



# Community Association Management Insider®

Helping You Run Your Condo or Homeowners Association Legally and Efficiently

## JANUARY 2017

### FEATURE

*Here are the most important points to include on an interview form that will help you effectively evaluate applicants.*

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## Rate Employment Applicants on Key Criteria Before Hiring

No matter what industry you work in, finding and hiring good employees is difficult. While the economy has recovered, there are still many jobseekers who apply for jobs that they are unqualified for, just because they need employment. And a candidate who seemed like a good choice for your community might end up not having the experience or attitude that's necessary to help manage an association.

Whether you're interviewing potential managers or just day-to-day staff, conducting good interviews and then comparing and contrasting the applicants based on criteria important to your community or management company is the key to successful hiring. But by the time you complete the interview process, you may not remember enough details of the applicants' responses to make the best decision. So to ensure that you get all the information needed to evaluate applicants and make good hiring decisions, prepare a list of key criteria on which to rate applicants. And include that list in a form that you can use to guide your questioning during the interview and to promptly record your comments after the interview.

Like our *Model Form: Use Interview Form to Make Hiring Decisions*, your interview form should include the following most important points to help you effectively evaluate applicants. Adapt this interview form for your hiring situation.

### How Interview Form Helps

Using an interview form can help you in the following ways:

**Benefit #1: Serves as guide for conducting interview.** If the interview form lists the key criteria for rating the applicant, interviewers can use it as a reminder of the information needed. It will prompt them to ask each applicant all the necessary questions.

**Benefit #2: Helps ensure consistent interview process.** You want to make sure that interviewers evaluate all applicants for the same position consistently. To complete the form properly, interviewers must get the same information about each applicant. And if several

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## Rate Applicants

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people meet with an applicant, you'll be able to easily compare their evaluations because they're on the same form.

**Benefit #3: Saves time.** If interviewers get all the needed information the first time, the applicant won't have to return for another interview.

**Benefit #4: Helps create database of applicants.** You can save completed interview forms to create an applicant database. This database could be invaluable if you have a similar opening later. For example, if several applicants who interviewed for a manager position meet the requirements, you can save their forms for future consideration. Then next time you have a similar position available, you can review the forms and possibly contact one or more of the applicants.

**Benefit #5: Helps prevent and defend against lawsuits.** If an applicant claims that he or she wasn't hired because of age, gender, or race discrimination, the forms may show that there was a valid nondiscriminatory reason for not hiring the applicant. The forms may also show that other applicants were more qualified for the position. This may discourage the applicant from continuing the claim or help to defeat the claim in court.

## Make Sure Form Includes Important Information

To make sure interviewers get the right information about applicants, your form should cover basic information. Here's what to include on the checklist:

**Identify applicant.** The form should ask for the applicant's name and contact information. If possible, interviewers should fill in this information before the interview and then confirm it at the interview [Form, Pt. A].

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## Rate Applicants

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**Indicate applicant's willingness to travel/relocate.** If the form includes a box to indicate the applicant's willingness to travel and/or relocate, interviewers will be reminded to describe any travel and relocation that the position entails [Form, Pt. A].

**Specify position being filled.** It's critical that the form states the position applicants are interviewing for. That prompts the interviewers to ask questions geared to the position [Form, Pt. B].

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**PRACTICAL POINTER:** If you have position descriptions, tell interviewers to use them in conjunction with the form [Form, Pt. C]. They give the interviewer the precise qualifications required for the position, its responsibilities and duties, and what characteristics the applicant should have.

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## Give Interviewer Instructions

Include additional instructions for the interviewer, besides telling her to look at the appropriate position description. The instructions should explain that the form lists criteria to help the interviewers evaluate the applicant. Our form asks the interviewer to rate the applicant for each of these criteria by checking off the appropriate rating box. There are four rating boxes: applicant lacks the minimum requirements for the position, applicant meets them, applicant exceeds them, or the criterion isn't applicable to the position. This format works better than a numerical rating, such as 1–10, because different interviewers are more likely to interpret it consistently. The form also leaves room for the interviewer to fill in comments on how he or she reached that particular rating.

Also, tell interviewers that their questions and evaluations should be based only on job-related criteria. And let them know that the hiring decision isn't based solely on any one item on the form. If interviewers think that their comments alone will determine whether an applicant is hired, they may be afraid to complete the form candidly [Form, Pt. C].

## List Evaluation Criteria

Interviewers should use to following criteria to rate applicants:

**Industry training.** Applicants' resumes will show their formal education, but may not indicate whether they have the industry training required. So interviewers should ask about it.

They should tailor their questions to the position. For example, they should ask applicants interviewing for a manager position whether they are licensed or registered with the state (if applicable), whether they've been certified by the National Board of Certification for Community Association Managers (NBC-CAM) or hold designations offered by the Community Associations Institute (CAI) or similar accrediting organizations. The interviewer could also ask applicants whether they're active in the local CAI chapters and what professional management development courses or conferences they've attended recently [Form, Pt. C, Q].

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Make sure interviewers inquire only about membership in professional or trade organizations. Asking an applicant about membership in social organizations may be considered discrimination.

**Prior work experience.** You want interviewers to determine whether applicants have related work experience. Have interviewers refer to the job description and ask applicants whether they've performed the duties on it. For example, if the position is for a manager, the interviewer could ask applicants whether they've dealt extensively with local contractors and successfully handled problem residents [Form, Pt. C, Q2].

**Growth potential.** Have interviewers evaluate whether applicants have growth potential or are interested in a position with growth potential. Try to learn whether this job is something important for the applicant or simply another step in their career path. He suggests asking where applicants see themselves in five years and gauging the response for honesty and focus. For example, an applicant might say that in the future he would aspire to be a manager for multiple properties [Form, Pt. C, Q3].

**Communication skills.** You want interviewers to find out whether applicants have the oral or written skills needed for the position. They can do this by considering how applicants present themselves. Do they answer questions directly or otherwise get their points across? Could they communicate adequately with other employees or outsiders they might have to deal with?

Interviewers should also review written work by applicants if writing skills are relevant to the position. Ask applicant to prepare a sample letter to bring to the interview to show how they might handle a specific problem. For example, ask the applicant to write a follow-up letter to a resident who repeatedly violates pet rules [Form, Pt. C, Q4].

**Work ethic.** You want interviewers to evaluate whether applicants have the required discipline and organizational skills, interviewers can ask applicants what time-management system they use on a daily basis or how they prioritize their daily activities. Listen to the way the applicant describes his past work achievements and projects. Does the applicant say things that show a willingness to work hard? Interviewers should determine whether the applicant describes his past work duties as a member of a team or seems to take all the credit [Form, Pt. C, Q5].

**Overall assessment.** It's important to get an overall assessment of whether applicants are suitable for the position. In the comments section here, interviewers can summarize their thoughts on applicants, including whether to hire them, not hire them, or consider them further, and why. For example, an applicant may lack the desirable computer experience, but the interviewer could point out the applicant's strong organizational skills and growth potential as a counterbalance. Or if teamwork is encouraged at your community, and an applicant seems like a team player, the interviewer could comment on that [Form, Pt. C, Q6].

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**PRACTICAL POINTER:** Don't forget to have interviewers sign the form. After the form is completed, the interviewer should sign the form and date it. This is a record of who did the interview and when. Whoever makes the ultimate hiring decision can then compare each interviewer's comments on each applicant. ♦

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**MODEL FORM**

**Use Interview Form to Make Hiring Decisions**

The following interview form includes the key criteria on which to rate an applicant for employment at your community. It also gives interviewers a chance to explain their answers in their own words. You can adapt the form for your hiring process.

**INTERVIEW EVALUATION**

**PART A. APPLICANT INFORMATION**

NAME \_\_\_\_\_

TEL.: HOME \_\_\_\_\_ WORK \_\_\_\_\_ CELL \_\_\_\_\_

EMAIL \_\_\_\_\_

**Open to Relocation**  Yes  No

**Open to Travel**  Yes  No

**PART B. POSITION TO BE FILLED:**

**PART C. EVALUATION CRITERIA**

**Instructions:** Below is a list of criteria to consider for each applicant. Use these criteria, in conjunction with the position description, as a guide in questioning the applicant and to evaluate each applicant. Check the rating box for each criterion that best assesses the applicant’s qualifications. Then explain the rating in the comments section. Ask only job-related questions, and base your evaluations solely on job-related factors.

The decision to hire an applicant will not be based solely on the criteria and ratings in this form. Additional factors such as references, availability, and testing will be used to make the final decision.

**1. Industry Training.** Does applicant have the industry training required for this position?

LACKS MINIMUM REQUIREMENTS     MEETS MINIMUM REQUIREMENTS     EXCEEDS REQUIREMENTS     N/A

COMMENTS \_\_\_\_\_

**2. Prior Work Experience.** Does applicant have prior work experience, specialized skills, and abilities that are applicable to this position?

LACKS MINIMUM REQUIREMENTS     MEETS MINIMUM REQUIREMENTS     EXCEEDS REQUIREMENTS     N/A

COMMENTS \_\_\_\_\_

**3. Growth Potential.** Does applicant appear to have the ability to assume more responsibility in the future?

LACKS MINIMUM REQUIREMENTS     MEETS MINIMUM REQUIREMENTS     EXCEEDS REQUIREMENTS     N/A

COMMENTS \_\_\_\_\_

**4. Communication Skills.** Does applicant have the oral or written skills that are necessary for this position?

LACKS MINIMUM REQUIREMENTS     MEETS MINIMUM REQUIREMENTS     EXCEEDS REQUIREMENTS     N/A

COMMENTS \_\_\_\_\_

**5. Work Ethic.** Does applicant have the discipline and organizational skills required for this position?

LACKS MINIMUM REQUIREMENTS     MEETS MINIMUM REQUIREMENTS     EXCEEDS REQUIREMENTS     N/A

COMMENTS \_\_\_\_\_

**6. Overall Assessment.** Overall, is applicant suitable for this position?

LACKS MINIMUM REQUIREMENTS     MEETS MINIMUM REQUIREMENTS     EXCEEDS REQUIREMENTS     N/A

COMMENTS \_\_\_\_\_

INTERVIEWER’S NAME \_\_\_\_\_ DATE OF INTERVIEW \_\_\_\_\_

INTERVIEWER’S SIGNATURE \_\_\_\_\_

**IN THE NEWS*****Survey: Crowds, Noise, and Neighborhood Safety Are Top Halloween Issues at HOAs***

Following on the heels of Halloween, the Community Association Institute (CAI) released the findings of a research study that addressed the issues that pop up in planned communities on that holiday. According to the survey, 93 percent of respondents said their association hasn't made any changes to its community policies regarding Halloween. However, 86 percent of those surveyed report their association doesn't have special rules for the spooky day, and 83 percent report their community doesn't have a policy for neighborhood trick-or-treating.

What are the challenges facing community associations on Oct. 31? Twenty-two percent of communities report they hire extra security and enlist the help of the neighborhood watch volunteers. In addition, 13 percent of respondents said increased noise is a concern, and 16 percent report growing crowds can affect neighborhood festivities.

Trick-or-treating is a Halloween custom for millions, and with 338,000 community associations in the U.S., it can also be a challenging time for associations, said Tom Skiba, CAI chief executive officer, in a press release. "Our members work tirelessly to ensure the safety of their association residents and preserve the character of the community," he noted.

So how do community associations celebrate the Halloween spirit? As communities search for ways to keep children safe and get a handle on traffic concerns, the survey found "trunk-or-treating" is becoming a widely popular alternative to walking from house to house. A tradition most commonly found in southern states, trunk-or-treating involves neighbors gathering at a church or community parking lot to decorate car trunks to welcome trick-or-treaters. The survey also found the most common neighborhood celebrations include parties, parades, and decoration and costume contests. ♦

**Q&A*****Ridding Community of Graffiti***

**Q** Unfortunately, since the presidential election, there have been several incidences of graffiti in our community, referring to some of the politically charged campaign messages. We've never had a problem with any kind of vandalism in the past. What steps should we take now?

**A** Besides being unsightly, graffiti leads to other problems. It annoys members, diminishes curb appeal, lowers the quality of life at your community, and invites additional crime. But a community that's clean, well maintained, and free of graffiti sends the message that the association enforces its rules. And that makes for a safer community. That's why it's important to take the following five steps to rid your community of graffiti.

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**Q&A***(continued from p. 6)*

**Step #1: Make your community a less tempting target.** As a first step, do everything you can to discourage anyone from scrawling graffiti at your community. There are three effective measures: (1) providing adequate security at your community, with regular patrols of the grounds and common areas; (2) installing motion-sensitive lights or sprinklers at graffiti-prone areas that turn on when motion is detected; and (3) planting shrubs and vines in front of walls to make these blank spaces less tempting to attention-seeking graffiti artists.

**Step #2: Clean up graffiti within 24 hours.** Despite your efforts at preventing graffiti, it still might happen. When it does, clean up the graffiti right away—within 24 hours if possible. The longer graffiti is left on a surface, the harder it is to remove—and the more it encourages further incidents and contributes to the problems described above.

Your cleaning options depend on the surface—such as wood, metal, brick, concrete, stucco, glass, or plastic—on which it appears, and what was used to make the graffiti, such as paint, markers, crayons, or scratching. Here are some cleanup suggestions:

- ◆ **Replacing surface.** You may have to replace some surfaces such as scratched glass.
- ◆ **Painting over surface.** You may be able to paint over some surfaces, particularly those that were already painted.
- ◆ **Removing graffiti.** Here are some examples of graffiti removal methods. You may have to use more than one.
  - Apply cleaning solutions.
  - Scrub or scrape the surface.
  - Blast with sand or soda.

**Step #3: Prosecute offenders and discipline members who create graffiti.** If you catch members, guests, or anyone else scrawling graffiti at your community, call the police. Follow through by prosecuting the offenders. If the offender is a member, take disciplinary action against him, such as imposing a fine. This will send the message that you won't tolerate even one instance of graffiti at the community.

**Step #4: Consider protecting surfaces with anti-graffiti treatments.** There are treatments, paints, and coatings that can protect painted and unpainted surfaces, such as brick, concrete, stucco, wood marble, metal, and tile from permanent damage from graffiti. Once applied, these treatments impose a barrier between graffiti and the original surface, and make cleaning graffiti much easier—sometimes with hot water alone. These treatments are particularly effective for preventing permanent scratch marks on glass, plastic, or metal.

The cost of anti-graffiti treatments depends on whether you do it yourself or have a professional graffiti removal company perform the work, the type of surface to be treated, and how large an area you want to treat. The cost is often calculated on a per-square-foot basis.

**Step #5: Participate in neighborhood watch.** Ask your association's attorney about whether it's wise to join or form a neighborhood watch group with neighbors in your community to band together to combat graffiti and improve the quality of life in the area. ◆

## RECENT COURT RULINGS

### ➤ **Member's Settlement with Association Precluded Subsequent Lawsuit**

**FACTS:** An association member complained to the community's management company on three separate occasions that an unauthorized car was parked in his assigned parking space at the property. The manager told the member to call a towing company, but when the member contacted the company, he was told that an "authorized" representative of the community would have to request that the car be towed. However, the manager refused to call the towing company on the member's behalf. The member sued the association, claiming that the incidents had been a "waste of his time" and had cost him \$2,000.

The association and the member entered into a settlement agreement to resolve the issue, rather than going to court. In the agreement, in exchange for a \$1,000 credit to his association account, the member "released, acquitted, and forever discharged the association from all claims that were asserted or could have been asserted by him in connection with the dispute."

Nonetheless, the member sued the association for, among other claims, a deprivation of property rights and misrepresentation, namely that the association had misrepresented the process that it follows to tow a "trespassing," or an illegally parked vehicle, from a resident's parking spot. The association asked a trial court for a judgment in its favor without a trial.

**DECISION:** An Illinois trial court ruled in favor of the association.

**REASONING:** The association argued, and the court agreed, that all of the member's claims, including those that were expressly asserted in the draft complaint and those that could have been asserted, were released through the agreement that was executed and signed by the parties. There was no genuine issue of fact that was left for the court to determine.

- Gorokhovskiy v. Bldg. Group, November 2016

### ➤ **Statutory Snow and Ice Liability Protection Didn't Apply to Association**

**FACTS:** A condominium member suffered injuries after slipping on the sidewalk outside her building. She sued the association and the association's management company for negligence, alleging that a defective drainage condition and negligent maintenance of the premises where the defective drain led to pooling of water and an unnatural accumulation of ice caused her fall. The trial court ruled in favor of the association and the management company; it said that the Illinois state's Snow and Ice Removal Act provided immunity to the defendants. But an Illinois appeals court disagreed. It reversed the lower court's decision, ruling that

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## Recent Court Rulings

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the immunity under the law did not bar the member's lawsuit. The association and the management company appealed to the state's highest court.

**DECISION:** The Illinois Supreme Court upheld the appeals court's decision.

**REASONING:** The association and manager argued that the member's slip-and-fall claim was barred by the immunity provided to residential owners and operators under the law who make an attempt to get rid of snow and ice. They asserted that because they had contracted with a company to remove snow and ice, they had made a good faith effort to safely maintain the sidewalks in the common areas in the community.

But the appeals court and Supreme Court of Illinois reasoned that the immunity conferred by the act did not apply to the member's claims "for the simple reason that the complaint does not contain any allegations of negligence relating to snow or ice removal efforts." The act requires that the snow or ice that causes a plaintiff's injuries must be the result of the acts or omissions in defendants' actual snow removal efforts," rather than the result of a premises defect. But in this case, the member blamed the accumulated ice on an ongoing alleged defect in drainage around the area of the accident.

The purpose of the immunity is to reward those residential property owners who voluntarily undertake a duty where there otherwise would be none; the purpose wasn't to encourage the failure to otherwise maintain the premises in a reasonably safe condition, said the appeals court.

"The immunity provided under the Act does not insulate defendants from the theory of liability in the instant case," said the appeals court, "because the member's theory of the case is not that defendants negligently undertook efforts to remove a natural accumulation of snow or ice from the sidewalk and thereby caused an unnatural accumulation of ice on the sidewalk; rather, the member's theory is that the ice formed on the sidewalk in an unnatural way due to an otherwise defective condition of the property and that defendants were negligent in failing to make reasonable efforts to maintain the property to eliminate the danger created after reasonable notice of the condition."

"The Act provides immunity to residential property owners from claims of liability for injuries allegedly caused by icy sidewalks that result from negligent snow and ice removal efforts, but it does not extend to immunize them from claims of liability for injuries allegedly caused by icy sidewalks that result from an otherwise negligent failure to maintain the premises," the appeals court concluded. ♦

- Murphy-Hylton v. Lieberman Mgmt. Servs., December 2016

## ANNUAL INDEX

If you missed any 2016 issues of the INSIDER, just log on to our website, [www.CommunityAssociationInsider.com](http://www.CommunityAssociationInsider.com). There, you can download PDFs of past issues from our Archive, or you can click on the article titles below:

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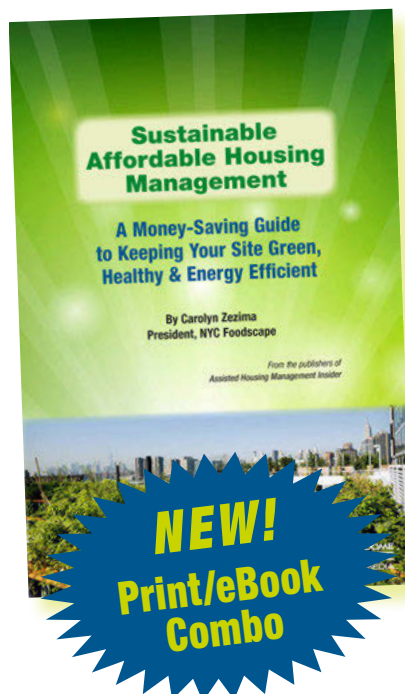
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#### A Money-Saving Guide to Keeping Your Site Green, Healthy & Energy Efficient

By Carolyn Zezima, President, NYC Foodscape

Softcover (304 PAGES) and eBook (EPUB3 or PDF)

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This comprehensive guide helps owners and managers of affordable housing sites create and implement sustainability plans for their properties.

#### This NEW guide explains how to:

- ♦ Save money by reducing energy and water consumption;
- ♦ Get residents to adopt “green” practices, such as recycling & composting;
- ♦ Get incentives for sustainability initiatives, including major energy-saving improvements and retrofits
- ♦ Improve the health of residents by:
  - Reducing their exposure to toxic paints, pesticides, cleaning products & other chemicals
  - Improving their access to healthy food
  - Creating a community garden
  - Implementing a no-smoking policy

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