Organizational Effectiveness –
How to Get the Best from Your Employees

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How do you improve the overall effectiveness of your employees? How do you encourage and build an organization able to respond effectively to changes in the legal market? How do you reduce turnover and provide rewarding careers for your employees? It's remarkably easy to say but very difficult to do. You must:

- Hire the right people
- Evaluate people effectively
- Eliminate learned helplessness

Your firm has any number of people operating in many different disciplines. This article is focused on the administrative side of the business because that is the largest component of the expense budget for the firm. Administrative staff also have the greatest influence and impact on a lawyer's effectiveness in managing their clients. Administrative departments can include Finance, Human Resources, Information Systems, Library Services and Client Services.

Are you getting the best work from your staff? Do your leaders in each department have the right staff? Are they meeting the performance standards set forth within the firm? Are the performance standards meaningful and do they result in improved performance? Do your staff know where they stand with regard to their performance at any given time? Having great staff begins with hiring people who fit with the firm.

STEP 1 - HIRING THE RIGHT PEOPLE

Law firms are one of the most difficult places to work due to the demands that are placed on everyone within the organization to successfully service client needs. Yet, hiring processes do not always account for this. For example, a job is usually filled from an ad in the paper, followed by and interview with HR and then an interview with the appropriate manager. Occasionally, and depending on the firm, a recruiter may perform these tasks for the firm. These interviews tend to be informal and inconsistent. Sometimes the questions presented are open ended. Often an astute candidate can predict the desired answer simply by reading the body language of the person presenting the question.

Bias is rampant in the interview process. There is age bias in that there is a tendency not to hire anyone over 50 in an administrative capacity. When an interviewer reads a résumé, they form an opinion about the person even before meeting them and that opinion, absent of any personal knowledge of the applicant, biases how they perceive the candidate through the rest of the interview process. There are sometimes negative biases away from people who have names of ethnic origin, where they received their education and even where they previously worked.

If the incumbent knows someone in the firm who is influential in hiring decisions, there will be positive bias towards hiring that person. At the best of times and even with the best intentions, it is difficult for us to be unbiased in hiring simply because we are human and subject to all of the experiences that have brought us to this point in our lives. The techniques discussed in the article, if adopted, will help eliminate a lot of the bias now affecting hiring decisions.

If we could assess a candidate's past, present and future behaviour then in all likelihood, we would be able to understand whether they were a good fit for the firm. There are three interviewing techniques available to assist with that learning; the patterned behaviour description interview, the simulation exercise and the situational interview. All three techniques can be administered during the same interviewing session.

In order to be fair to the candidate and prevent surprise, they should be informed of the details of the interview process at least a day prior to their arrival. To further reduce bias, more than one interviewer should be prepared to evaluate the candidate in any given interview. A panel of people (at least 2) with one person dedicated to asking the questions in a non-leading fashion is best for unbiased interviews. The rest of the panel actively listens to the responses from the candidate.

Patterned Behaviour

The ***patterned behaviour description*** interviewing technique conveys information about a candidate's past. Upon reviewing a candidate's resume, the panel would pick specific situations and ask the candidate detailed questions about the event in order to see whether they exhibit the core competencies required for the position we have available. The questions are:

1. What were the circumstances surrounding the situation?
2. What exactly did they do about the situation?
3. What was the outcome?
4. Is there someone that we can call who can verify the information provided?

Not all of the interview questions should be behavioural, but a few should be included in every interview. The way in which the candidate behaved in the past tells you much about how they will likely behave in the future. What is particularly important however is scoring the candidate's answer. Each panel member scores the candidate's answer against a theoretically correct answer based on the requirements of the position.

Job Simulation

A ***job simulation exercise*** conveys information about a candidate's current behaviour. For example, if interviewing for a Help Desk operator in the Information Systems department, it would be reasonable to have the candidate respond to a predetermined, yet staged technical question. The goal would be to test the candidate's interpersonal and technical skills – both of which are core competencies for this type of position.

When the candidate is presented with the simulation exercise, the candidate should be given a few minutes to think about how they will handle it prior to the test. The interview panel must develop a scoring guide in advance of the interview. This helps to remove bias from the interviewing process. If possible, a pilot test of the exercise should be completed with an existing employee that demonstrates the desired traits for the position. This will aid in validating the exercise so that it works well for all candidates.

Situational Interview

The ***situational interview*** technique can be used to better understand the future behaviour of the candidate. Questions are created around the core competencies required by the firm for the position. The questions must have a conflict or dilemma that forces the candidate to choose between two (or more) potential paths. The dilemma should be tied to the firm's values and strategy.

For example, a person applying for a support position in the Information Systems department may be given the following situation to test the core competency of client service:

> *You are alone on the night support line and a lawyer calls you wanting to borrow a laptop computer. All of the laptop computers are out for the night except for the one used to provide night time support. The lawyer is desperate to get a laptop because his wife is pregnant and is about to give birth. He must rush to the hospital and hopes to find time to finish the document while there so that the document can be available for an important meeting with the client in the morning. You could give up the laptop that you have for night time support to help the lawyer, but that would completely affect your ability to provide computer based night time support to the rest of the firm. How would you handle this situation and why?*

The candidate must make a value judgement as to which use of the laptop better serves your clients and hence the firm. As with the other interviewing techniques, a scoring mechanism should be developed for each question. A typical grading scale would be to assign 5 points for the best answer, 3 points for an average answer and 1 point for a poor answer. Equally important is testing the scoring system against the situational question. Usually, the answers can be developed by thinking of an existing employee that excels in the core competency and rating their answer a 5. If during the interview process everyone on the panel scores a question in the same way, the question likely does not provide a strong enough dilemma and should therefore should either be thrown out or revised substantially.

For this dilemma, giving the lawyer the laptop might result in a ranking of 5 in the scoring for this question. Keeping the laptop would likely rank a 1 or 2. While you may not agree with the suggested scoring in this example, the important thing is to determine the answers that you do agree with and rank them within a level of 1-5 so that each panel member is able to make an unbiased estimate of the candidate's ability to fulfil the requirements of the job.

INTERVIEWING CONCLUSION

By using these three interviewing techniques during the interview process, and by delivering the questions in a dispassionate manner, much of the bias that now influences your hiring decisions is removed. A candidate skilled in interviewing techniques would have difficulty fooling the panel into hiring them if we used the core competency based techniques described above. These recommendations will ensure that you hire the best people for each position which will lead to higher levels of client satisfaction and hence increase the profile of the firm with its clients. They would also lead to better morale between employees since each employee would be a better fit for the organization and therefore a better contributor.

STEP 2 - EVALUATING PEOPLE EFFECTIVELY

While most firms currently have a performance review form and/or an objective based review process, the lack of attention throughout the year to employee performance coupled with the sometimes protracted nature of the review process can leads to a focus on how much of an increase the employee will receive rather than truly improving their performance.

How satisfied are your employees with the current performance review process? Is it seen as a necessary burden to receive a salary increase or as an opportunity to further improve their value to the firm? Are the comments on the review form too general and hastily put together (if at all) or are the comments specific and thorough? Has the firm's strategy clearly been communicated to all of the employees so that they can align their objectives to that strategy? If you cannot answer each of these questions positively, it is time to look at your employee evaluation process. If you don't take it seriously, neither will your employees.

Each employee should have a set of objectives, ideally 3 but no more than 5, that fit with the firm's strategy and that form the basis of their review. This allows employees to be focused on a specific goal. It also allows them to focus on the self improvement initiatives presented to them by their reviewer.

Performance review is not a yearly process! Managers should take time each month to speak to all employees concerning their progress. This can be informal and take only a matter of minutes. It is much easier to keep an employee on track throughout the year than to change that employee after a year of errant behaviour of which that they may not even be aware. All managers should be speaking to their employees at least once a month, providing them with guidance, encouragement and reinforcing the long term (3-5 year) strategy of the firm. Of course, that strategy should be appealing - something all employees can rally around.

Objectives should be created jointly between the manager and the employee and then reviewed by senior staff. This ensures that the objective is relevant and fits with firm strategy. The objectives should be very specific and not subject to interpretation. This makes them easy to evaluate and minimizes debate as to whether an objective has been achieved. Each objective should have an associated timeline for completion.

To be certain that the objectives are attainable, the employee must have access to the resources required to accomplish the objective and the objectives must be a limited. Oftentimes, an objective is not completed in its entirety. Therefore, specific milestones should be included with each objective so that it is easy to measure the employee's performance against those milestones. When setting objectives, it is important to motivate behaviour by setting outcomes that cause others to behave in the way that we desire rather than in a manner that services their needs but does not help the firm. Objectives should be challenging, but not too challenging, so that the employees can feel a sense of accomplishment.

For example:

Strategy Supported: To provide high quality work to our clients in an efficient manner.

Objective: Make Word XP available to all current Word 2000 users including all functionality now present in Word 2000 by the December 15, 2004.

Milestones:

Document conversion	May 2004
Macro creation and testing	July 2004
Training program creation	August 2004
Desktop memory upgrade	August 2004
Deliver Training	November 2004
Conversion Weekend	December 4, 5, 2004
Launch of Word XP	December 15 2004

I have summarized the milestones above but they would be much more detailed for the employee. For example, the milestone for document conversion would be to convert 80% of 2 million documents to a form editable by Word XP with less than 0.5% error (viable document with no opening errors) in the conversion. Specific measure will help make the evaluation of this objective easier.

While more frequent discussion with the employee about their performance is a critical aspect of performance review, it is equally important that the reviewer be perceived as having integrity with the process. If management treats the exercise as a waste of time, the employee will soon learn that this is no more than lip service. The performance management system must be supported by senior management and reinforced at every opportunity and for employees at all levels. And, it must be seen as important as other business processes. On time delivery of performance reviews is key.

Managers need to be accessible to their staff. Input received from employees should be treated with appropriate seriousness and factored into performance discussions. To avoid dysfunctional symptoms like Group Think (where a group goes along with an idea even though they know it is wrong because there is a strong leader who is pushing for that idea), managers – particularly strong managers, should assign a person or two within a group on a rotating basis to play the role of dissenter. Their points must be taken seriously and reviewed against objectives before a final decision is made. This will encourage group interaction which will ultimately lead to better decisions. Managers should also give specific positive feedback to employees whenever they exhibit a behaviour that the manager wants to see continue. For example, when an employee arrives on time for work after being reprimanded for continual latest, the manager should comment favourably on their promptness. A positive comment would let the employee know that the boss noticed and it would encourage the same type of behaviour in the future.

Finally, there are explicit measures in the objective setting process but there are also implicit measures throughout the organization – the cues that employees pay attention to that are a part of the firm's culture. Ultimately, employees pay attention to what gets measured and will perform activities which reward them for things that are measured. For example, if an employee is reward each time they bring a problem within the group to management for resolution, all employees in the group will soon realize that this is beneficial to them. This will increase the time required to manage people and depower them in resolving their conflicts without management intervention.

Sometimes, rather than looking at the employees performance, we need to look at the measures that are in place to see if they are the cause of the behaviour. If so, then the measurement, whether implicit of explicit, needs to be changed to encourage the desired behaviour.

A final improvement to the performance review process would be to introduce 360° reviews. The employee's manager already evaluates the employee – but they see only one dimension of the work style and accomplishments of the employee. The employee should also complete a review and input should be solicited from the employee's peers and those people within the firm for which the employee has completed a significant amount of work. When all of these aspects of the employee's work are put together, a more complete picture of the employee's performance is obtained. The review can then be delivered to the staff member in the traditional way. Employees appreciate thoroughness in their reviews and are much less likely to complain about the review, the fairness of the process or the salary increase if the feedback contained in the review form is accurate.

STEP 3 - ELIMINATING LEARNED HELPLESSNESS

Some of your employees generally just show up for work, complete their work and then go home. They are pessimistic about opportunities presented to them and most managers consider them to be either borderline or stable and steady. These employees may suffer from learned helplessness, a condition caused by repeated setbacks or one severe setback that has undermined the confidence of the employee.

They have lost the ability to see the positive relationship between their actions and the outcome of those actions. If your firm is like most, it may be very intolerant of errors. When people make mistakes, they may not be treated well and are sometimes used as examples in front of their peers. This undermines their creativity and desire to try things that have an element of risk. The safe path, which is to stay with the status quo, becomes the order of the day. Managers must focus on solutions and learning from mistakes rather than finding out who to blame. This cultural issue must be reinforced from the most senior manager down through the hierarchy. It should be unacceptable to directly criticize someone for taking a reasonable and calculated risk and making a mistake.

To overcome this learned behaviour, management training programs can be used to teach managers how to be more effective – to develop their emotional intelligence and be more in tune with the signals that come from their employees. For example, if an employee is given a set of progressively difficult tasks that they are guaranteed to succeed with, their sense of helplessness will diminish significantly and they will exhibit greater self esteem. Once they feel better about themselves and the firm, they will likely contribute original ideas that can be acted upon to improve service. To ensure success, managers need to closely monitor these employees in the early days to ensure that problems are caught early and that there is no chance of failure.

Each employee has someone that they listen to - their significant other. This is not their manager, but likely a peer or someone outside of the department. Managers must observe employees carefully to see who their significant others are. By bringing the significant other into the picture as a positive influence on the helpless employee, they can be encouraged to take risks again.

As a group and as individuals, each administrative area should focus on positive self-talk. Positive self-talk involves telling yourself that you are good at what you do - complimenting yourself on your accomplishments. In the group situation, this could be debriefing on a project that was just completed to better understand what went well and what could be improved. This would allow the entire group to participate in the learning and motivate the team to work even more effectively on the next project. As individuals, employees could choose to reflect on three things that went well in a given day. Subconsciously, this will teach them to think positively rather than negatively and it will help prevent learned helplessness since successes will be celebrated and failures will serve as instruments of learning.

CONCLUSION

Hiring, leading and managing is a difficult job if done properly. However, the time taken is much less expensive than dealing with departmental or individual issues – or worse – having to rehire for a position on a frequent basis. Hire for new positions by preparing thoroughly and using a panel of people. Use all three interviewing techniques to ensure the best fit for the job.

Take the time and effort to properly evaluate your staff on a regular basis, not just at year-end. Provide honest and specific feedback and do it on time.

Finally, help marginal employees to become better by reducing their level of helplessness. Give them progressively challenging tasks to build their confidence. When they finally start suggesting ideas, give them serious consideration.

While the steps required are time consuming, we must remember that the only true source of sustainable competitive advantage are the people that are employed by the firm. Therefore hiring, evaluating and nurturing the right people will more than pay for itself in increased organizational effectiveness.

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