

# PERSONNEL PRACTICES

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**L**and surveying, as we know it, is quite different from the days when a surveyor's competency was measured by his or her ability to chain a given line with sufficient precision. Today EDMs, GPS and GIS technologies define the land surveying profession. As we all know, all of these wonderful tools are of great benefit to the modern surveyor. Similarly, there have been other conspicuous changes to the industry, most noticeably in the way we do business. As the world of transits and tapes has changed, so too has the area of employment. Consequently, today's employer and employee relationship is framed by a new set of rules.

In the eyes of many employers, this unique relationship is somewhat akin to marriage. It needs to be founded on a mutual trust and respect for each other. This is especially true for the surveying profession. Most important perhaps is the fact that most field employees perform their work far from the watchful eye of the employer. Thus, the employer has to trust that his or her employees are performing the work properly. In addition, the surveying profession is unique in that we do not produce widgets; our investment is in our staff and as such, our biggest asset is in our personnel. In short, the employee needs to have the trust and confidence of the employer.

There are numerous approaches to defining this relationship. As with a good marriage, honesty is a good place to start. If we are not honest with each other, we will have a difficult time building a strong relationship. As is also true with marriage, most relationships go through three distinct and important phases: the courting period, life together and retirement. These three phases are analogous to the three phases of the employer/employee relationship: hiring, employment and retirement.

Given the complexities of this relationship, what are the rules to be employed in a modern firm and what is expected of the employer and employee? This article will focus on the three phases of the employee/employer relationship.

## The Initial Contact: Hiring

How do you find the right person for the job? When evaluating the hiring of a new employee, there are a few common attributes typically valued by employers including the candidate's work status, physical health, reputation and association with other firms. Is the individual applying for the job working or has he or she been nomadic? In

*A look at hiring,  
employment and  
termination in  
today's workplace.*

the absence of an extraordinary economic recession if the same résumé keeps showing up on your desk month after month, something is obviously wrong.

For most employers, the most common way to attract a qualified employee is by running a want ad. For many people, that means the local newspaper(s). Depending on the

type of position being offered, some employers will advertise in multiple locations. Some firms also run ads in other areas of the country through publications such as *POB*.

It is not uncommon that the employer will be contacted by a prospective employee working for another firm. This is clearly a delicate situation that must be dealt with discreetly as one must be sensitive to that individual's rights to privacy and current employment status. If the candidate is working for another firm, it would be inappropriate to contact that individual at his or her place of work. That is, of course, unless the current employer is assisting him or her in seeking employment as is not uncommon during a recession. The hiring company must be extremely careful in this situation, or actions may be misconstrued. If the situation is not dealt with properly, it may create ill feelings and accusations of tampering or stealing another company's employees. There also are potential legal implications associated with employee tampering. "Stealing" employees is bad policy, and most firms perceived it as being unethical. In the very least, it leads to distrust and as such, it is difficult to establish a healthy working relationship when its very foundation is based upon deception.

Once an employer has identified a prospective employee, the best way to evaluate that individual is by examining a complete, current and accurate résumé. Therein, the employee should identify all pertinent skills and experiences. Additionally the résumé should accent the skills needed for the job. If the position calls for a boundary surveyor, the résumé should emphasize those skills. Besides the résumé, a standard employment application form is a valuable tool for the employer. Each applicant should fill out the form, which typically gathers fundamental information such as whether or not a prospective employee has a driver's license. Are there any physical limitations that would prohibit the individual from fieldwork? Are bilingual skills important to the job? A standard employment application will usually address these concerns.

In addition to the pre-employment application and the résumé, many companies require a pre-employment agreement as a condition of employment. The agreement covers

such things as drug use, no-competition clauses and proprietary work products. Because many firms take on federally funded work, they are required to maintain a drug-free workplace. A firm should develop this agreement with an attorney proficient in proprietary work laws.

### **Getting to Know You: The Interview**

During the requisite interview, what attributes should the interviewer look for? Surprisingly, most employers are more interested in the attitude of the employee versus unique skills, as skills can be taught. Although technical competency is a valuable commodity, it is often preferable to have an employee with good interpersonal skills. There is nothing more frustrating to an employer than a skilled and knowledgeable employee who is unable to get along with others. Another important consideration that goes along with a good attitude is a desire to better oneself. Is the new employee interested in pursuing a higher education? Does he or she want to become a registered land surveyor?

In addition to the interpersonal skills, the employee should naturally be proficient in modern computer technologies. As the industry becomes more automated, the employee needs to elevate his or her computer skills. Given the cost of computers, there is no reason an employee can't come to the table with fundamental computer and CAD skills. In the days of old, the employee primarily needed to know about taping skills, temperature corrections and proper chaining techniques. Today he or she additionally needs to know how to record GPS observations, run adjustment software, and convert a COGO file into a three-dimensional graphic display.

Last but not least is the candidate's track record. Mike Butcher, PLS, vice president of SB&O, a San Diego-based engineering and surveying firm, places a high importance on references and recommendations. Such an inquiry should include such things as how many hours the prospective employee worked in his or her previous job. Experienced managers throughout the country recommend that when a potential employer checks references, he or she should listen closely to the reference's tone, level of enthusiasm and choice of words. Because of today's legal climate, people will hesitate to give a negative recommendation, so paying attention to these subtle clues can be valuable. In addition, more than one reference should be contacted.

In Butcher's job searches, his prospective employees must be both honest and dependable. He is also interested in an employee who is resourceful and manages to keep constructively busy. To these ends, an employee with well-rounded skills is more valuable to the company.

When the benefit questions arise, the interviewer should be prepared with answers. Butcher feels it is important to offer a competitive wage, medical benefits, basic life insurance, paid vacations, holidays and some kind of retirement plan such as a 401(k). Currently, an informal interview with several firms reveals that most do not offer insurance coverage to spouses. As the offering of insurance coverage is contemporaneously treated like a benefit, it is difficult to justify

to a senior unmarried employee why a junior employee with five children is being given an additional \$1,000 in insurance coverage. In such situations, most firms make the additional coverage available as long as the employee is willing to pick up the difference.

### **The Honeymoon's Over: Employment**

Once the wage negotiations are navigated successfully, many California firms typically hire employees subject to a three-month introductory period. Under this arrangement, either employee or employer can go their separate ways afterward. This time allows both employer and employee to evaluate one another for compatibility. During this period, the new employee may not receive any benefits.

Once an employee has been hired permanently, he or she is guided by a company manual. These documents cover a wide range of material, some legal and some technical. Although these are wonderful tools, they must be used with caution as they can be used against a well-intentioned employer. They should thus be reviewed by an attorney to make sure they are appropriate for the company.

Besides the use of manuals, many of the larger firms offer training programs. These typically cover standard company practices and procedures as well as emerging technologies. Once again, because of the complexities of modern surveying technologies combined with the constant threat of litigation, uniform practices will usually assure quality work and uniformity of procedures. If such a program is offered, it must be offered to everyone. In addition, a program is also a good benchmark for performance.

Many employers also support various educational programs. Most employers will meet the employee halfway on training: If the employee puts in the time, the employee will usually pay for the program upon satisfactory completion of the course.

Another new consideration for the modern firm is the impact of the single-parent family and two-income families. Because of the unprecedented influence of these situations on the modern business world, most companies are willing to work around employee schedules. In California, recent legislative changes have made it easier for employer to have their employees work longer hours. Because of the demands of single parenting, some surveying companies are developing innovative ways to accommodate the evolving needs of today's employee. For some, it means paying the employees on an hourly basis as opposed to salaried. Other incentives include offering a day off every other week. For one company, the work week is on a biweekly schedule wherein one week the employee works 45 hours and 35 the next.

Another innovation in today's office is the use and proliferation of E-mail. Although there are no hard and fast rules other than common sense, many employers view the company E-mail system as a bulletin board where company policies are posted. Others view E-mail as a personal communication tool. Under the latter arrangement, confidential communications are transmitted and maintained. These

transmissions can be valuable tools in dealing with a problem employee. Regardless of the type of system employed, everyone needs to be careful about what is posted on the E-mail. This caveat also applies to Internet use.

### **Dealing with Employment Issues: *Moonlighting***

Most companies have strict policies prohibiting moonlighting, a situation occurring when an employee takes on "side" surveying work using the company's equipment for his or her own profit. The few notable exceptions are when the work is being performed for religious organizations or for charities. In these instances, it is not uncommon for the employer to offer assistance. One of the principal reasons moonlighting is inappropriate is due to issues of liability. In several instances, employers have been held responsible for the work of an employee even though the work had not been performed with the employer's permission. It is also important to make the distinction between moonlighting and a second job. In severe recessions, a resourceful employee may work for two or more firms to make ends meet. Most employees find such an arrangement agreeable. Perhaps the best way to distinguish between moonlighting and a second job is by asking whose equipment is being used. Moonlighting typically involves the use of the employer's equipment without his or her knowledge or permission. Some firms also require employment agreements that specifically prohibit moonlighting.

### ***Use of Company Vehicles***

There are two schools of thought on the use of company vehicles: firms either let the employee take the company vehicle home or they do not. However, personal use of the vehicle is usually prohibited. When the vehicle is taken home, it is treated as an added benefit. By having an employee take the vehicle home, it hopefully instills a pride of ownership. Conversely, some argue that the private use of a company vehicle exposes the company to unwanted liability. What of the situation where field books are left in a company vehicle and the employee is home sick? Someone has to go and retrieve the records. What if the records are needed on a weekend? If the vehicle is in use, the field notes and files may be unavailable. Another reason many companies do not like the employee taking the vehicle home is because it may contribute to moonlighting.

### ***Company Work Products***

What do you do about employees who create electronic media for your company? Who owns them? What about the use of the Internet during working hours? In one instance, a local firm had an employee expend several weeks' time and energy developing a set of electronic mapping templates, electronic seals and other documents unique to the surveying industry. A few months later that employee found a new job. By the time the employee left, this person had absconded with all of the electronic files—files paid for

by the former employer. One week later, the material began showing up under the letterhead of the company now employing the former employee. Such an act constitutes thievery and clearly invites legal problems. It is not surprising to find out that this same company had stolen the employee away from the original firm. Such conduct seems to go hand in hand. All these areas are good examples of subjects to cover in the company manual.

### **The Last Straw: Firing**

Employers expend much effort searching, screening, evaluating and hiring what they hope will be a productive member of the company. Employers train people and provide upgraded tools but, despite everyone's best efforts, not all hires will work out as expected. Employees may have life changes that affect their outlook on work. Personalities clash or they may not have the same standards the company upholds. Managers should make sure that employees know and understand what is expected of them, and are willing to meet those expectations. Consistent reinforcement of expectations and corrective actions on the employer's part will give employees a sense of security and satisfaction that they are doing what is expected of them.

There are three fundamental reasons for discharging an employee: lack of work, ongoing reasons or problems, and immediate cause. Regardless of the reason, the employer is obligated to document all problem employees and issue written notices in order to maintain a clear paper trail before termination takes place. For besides the obvious implications, there are other financial matters worthy of consideration which depend on the method of termination, i.e., severance pay and the burden of paying an unemployment claim.

The termination of an employee for any reason is a serious decision. Lack of work, lack of production, repeat mistakes, insubordination, theft, moonlighting, inability to assimilate into the team, drug (and alcohol) abuse and habitual tardiness are all causes for termination. The employer is responsible for everything employees do while under company control, even if the employer is not aware of what they are doing. The employer is also responsible to know appropriate labor laws and protect the employees' rights.

In our industry, employers are obligated to adhere to many different regulations. Union agreements may modify working rules such as work-hour flexibility; they may even spell out exactly how an employee will be managed on their way to termination, such as prescribed procedures for grievances. Federal "drug-free workplace" laws do not tolerate any employee under the influence of drugs. Some clients have their own rules about who may work on their projects. Employers also have ethical issues to consider.

How a termination is handled affects each side's future. Abrupt or inconsiderate actions can foster bad will and hurt morale within a work group or company. Depending on the size of the company, or how often similar layoffs happen, the industry and future employees may be influenced by the

company's actions. A company with that kind of reputation may not be able to attract the quality of employee needed to be successful. An example of a poor way to lay off employees occurred recently when a local utility company sought to improve its economic viability by privatizing a portion of its workload. About one-half the staff was going to be affected by this force reduction. Rumors were rampant and devoted employees were distraught. Management decided to hold a meeting and clear the air. At the meeting, the employees were told that times were tough and that work was going to be done by consultants in the future. They were then instructed to return to their workstations. If they were called, they would be told about their layoff or reassignment.

Morale and production can also be negatively affected when a "bad" employee is not terminated. The definition of "bad" is a personal one: it can be any reason that affects the company's mission. Consideration and consistency are key elements of employee management. Inconsiderate or inconsistent actions send the wrong message to staff members. Chances are that the company's staff is its most valuable asset. If the industry knows the firm is willing to keep a "bad" employee, the rest of the firm's staff may be rated similarly—and the employees may know it.

On a personal note: Be sure to stay in training. Maybe you will never need to terminate anyone. Because labor

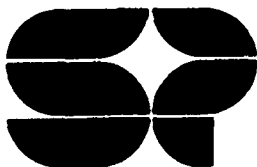
laws are specific as to how you treat, pay and terminate employees, keep educated on the laws. Deal fairly and consistently with each employee. Be positive that expectations are clearly communicated and understood. Have a policy that complies with the labor rules you are affected by and follow them. Your local chamber of commerce, trade associations, business or proprietors' councils are all good sources of information on labor issues.

*The information contained in this article is not intended to be a source of legal advice. If you have questions, contact an attorney admitted to the bar of your jurisdiction and versed in the specific area of the law in which you have questions.*

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