Advertisement in Professional Journals.**

Use an Employment Agency (e.g.

www.dentalpersonnel.net, www.dentalemploymentservices.com, www.dentalp.com). Employment agencies can help with temporary and permanent staffing needs. While somewhat costly, this method allows you to utilize the aid of human resource professionals for advertising, recruitment, and initial interviewing purposes.

- **Use an Online Recruitment Service** (e.g. www.monster.com, www.jobs.com, www.careerbuilder.com). Many job seekers now register with online career networks. This type of service can be costly, though, and you must be ready to deal with a large number of applicants.

Written By Ann Durham, Attorney at Law (206) 448-1211, www.adpmlaw.com

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