



MAKING WORKING INTERVIEWS WORK

BONUS CONTENT: 9 SKILLS TESTS YOU CAN USE
TO FIND & HIRE YOUR NEXT DIFFERENCE MAKER



Introduction

The concept of the working interview is so widespread in the dental industry that's it's more or less become a standard part of the interview process for many practices.

On the surface, it seems like a great idea—you get the chance to test out the skills of a potential new hire without the financial risk of officially bringing an employee on board. Win-win, right?

We understand the emphasis on performing a working interview to ensure you don't make a bad hire. And we agree that testing someone out before you actually hire them is a very good idea. The key is to do it legally.

Unfortunately, the way that most dentists understand working interviews is largely based on misinformation. It seems that because so many dental offices utilize working interviews, many dental professionals assume that the practice has been vetted and is therefore a viable way to gauge the skills of a potential employee.

Though this seems logical (and even preferential) on the surface, the fact of the matter is that working interviews, as they are often implemented, are actually illegal.



The Temp Agency Loophole

The origin of the “working interview” concept can be traced back to a marketing device used by temporary employment agencies.

The idea was that temp agencies could supply a practice with multiple candidates for a single position on a “try before you buy” basis. If a candidate didn’t work out, the doctor or manager in charge could simply ask the agency for another applicant, and another, until they found the right fit for the position.

The reason this system can work within the framework of employment laws is because an applicant supplied by a temp agency is actually an employee of the temp agency itself—not your practice. Therefore, the responsibility to have all of the proper documentation in place for these employees falls on their employer, the temp agency, rather than the practice at which they are performing the working interview.

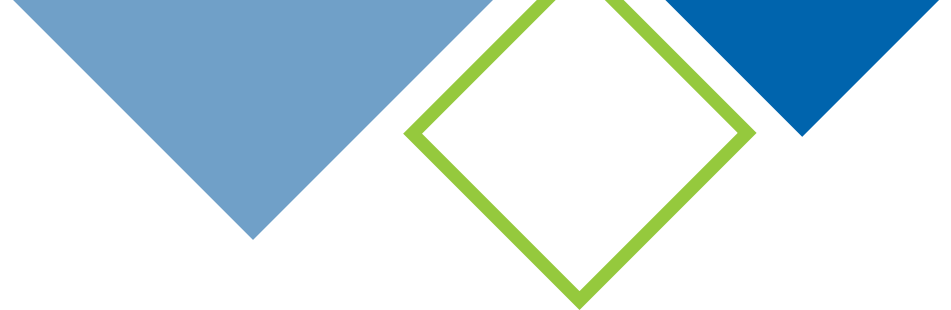
Working Applicants Are Actually Employees

If someone is brought into your practice to perform work that contributes to your company's bottomline, they should be treated as [an employee of your business](#) because, in a legal sense, that's what they are.

If your job candidates work with patients, assist a doctor or hygienist with patients, answer phones, file or annotate charts, or do any other job duty that would normally fall on an employee at your practice, then all of the requisite new-hire vetting procedures and paperwork need to be put in place for that person, including:

- An I-9 form, tax withholding paperwork, etc.
- A background check and HIPAA training should be administered before you allow them to access PHI, your business records, or work on a patient.
- Payment of at least minimum wage for their time, using your time tracking and payroll systems to ensure the taxes are accounted for appropriately.
- They should be given an offer letter detailing the temporary nature of their employment, and stating that performing the working interview does not constitute a guarantee of continuing or future employment.
- An acknowledgement that they have read and understood the policies in your employee handbook.





There is no “working interview” exception to any existing employment laws at the local, state, or federal level. Therefore, if you are intent on putting applicants through a “working interview” process, any person you put to work performing the basic duties required of your employees must themselves be treated and onboarded as an employee.

Without all of these elements in place, exposing your patients to an untested candidate, giving your applicants access to PHI, and allowing them to perform work for your practice leaves your business vulnerable to HIPAA violations, [wage and hour violations](#), and even claims of negligence.

When you invite someone to come into your office and perform work without going through your usual hiring process, you are risking the candidate doing any of the following: causing a HIPAA violation; getting injured; stealing from you; sexually harassing an employee;

listing you as a prior employer on an unemployment benefits application; or doing something that you haven’t guarded against because you didn’t run a background check to find out they’re an embezzler or violent offender.

Even if you do everything by the book, you run the risk of each applicant who isn’t selected for the position of filing a complaint with the Department of Labor or filing an unemployment claim at the end of their single day of employment. And, though the financial burden of covering a day’s worth of unpaid wages or one day of unemployment benefits may seem negligible at a glance, by the time you account for taxes owed, additional fines, fees, penalties, the potential for an injury to occur that is not covered by your workers’ compensation insurance, as well as the potential for an audit by the Department of Labor or IRS as a result of that applicant’s claim, plus the amount of time you’ll have to spend to settle any such case, that burden can begin to compile quickly.



“Under the Table” Is Not a Legal Solution

Treating an applicant as an [independent contractor](#) for the duration of their working interview is not a legal solution to the problems that illegal working interviews can create.

There are strict laws that dictate [who can and cannot be treated as an independent contractor](#), and few (if any) available positions at your practice are likely to meet those criteria.

The same can be said of paying an employee in cash or offering them a gift card for their time. If an applicant is performing work for your practice that would otherwise be performed by an employee, that applicant must be properly classified and paid as an employee of your practice according to the [Fair Labor Standards Act](#).

Occasionally, we’ll hear from dentists who believe that they are simply not going to be caught for holding working interviews. But we’ve worked with too many dental professionals who found out the hard way how such practices can come back to bite them in the end for us to advocate for that approach.

What Can You Learn by Working with Someone for a Single Day?

When in the throes of a budding romantic relationship, it's sometimes amazing what people can conceal from a potential partner. Your date could easily "fail to mention" a previous marriage for months, for example. Or they might make an effort to hide certain bad habits or to alter their normal patterns when around a romantic prospect in order to seem more appealing than they might otherwise.

The same can be said of an applicant who agrees to work at your office for a single day before being offered a position with your practice.

You are not going to learn more about an applicant during a single day of work than what that applicant wants you to see. Though they may turn out to be chronically tardy down the road, there's little doubt that they'll be on time for their interview. Or, on their first day of employment, you might find that the bandage on their arm wasn't covering a scrape or a cut, but rather a tattoo that goes against your office dress code.

What we're trying to say here is that, generally speaking, working interviews don't always work out the way you want them to. This, along with the potential risks and costs associated with performing working interviews, is why we recommend that employers make an effort to get the information they want through alternative, but equally effective, methods, such as conducting behavioral interviews or having applicants perform skills tests.



Secret Weapon #1: The Behavioral Interview

We all know what a traditional interview looks like—the employer asks applicants a series of questions meant to tease out some insight into their personality, efficacy in a position, and work ethic.

Typically, these questions tend to lean on hypotheticals (“How might you handle an exceptionally nervous patient?”) or abstractions (“What does being a dental assistant mean to you?”). And, as a result of that interview structure, applicants tend to answer such questions based on what they think the interviewer wants to hear.

A behavioral interview, on the other hand, revolves around trying to get a real picture of how an applicant might apply themselves in a given situation based on past performance. Rather than “How might you handle an exceptionally nervous patient?” for example, a behavioral interviewer would frame the question around a specific example of how the applicant has managed to ease a nervous patient in the past.

The idea is to build your interview questions around the traits you would like to see in an employee and ask applicants to describe ways in which they have exhibited (or failed to exhibit) those traits previously. Behavioral interview questions require attention to detail and cannot be answered simply with a “yes” or “no.”

Examples of Desired Traits & Associated Behavioral Interview Questions



QUALITY/SKILL: TECHNICAL ABILITY

Question: Tell me about a time when you encountered a patient in pain and your first attempt to help him/her did not work. How did you ease the patient's pain?

Question: Tell me about a time when you struggled to communicate with a patient. What was the situation? How was it resolved?



QUALITY/SKILL: DETAIL ORIENTATION

Question: Tell us about a job or setting that required great attention to detail to complete a task. How did you handle that situation?

Question: Tell me about a time when your attention to detail got you out of a bind at work.



QUALITY/SKILL: PATIENT ORIENTED

Question: Give a specific example of a time when you had to address an angry patient. What was the problem and what was the outcome? How would you assess your role in diffusing the situation?

Question: Tell me about a time when you failed at something related to your job. How did you deal with that situation? Were you able to rectify it? Why or why not?



Quality/Skill: Excellent Listening Skills

Question: Describe a situation in which you effectively "read" another person and acted according to your understanding of his or her needs and values.

Question: Have unforeseen problems or obstacles with a patient ever caught you off guard? How did you respond to the situation?



Secret Weapon #2: The Skills Test

If your goal in a working interview is to evaluate your applicants' ability to perform certain job functions, there are ways to do that without having them interface directly with patients and PHI, and without exposing yourself to potential legal claims should you ultimately decide not to hire an applicant (and, let's face it, very rarely will you offer a position to the first applicant who goes through the interview process without testing any other applicants).

We're talking about skills tests, which involve having applicants demonstrate their technical proficiency at a certain task (or series of tasks) without having them perform actual work for your practice.

The skills tests you employ during the interview process should be specific to each position being filled, and they should work to give you an idea about an applicant's ability to think on their feet and execute specific duties that will be required of them if hired.

BONUS CONTENT:

9 Skills Tests You Can Use to Find & Hire Your Next Difference-Maker



CLINICAL POSITIONS



1

Operatory Setup

Rather than having an applicant setup an operatory for an actual patient, show them one that is ready to go and ask them to duplicate the setup in another operatory. It's fine to help them navigate your office for the appropriate instruments, equipment, and materials, and it might be even more beneficial if you ask them to walk you through the process verbally and explain why each step is necessary as they execute it.

2

Sterilization and Cleanup

Arrange an operatory as if it has just been used and instruct your potential assistant to demonstrate how they would go about restoring order in the space. Ask them to explain which instruments and pieces of equipment need to be sterilized after a procedure and demonstrate how to sterilize those items properly (if they've never used the model of sterilizer available in your office, tell them how to do so, but not before they've explained the next step in the sterilization process).

CLINICAL POSITIONS



3

Patient Walkthrough

Without giving the applicant access to an actual chart, have them walk you through a complete new-patient process. You can act as the patient, you can have another staff member play the role, or you can use an “invisible” patient for the exercise. Have them escort the “patient” to the operatory, demonstrate how to take x-rays, gather patient history and basic information, etc. You could even step in as the dentist to perform a mock procedure in order to see how they might perform in a situation that involves treating an actual patient.

4

Mock Procedure

Using another team member, a set of dentures, a model, or an imaginary patient as your subject, ask your candidate to walkthrough and demonstrate the steps they would take to complete a specific procedure, such as a full-mouth debridement or application of a sealant.

FRONT OFFICE POSITIONS



5

Typing Test

Because your front office persons will need to be able to take accurate notes while talking to patients, ask them to transcribe something as you dictate it and evaluate their performance. Even better, play the role of a hypothetical patient to ensure that the outcome of that process is similar to what they might expect to deal with on the job.

6

Patient Intake

Have your applicant walkthrough the process of setting up a new patient file, step by step. This might require you to explain things like where your files are kept and procedures that are unique to your office during the process. Still, you can get a good idea of an applicant's familiarity with the intake process by asking them to demonstrate how they've performed the task at previous positions, or having them explain the most important parts of the process along with why they are important.

7

Billing and Coding

For positions that require knowledge of insurance codes, give an applicant a fake (or anonymized) chart and ask them to demonstrate the billing and insurance submission process for a series of treatments.

OFFICE MANAGER



8

Scheduling


Give your applicant a document containing your office hours, the number of employees at your practice, and scheduling stipulations (who can and cannot work certain hours and days, etc.) and ask them to create a schedule for your team for the next week.

9

Role Play Coaching

Ask your applicants to outline their coaching and disciplinary strategies, then present hypothetical employee issues for them to address (discussing a new employee's chronic tardiness and veteran of the practice's slipping performance, for instance). Play the role of the employee and ask your applicant to have the necessary "tough conversations" with you.



 (866) 414-6056

 info@cedrsolutions.com



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