

*"A powerful & inspiring piece that reveals valuable insights into growing your retail business through your employees,"*

From  
**HOPELESS**  
to  
**HERO**

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How to Hire, Train and Motivate Super Employees

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**Stephen Christensen**



## **Acknowledgments**

To my beautiful bride, Caroline, who followed me across the world and has constantly been supportive of this crazy ride. I owe you a debt of gratitude I cannot possibly repay.

Also to Emily, Elizabeth, Madeline, Katie and Matthew.  
You are my shining lights.

And to any employee who ever worked in our businesses. Some were very memorable for all the right reasons and some for all the wrong reasons. Unfortunately, there are some whose name I don't quite remember. That being said, I have learned something valuable from each of you.

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Prologue – Your Stories

## **i. Preface – My Story**

I had only worked a couple of jobs in my life by the time I was thirty-five years old. My first job out of high school was what we affectionately called in Australia, a trolley boy.

My friend Adam Smith, who was doing a management internship at the Woolworths Grocery store, set me up with my first foray into the workforce. I was packing grocery bags for customers and collecting shopping carts (trolleys). It wasn't the most appealing or inspiring work and to tell you the truth it only took me two days to decide that this job was the pits. At about 3 p.m. on day two, I walked out into the parking lot to retrieve a bunch of rogue shopping carts, and upon reaching the extremities of the lot, decided to keep walking and never return.

I had learned a valuable lesson that second day. It's not worth staying in a job where you are desperately waiting for the day to end out of hatred for what you are doing or who you are doing it for.

Job number two—another set up. A friend from church worked for a national bank called Westpac and helped me get an interview for a teller's job at a local branch. It was the first real job interview I had ever been to and I was petrified. I think as an eighteen-year-old, skinny kid, I hadn't had too many experiences that prepared me for the business side of an interview desk, but I must have said something right. Within two weeks I was waiting for a bus near our home to take me to the Westpac branch at Capalaba for my first job. Yeah, OK—technically this was my second job, but at this point I was trying to bury the “trolley boy” days so deeply into my subconscious that I could convince myself that they never existed.

So back to the bus stop. There I was in my pastel green pants, pastel pink shirt and a knitted pastel lemon tie with the straight bottom (this was 1985 after all), when a freak thunderstorm formed over the very spot I was waiting for the bus. With no cover in sight, I was drenched from head to toe when the bus showed up. Rather than be late for my first day, I squelched down the aisle to the back seat and sat down—water pooling around my seat from my clothing. I thought, *This is a nice way to show up for my first day at work, wearing a pastel swamp.*

There was a large shopping mall across the road from the bank. Being somewhat early, I went into Kmart for the purpose of buying something to dry off with, but I only had a dollar or two in my pocket. All I could afford was a tea towel, but I bought it anyway and walked across the road rubbing my hair and my clothes vigorously with said towel. By the time I had reached the door of the bank, my hair was standing on end and the crumpled and damp clothes probably defined what sort of employee my new boss thought I would be.

I remember knocking on the door. The rest of the staff were having a meeting and each one of them turned to look at their new colleague—the new team member, the new customer service officer who would represent the bank to its customers. I'm sure they were well disappointed.

I enjoyed my next two years at the bank. There were about twenty teller stations, and I was the only male teller. By far the best lesson I had learned was that regardless of how competent I was as a cash handler or financial auditor, having great customer service skills

always kept my customers happy. I learned that connecting with the customer was by far the number one priority in any business, whether it was opening a savings account or scooping a chocolate dipped waffle cone.

I left the bank to pursue a goal I had set for myself years earlier and served a two-year mission for the Church of Jesus Christ of Latter Day Saints. My area of assignment was the New Zealand Auckland area and there I spent a year in and around Auckland and a year in the Cook Islands. Again, I learned invaluable lessons on service and selflessness while serving the people of the islands, too many to cover in this writing. By the time my twenty-four months were up, I was again gainfully unemployed and looking for a regular paycheck.

Since my youth I had always wanted to be a policeman. I had actually applied straight out of school (before my trolley boy days) but was rejected on account of my asthma. Now I felt I had much more to offer the force, considering my employment and service experience, and was accepted into the Queensland Police Academy in December 1989. It was a great month, as I had also asked Caroline Fulcher for her hand in marriage. She also accepted.

The next twelve years were some of the most enjoyable times in my occupational life. The attributes of a great police officer seemed to be a combination of what I had learned in my previous two assignments:

1. Connecting with people
2. A willingness to serve others

I loved the visibility of being in uniform and the ability to serve individuals in the community. Yes, there were the unpleasant tasks as well, but in the end, the positive experiences always outweighed the negative. The benefits and security were also good. Working for the government meant job stability and security. When people asked how the police work was going I was always replied, “Great—we’re getting new customers every day!” There was also a structured paycheck with the ability of regular overtime, which worked well for us bringing up a young family.

Coming into the year 2000, we had some interesting opportunities and choices to make. Policing was becoming increasingly hazardous with the advent of needled drugs and the danger of needle stick injuries, of which I was a recipient. After a round of monthly blood tests to confirm I hadn’t contracted Hepatitis C, the shine of policing was losing its lustre and I was open to other opportunities. I was the officer in charge of a small police station at the time, and advancement in the department either meant going back out on the road on twenty-four-hourly shifts or sitting at a desk. I didn’t have a passion for either.

At about this time a good friend had asked me at a family BBQ whether we would be interested in going into the Frozen Custard business. “What the blazes is Frozen Custard?” It was barely heard of in Brisbane, Australia.

After a quick trip to the United States touring the famous and not so famous ice cream and frozen custard stores of Wisconsin and consuming a copious amount of ice cream, we set about weighing up the pros and cons of leaving a secure government job and going into the uncertain world of private enterprise.

The police scene was getting a little stressful, not to mention much more violent than when I had first joined over a decade earlier. I thought I would have much less stress running an ice cream business—yeah right! I soon learned that running an ice cream business and eating ice cream were two entirely different things. In fact sometimes I would rather be dragging a 6’4” drunk out of a dingy Irish tavern late on a Friday Night than having to stay up and do inventory again.

In fact the only principle the two occupations had in common was that I had to put a rubber glove on for both jobs. However my policing customers were never as excited to see me snap on the latex as the ice cream customers were.

This was also an entirely different mindset for me occupationally. I was used to being a government employee, with an “eight hours work for eight hours pay” mentality. If I worked one minute over my assigned shift, I qualified for double time and a half. This is what I thought all employment was like.

Some days in the ice cream shop, I was working more than fourteen hours a day with no “overtime clock” ticking. I must admit—it was a difficult adjustment to make.

Our team went through the process of designing and getting the store built out, ordering and installing equipment, hiring and training staff, and finally getting the store ready to open. It was a bumpy start but we felt we had achieved a great deal with little to no foodservice experience. After six weeks or so, when we felt we were ready, we decided to have a grand opening fit for a king. We wanted

to let the world know who we were and why they should come and buy the best ice cream in town from us. We spent a generous amount of money on radio advertising, organized a large inflatable dome to be erected in the parking lot, ice cream eating competitions, clowns, face painting, the whole shebang.

My wife Caroline was chief face painter and costume designer. She sewed a beautiful pair of baggy silk clown pants, suspenders and all. The trousers were accompanied with a wide spotted silk tie, oversized shoes, an orange lapel flower and a bright green wig. It was an outfit that Ronald would have been proud of.

As the big day drew closer, and all of our responsibilities and stresses grew, I assumed that someone would put their hand up to volunteer for the position of Chief Promotions Officer (Clown suit wearer). After all, I was far too important to dilly dally around in a bozo outfit. It goes to show—you should never assume.

The morning of our grand opening, amidst the hustle and bustle of staff members, face painters and legitimate clowns on unicycles, the \$64 question was asked, *“Who’s going to wear the green wig? Someone’s got to wear the green wig!”* Well, needless to say, you don’t get the \$64 for guessing who spent the rest of the day as BoBo. Yours truly.

And I don’t mind saying, fifteen years down the road, I still have that wig and baggy trousers and I wear them regularly (in a professional sense that is).



The Author and daughters Emily, Lizzie & Maddie

We opened another location, added a food truck to our offering, and ran those businesses through the highs and lows for a number of years. In 2004, the company that we purchased our specialty ice cream equipment from offered me a job to move to the United States and help grow their business. Thus we start our adventure into the world of ice cream and frozen dessert consultancy and education.

Now granted my particular experience is in ice cream and frozen desserts. One important note is that the principles in this book stretch over the broad spectrum of small business customer service scenarios. From hot dogs to hardware, from dance classes to dandelions—the principles of finding, training and motivating super employees are basically the same.

I trust you will enjoy this work and draw some benefit from these pages to apply to your own business success.

## **ii. Introduction**

*Warning—Self-promotion alert.* I have had the great opportunity to develop a reputation in the foodservice realm as an industry expert. I have consulted with international food chains, quick service restaurants, resort complexes and casinos. I have trained and toiled in the kitchens of national brand restaurants, resorts and hundreds of franchised and independently owned businesses alike. On numerous occasions, I have been permitted into the secret test kitchens of international brands and food concepts known worldwide to develop recipes, programs and processes.

My industry knowledge and the ability to convey that knowledge effectively (with a little comedy routine thrown in) has resulted in invitations to present keynote addresses, workshops, presentations and speeches in universities, trade shows, conventions and restaurant industry events all over the world.

I have trained literally tens of thousands in retail management, marketing and promotion, menu development and customer service techniques. Now granted my expertise is centered on the development of ice cream and frozen dessert businesses, however regardless of the particular concept, most of the challenges in retail businesses are similar.

In all of this experience in the retail food and service industry, do you know the most common questions I am asked by business owners across the retail and wholesale landscape?

*How do I get my employees to care?*

*How do I engage my employees so they don't just work hard when I am there?*

*How do I raise the minimum standard of work performance from mediocre to magnificence?*

### **The Survey Says...**

Prior to going to press, I sent out a survey to over seven thousand individuals who operate, manage or are in the process of starting up their own retail or wholesale business. The final question of the survey was as follows:

*What is the most important issue you are dealing with when it comes to your employees?*

The results were an overwhelming confirmation that many small business owners, both retail and wholesale, in the food, product or service industry, struggle with the same issues when it comes to dealing with employees. Some of the most common responses were centered on these concerns:

*“Accountability — no one seems to care about anything other than themselves.”*

*“Do they fully understand the importance of customer service?”*

*“Lack of Commitment!”*

*“Buying in to wanting to do a good job; having them understand that they represent me as much as I represent them. Having them*

*understand that the goal is to make money and it takes a total team effort.”*

*“Instilling a sense of value in their minds; some have good value systems coming in, but some don’t and those are the ones that it takes quite a bit to build up.”*

*“The last thing I want my employees to think is that they must show up to just do a job—a job that they dread for whatever reason. They must feel like they are a needed component. They must feel a strong sense of belonging.”*

*“Improve their sense of responsibility, their customer interaction skills, and their understanding that rules and policies are there for a purpose.”*

*“Willingness to work, stay motivated and get the job done right the first time. A better understanding of how business operates.”*

*“I want them to care about the business.”*

I am almost positive that many of you reading these comments can relate to the exact wording of some of statements. I know I have felt each one of these concerns at some stage during my operational experiences.

These are the questions and the issues that face the nation. If small business is the backbone of this and most other countries, and employees primarily run small business, there is a direct correlation between small business employees and the success of business as a whole.

Taking your employees from “Hopeless to Hero” status starts all the way back in the thought process of how you want your business to be run. It involves where you source your employees from, what your application looks like and how you orientate them. I am supremely confident this book will give you a leg up in getting the most out of your hired help.

### **Three Key Elements to Retail Business Success.**

I believe there are three key elements to success in any retail business. I call them the three “En’s”

1. End Product
2. Environment
3. Engagement

Most businesses focus on their end product or service as a key indicator of retail success. They are under the mistaken belief that if the product or service that the customer is purchasing is of a higher quality or standard than their competition, that will lead to increased business.

Let me tell you that I’ve visited many businesses that had great end products but still eventually went out of business. Though the quality of your end product is *one* of the key elements, it is not the only key indicator of business success.

The second element of success is the *environment* in which this product or service is provided. Having any fun and entertaining environment only adds to the entire retail experience. Let me give you an example.

We opened an ice cream store in St Louis Missouri called Mr. C's Ice Cream Emporium. Many of our customers noted that we were only a stone's throw away from many other ice cream or frozen dessert locations. When competition is close by, it is very hard to go up against them based on product alone. Families and individuals do not go from restaurant to restaurant, or ice cream store to ice cream store, sampling food to determine who has the better products.

What is important to many potential customers is the environment in which they're going to enjoy their product or service. In fact most customers attending a new restaurant or retail store will take in their surroundings and make a judgment on what the product will be like simply based on the way the premises is presented to them.

Interior and exterior décor and layout can be huge factors as to whether potential customers will stop and stay in your place of business. Let me give you an example.

### **From the Cows to the Cone**

I often visit a burger and frozen custard chain in Milwaukee named Kopp's Frozen Custard. On my very first visit, before I even got into the store, I noticed a long line of Cow statues lining the rear of the parking lot. Customers were taking photographs of kids draped all over these bovines, despite the signs asking customers to stay off the cows. Before people were even walking inside the building, they were already having an engaging experience. I decided right then and there that I wanted my store to have at least one cow.

When the time for layout, design and build out came for our location in St Louis, I had already purchased a cow from an online store, in none other than Texas. Where else would you buy a cow?

In fact I got lucky and picked up a calf for half price at the same time.



I have seen over the years many customers point up to the cows on the mezzanine, showing their kids or relatives our two mascots, Matilda and Clarence. I have overheard kids in the local grocery store asking Mom to take them to the “Cow Ice Cream Store.” Let me tell you from personal and professional experience—environment matters!

### **Engagement Is the Key**

Despite your best efforts in the design and layout of your business, or the quality and value of your product, you can still have an extremely flat atmosphere without the right staff to represent your business and to serve your customers’ needs. I keep saying time and time again:

*“You are not just in the food business; you are in the entertainment business.”*

Customers need to feel engaged, appreciated and wanted. It simply isn't enough to keep your customers satisfied anymore. Customers need to be engaged and excited about your business to keep coming back. *End Product, Environment and Engagement* are the three key elements to keep your customers coming back, to keep them entertained. In order to succeed here, the right person to engage and exceed your customers' needs is essential.

I was working at a trade show in Houston Texas, whereby the third day of the show, things were getting a little monotonous in the booth. It was a quiet day and the flow of prospects and passersby was steadily thinning. The fact that we were giving away a premium ice cream product still didn't seem to draw much of a crowd. Our booth was professionally designed and laid out. Our backdrop was impressive and our machinery was gleaming, yet there seemed to be no atmosphere, no electricity in the booth. We had an excellent end product and our environment was professional and eye catching.

It seemed our only steady stream of visitors came with their “Hot Spot Competition form.” Prior to the commencement of the show, our company had signed up to participate in a competition where customers could win a large screen television. All they had to do was find a large “Hot Spot” sign located at several booths around the convention hall and get a stamp in the appropriate place on their game card. Once the card was full, it was handed in and placed in the draw for the television. Well, some of these budding winners

were downright rude, pushing their game card in our faces without some much as a “How’s your father?”

It was under these circumstances that a seemingly great idea was born. We decided that we were no longer going to give these stamps out for free. These people wanting something for nothing were now going to have to *work* for the privilege of a winning stamp. They were now going to have to play and win “Musical Trivia.” We came up with several songs from the 70s, 80s, 90s and current top forty hits. We would sing the first few bars and they would have to sing the next line.

Our first customer approached with paper in hand. *“I’m sorry, Madam, but in order to get a stamp you have to play musical trivia.”* A puzzled look came across her face.

*“What era would you like to play from, 70s, 80s, 90s or current top forty hits?”* *“Ahh, 80s I guess,”* she stammered.

I turned to our hastily prepared contest sheet and started to sing...  
*“On a dark desert highway, cool wind in my hair, warm smell of colitas...”*

*“Oh...um...”*

A huge grin spread across her face. *“Rising up from the air?”*  
*“Yes!”* I shouted, *“We have a winner.”*

She had conquered, received her well-earned stamp and walked away bemused. We continued the play the game, one contestant after another until, in a matter of fifteen minutes or so, we had about thirty or forty people crowded around our booth.

Some were there legitimately to compete for a stamp. The others were with the contestants helping them with answers. Staff from neighboring booths had also come over, and before you knew it, we were working the crowd and having a great time. The atmosphere was fun and electric, and I am sure most people there walked away from the area thinking they had just had some serious fun.

That's the impression you want from people who leave your business. You want them to remember the experience they had in your part of the world for the short time they were there. Having exciting and enthusiastic employees is a key element in providing that experience.

This is the core message in this book. From the time you start your search for new employees, all the way through to your ongoing customer service training efforts, there are elements and steps to have in place so your employees can care as much about your business as you do. To have new employees who excel and to morph your current employees from hopeless to hero status.

## **Chapter 1 The Pimple-Faced Sixteen-Year-Old Kid**

I, like most of you, have been on many ends of the retail business. I have obviously been a customer at many establishments over the years and have formed an opinion as to what the customer service standard should be—*as a customer*. I have a set of standards in my mind as to what an acceptable level of customer service is in most situations, as do you.

I have also been an employer—the one responsible for hiring and firing retail employees. At one stage we had a total of about forty employees who I was responsible for. I interviewed, hired and trained them. I also let a few go in my time for a variety of reasons. It's not the most pleasant experience, particularly the first time, but believe me, its gets easier over time.

I have worked for a manufacturer where equipment was designed and engineered, manufactured and sold through a distribution network. Each piece of equipment was made to order and tested before going out into the field. I have worked trade show booths all around the world representing and demonstrating this equipment.

I have interacted with employers and employees as a trainer and facilitator in workshops ranging in number from three to three hundred. These workshops and training sessions have been conducted all through the United States, Australia and through Europe.

In every one of these scenarios, the same quintessential person rears his ugly head. His reputation goes before him. He is both loved

and feared by all industries. His name is held for good and evil everywhere it is mentioned. He is:

*The pimply-faced sixteen-year-old kid.*

Most business owners and employers in the retail food or service business know what I am talking about. Most retail food equipment manufacturers, sales and marketing people know this guy as well. Potential business owners, who have yet to dip their big toe in the pool of business ownership, know this guy—and they have never even met him.

He is like the Kaiser Sousse of employees. He is everywhere, and yet—he is nowhere. He is the lowest common denominator in any workplace and yet is the backbone of small business. If a system or procedure is being put into place, it needs to be tailored toward the *pimply-faced sixteen-year-old kid*. Workplace policies and procedures must have a comprehension standard at this guy's level. His needs, wants, and abilities are factored into every level of policy, procedure, design and manufacturing.

Food equipment manufacturers and processors design and build their equipment at his level. He is ... *The pimply-faced sixteen-year-old kid*.

Personally, I think the pimply-faced sixteen-year-old kid gets a bad rap. Perhaps there was a bad batch of pimply-faced sixteen-year-old kids at one stage and all of them since are painted with the same tarnished brush. I myself have met many nice pimply-faced sixteen-year-old kids. I think I may have been one of them once. Regardless of your personal opinion, this is a very real perception in the retail

product and service business that employs persons from age sixteen years and up. He is feared all over the world.

The question that faces the nation is—how do you get this kid, and the other demographically equivalent employees like him, to really care about their jobs? And not just care, but excel at their job. Well there is a formula and that's what this book is all about. From the application, to the audition, through the training, opening and ongoing education, we can rebuild him. We have the technology.

### **From Dance Parties to Employee of the Month**

So we had this urban rapper as an employee at one of our stores—cap on a tilt, pants hanging low and a swagger that would make the Biebs proud (more on the hanging pants later). He was very confident and engaging but not always reliable. One Saturday afternoon, after I had finished some yard work at our home, I had bundled up some leaf bags to take to the store. Having your own personal dumpster is one of the greatest perks of business ownership.

As I pulled around the back of our ice cream store, I came across an impromptu dance party in full swing. Our urban rapper had pulled his car up to the back of the store, opened the doors and cranked up a sweet beat. Then he sent out a Facebook invitation to his friends to come by the store to “drop it like it's hot” for an hour or so.

By the time I pulled around the corner, there were seven or eight youths either sitting on the wall with heads bobbing up and down to the beat or trying out some new sick dance moves. In one fluid motion, I swung around to the epicenter of the rave, wound down

my driver's window and in a fit of rage yelled out, "What the Hell is going on here?"

You should have seen those kids scatter like cockroaches. I was too angry to even talk to the two employees who should have been inside the store working on their task list and prepping for the night's business. Even when an apology was attempted, I put my hand up and stated, "*Don't talk to me just now. I am still very angry!*" I did have a heart to heart with them individually to convey my disappointment in their behavior, at a later time.

Fast forward a couple of months, and another incident with our urban rapper. Again, I was almost brought to tears over his actions, however this time they were tears of joy. I came into the store to check on things. Those of you who have a retail store or business know that this is a task that is repeated over and over. For no particular reason, it is very beneficial to drop in unexpectedly. Keeps the natives on their toes so to speak. Here is our own personal Ludacris standing out in the customer area. No, he wasn't rapping or busting a move. He was bending over and helping an elderly customer read the menu and pointing out the particular menu items that he felt she would be interested in.

I stood in the doorway—silent. I listened and learned as he very respectfully, and somewhat tenderly, helped our guest select an item that would be in her price range and would satisfy her need for a treat. It wasn't till he had helped her make the decision and came back around to the register side of the counter that he noticed me.

I gave him the thumbs up, wiped away a little tear from my cheek, and after she left, took some time to congratulate him on his actions. He had just earned our "Employee of the Month" award.

More on that later. The point of the story is that every employee, regardless of their background, circumstances or personality, can be molded into an exceptional employee and become a very real asset to your business.

### **Are They Really Hopeless?**

When I sent a survey out prior to this book's release, I included the title "From Hopeless to Hero" in the post. A dear family friend from Australia took umbrage at the title and gently reminded me that "no one is really hopeless." She brings up a great point.

Those of us who work in the retail food or other service related industries can sometimes feel as though the reality of getting outstanding, or "super employees" is just a pipe dream and the vision of having their crew really care about their businesses is a hopeless one. Some just flat out think there is no hope to help their employees rise up over a mediocre level of passion and work ethic. That's what this book is all about. It's the good news of retail employees! There is hope.

I firmly believe that following the principles and processes in this book will help you make heroes out of the seemingly hopeless. Think about the restaurants and cafes you have eaten in regularly. I want you to think about the quality of customer service and attention you were given. Does poor customer service make up for good tasting food? Generally not. Most people would not return to a restaurant where the service was poor no matter how good the food tasted.

Now on the flip side of that—does excellent and attentive customer service make up for average food? Of course it does.

A great percentage of the restaurants in the US have average food, however the Americans know how to do one thing very well—customer service. That’s what makes restaurants who sell average food do very well. These “hole in the wall” burger, fast food, and dessert places are some of the most popular, best kept secrets of the industry.

And the core of customer service is the person you select to deliver it to the customer—the employee.

## **Chapter 2 A Horror Story**

I tell you this story very early on in this piece not to scare you or turn you off the whole process of finding and training good employees altogether.

I tell you this story because there are many facets to finding and training super employees. This won't be a quick process for you, although once finished putting all of the essential elements in place, it can be maintained more efficiently than the first time you go through the process. I also tell you this story to illustrate the ramifications of shooting from the hip and making a "quick hire" because it's convenient, rather than taking the time and effort to really investigate your potential new employees.

So settle in, grab a pillow to periodically hide your eyes and... read on! Oh and by the way, names have been changed to protect the incompetent.

One of our ice cream stores had been open about three and a half years. We were winding down from our summer season and had lost some of our key shift managers as they left to return to college. We found ourselves having to make a decision to hire a manager as quickly as we could. My general manager Andrea had mentioned that she had worked previously with a friend of hers in a food establishment and felt that she may be a good hire for us.

Andrea said that her friend was currently looking for work and thought she would be a good fit into our establishment. I reiterated to her, as I do with all of my employees, that in making

a recommendation of a friend, family member or associate, their reputation is on the line as well. Andrea put her reputation on the line and said that she would interview her. Then comes the proverbial fork in the road.

Before I tell you what I said next, I have utilized the principle of hindsight to acknowledge that this statement should never have been said. It was a moment of weakness on my part due to the fact that I thought this may be an “easy fix” to an employment problem. I had a million and a half tasks to do and it is always at this time that we try and take a shortcut.

I said, and I quote, *“I will interview her but barring she stabs me in the interview, I think we could give her the job.”*

I should have NEVER said that. Whenever you give anyone an indication that they will have the job without giving yourself time to reflect after the interview, you are in no man’s land or backed up against the wall. The time of the interview had arrived and I pulled up to the store to see my potential new hire. Now again I am exposing another character flaw here.

Before I continue with the story, let me segue here by saying that in the customer service industry, we don’t necessarily look for supermodels. A person’s looks generally do not have bearing on how hard they are going to work or how punctual they may be. That being said, employees who represent your business, particularly those who are serving customers, should be well presented, neat and tidy. Before any of your potential customers taste any of your products or experience any of your service, they are making a determination as to what your product or service is

like based on the appearance of the person standing in front of them. It sounds pretty corny but you never get a second chance at a first impression. We have had employees of all different shapes and sizes work for us over the years. My only stipulation was that they were clean, neat, tidy and wearing a pressed uniform at the beginning of every shift. I don't think that's too much to ask in my humble opinion.

That being said let's go back to the story.

I could see Danielle sitting in the booth from where I was parked in the parking lot, and simply stated, she certainly did not fit the usual demographic of most of our other employees.

The second thing I noticed was that she was wearing white trousers. This was important because not many people wear white trousers, however our uniform requirement was, you guessed it.. white trousers. She had obviously tracked them down and purchased them because in her mind she knew that if she got through this interview without stabbing me, she would have the job. And why wouldn't she? *That's what I said.*

I walked in, offered my greetings to everybody, and sat down in the booth opposite her. She greeted me with a very gravelly voice. It was either a very bad godfather impression or the result of many years of chain-smoking. The yellow stains on her fingers and nails led me to believe the latter.

And yet I wasn't in the market for a beauty queen or an opera singer; I needed someone who could adequately manage a shift in my ice cream store. We went through the questions and she gave

me textbook answers. I had no choice but to congratulate her on the job with a less than the heartfelt handshake. In my heart I knew that this was not my ideal employee, but I felt trapped into hiring her. As the younger employees filtered in for the evening shift, they pointed at her and gave me an inquisitive look. As if to say, “What’s this all about?”

“Leave me alone and get back to work,” I muttered.

It was only two weeks before the complaints started rolling in. Some employees complained that Danielle was taking longer than her requisite thirty-minute meal break—some nights much longer.

I spoke to her and the other shift managers, telling them they were on an hourly wage and if they needed to go and attend to family matters or “other than work” responsibilities, they needed to check out of the register before they took extended breaks. Everyone agreed that they would comply as well as old “gravel throat” at the back of the room.

Next, a collection of cigarette butts started to grow at the back door of the store. If there’s one thing I cannot stand it is employees of any business standing at the back of the store smoking. Our GM Andrea had been a smoker for years but she was what I call a “phantom smoker.” I never smelled smoke on her breath or her clothes and there was never any indication that she had smoked at all.

I knew only too well whose cigarette butts they were. I had *another* meeting explaining that we do not smoke on or near the premises particularly at the back door. Employees could smoke in

their cars if they really felt the need during the workday. It got to the point that whenever I would drive past the store, I would check to see whose car was in the parking lot. If Danielle was running the shift I would just continue on rather than stopping in and see how things were going. Isn't that ridiculous?

That I would put myself in a situation where I wouldn't even go to my own ice cream store so as not to talk or have to engage with one of my employees. I think back to that pivotal moment and wished that I had taken another, less convenient route.

The final straw came when another of our shift managers, Brian, asked to talk to me about one of our employees. I let out a heavy sigh. I knew who it would be. Brian said that a couple of days ago he went to the freezer to get frozen cookie pucks out in order to make ice cream sandwiches. We had a small oven in the store that we would bake the frozen dough and then assemble the sandwich treats.

However when he went to the box, there were only two or three frozen pieces left from the thirty or forty there were the day before. The cupboard was bare. When he asked Danielle what happened to the cookies, she said that she had taken them home to bake for her son's school lunches. As if that wasn't bad enough she also admitted, quite proudly, that she had taken a bag of peanut butter cups as well.

I was instantly angry. All of the other bits and pieces of her bad behavior paled to insignificance compared to what I was hearing.

Just when I thought it couldn't get any worse, Brian dropped another clanger. Apparently after this conversation, he was signing out of the register to end his shift, and she said to him, and I quote,

*“Don't sign out just yet—you go home and I will sign you out in an hour or so, you can get a little more money that way.”*

If I hadn't reached my limit until then, it just boiled over. Now I have always told my employees that if they see anything happening in the workplace that they feel is dishonest or just plain wrong, I will never drop their name as an informant. Yes, our “whistle blowing protection program” was in full effect. In this particular case, I breached protocol. I was dialing her number before Brian even finished his sentence and before long, that gravelly voice was answering the phone.

*“Danielle, Brian tells me you took a boxful of cookies and a bag of peanut butter cups home for your kids?”*

Without hesitation she growled back a comment that my ten-year-old son would probably say in the same situation.

*“You can come over and search my house, I don't have them.”*

Now I said something next that I am not very proud of here and I wouldn't usually confess to such behavior, but it paints a picture as to how angry and frustrated I was.

I said, *“Oh I know you don't have them there now—I don't think they even made it past the drive home.”* (I still feel a little bad

about that one). I continued, *“I don’t want to see you back in the store ever again. We are winding down for the season and are reducing shifts, so please hand your uniform to Angie so she can bring it in.”* Then I hung up.

Now...I want to take you back, in a fast rewind, back to the fork in the road at the beginning of the story. Standing at that fork in the road there with Andrea suggesting her friend as a potential employee should have gone thus:

I should have said, *“Well that’s a great option, but I think we need to have a few options. Options are good. Let’s ask the existing staff if they have any recommendations and go through our previous applications and get a group of five or so applicants. If Danielle is the right person for the job, we can offer her some work.”*

I will guarantee that if you attend any business, restaurant or service-oriented trade show or convention anywhere in the country, you will hear horror stories like this (and worse) from nearly every small business owner you talk to. I have often said, and still say, “If I could get rid of all my employees, and if I could get rid of all my customers, I would love to go to work in my business every day.”

This would ring true if customers and employees didn’t directly relate to your revenue, income and overall business success.

Your employees are the core of your business. Your employees are *you* when you are not there to personally greet, serve and thank your customers. Your employees are the difference between good

revenue and great revenue. Just as you research and study the features and benefits of an expensive piece of equipment before you invest in purchasing it, so you should research the features and benefits of your potential employees before hiring them.

Let me tell you that there is no shortcut or fast track to having super employees. I already knew that at the time, but the pulls of time constraints, “busyness” and other tasks pulling you away from this important process, will have you thinking that you can bypass the tried and true processes we will discuss in this book.

Don’t succumb to this pattern of thought. You will have many other seemingly important tasks to perform and things to do and making a “convenient” decision on a quick hire will ultimately cost you more time, effort and money that you ever would have imagined.

## **Chapter 3      Know the Law**

In this chapter we are going to talk a little bit about your rights and responsibilities as an employer and what you should know about the labor laws in your particular area. Before you look at the first application or formulate your training program, you must have a good understanding as to the rights and responsibilities you and your employees have in the workplace.

Let me start by saying that this topic is certainly not the fun stuff about running your business, however these are principles of the law that you do not want to simply gloss over. Labor Department fines are some of the largest in existence, so knowing your rights and also the rights of your employees is essential as a business owner and may save you a small fortune.

### **State and Federal Law**

As with other areas of small business, the federal government and the state government will more than likely have legislation that applies to your process of hiring and maintaining a group of employees. As a general rule of thumb, the federal government maintains a standard that is applicable all over the entire country and its territories.

The only time you would not adhere to the federal law is if a state determines the federal law is not strong enough, stringent enough or applicable in certain situations. The state has the right to rewrite and submit to the legislature, statutes that are more applicable or stringent in their particular area of responsibility.

An example would be where the federal law mandates a certain requirement or standard for employing youth or elderly folk. Some states that have an inordinate amount of elderly, such as Florida, might determine that some of the legislation is not stringent enough to cover their older working population. This being the case, they would write into the law requirements that would be more stringent to protect the individual's rights. These statutes would then supersede the federal law.

Generally the federal law is the standard, but most states have their own legislation that uses the federal law as the base and then creates more applicable content in relation to their particular population and work force. Contacting your state labor office will generally point you in the right direction.

### **Get It from the Horse's Mouth.**

Numerous stories have been related to me where the owner of a small business recently purchased the business from the previous owner. This previous owner offered to stay on for two to four weeks and help with the general running an education process of the business.

This works well for general policy and procedure but when you are taking advice, particularly in relation to Health, Building or Labor Department policy from a store owner who may be using legislation that is out of date, you may find yourself in real hot water.

One particular new business owner was applying the principles and practices told to him by the previous owner and was doing so outside the boundary of the labor laws of his particular state. When a complaint was made and the Labor Department investigated, it

was found that the information this new business owner received from the previous owner was out of date and now this new business owner found himself outside the law.

The exact amount was not told to me but the fine was in the tens of thousands of dollars. As mentioned Labor Department fines can be the largest you will come across in the process of running your business so taking the time and effort to get the points of law from either a representative of the state labor department or from their website is very, very important.

Regardless of where you are in the process of your business, whether a seasoned veteran or a relative newbie, take the time to make contact with your relevant Labor Department representative.

Think you know generally what your state labor regulations are? Think again. This legislation can change from state to state and can contain some complex and detailed information that you need to be aware of as an employer. Some examples of topics you may find in your state labor law that apply to your business are as follows:

- ✓ Hours of work restrictions for employing minors
- ✓ School and study requirements for student employees
- ✓ Equipment operation restrictions
- ✓ Requirements for forms and certificates needed
- ✓ Disability Act regulations and requirements
- ✓ Discrimination guidelines and statutes
- ✓ Equal Pay Act regulations and requirements
- ✓ Employer Tax Code and regulations
- ✓ Prevailing minimum wage guidelines
- ✓ Labor relations and Union responsibilities

- ✓ Arbitration information for employees
- ✓ Occupational health and safety requirements
- ✓ Unemployment classifications and rights
- ✓ Workers Compensation regulations
- ✓ Discipline and termination rules and regulations
- ✓ Immigrants and authorized alien worker permits
- ✓ Insurance required in the workplace
- ✓ Vacation and sick day regulations
- ✓ Drug and alcohol regulations
- ✓ Requirements for chemicals and solvents in the workplace
- ✓ Penalties for violations

So as you glance over this reduced list of topics that are probably in your state labor regulations, hopefully it will stir some feelings within you that there is a lot to be aware of. This doesn't even count the irregular topics such as inventions made by employees and lactation rights. Do yourself a favor and familiarize yourself with these topics. They make for great late night reading.

### **Illegal and Legal Discrimination**

While covering state mandated law, let me talk here a little about discrimination. Discrimination has become such a negative word particularly when it's used in relation to the employment or hiring process. But let's face it we use the principles of discrimination every day. When I am standing in a McDonald's I am discriminating against every other burger when I choose a quarter pounder with cheese. While I'm getting dressed for church on Sunday, I discriminate against three hundred other ties when I choose my pink polka dot tie.

When I take my wife out for a date at the movies, I discriminate against fifteen other titles by choosing a particular movie to see. We discriminate every day. Discrimination is a wonderful principle. Discrimination means we have choice and the freedom to choose among those choices. We typically use discrimination to make good choices which in turn have positive consequences and outcomes.

Yes granted that sometimes we make wrong choices and the following consequences may not be the best, but this is one of the greatest principles we enjoy in life. Having our choice or the ability to discriminate taken away from us robs us of our God-given right to use our conscience and previous experience to choose wisely and benefit from those choices.

Now I unequivocally support illegal discrimination in the hiring process. Every applicant deserves the right to be considered on merits and not by gender or skin color or religious preference or any of the other state mandated elements of the law. But let's get down to tin tacks here. On some occasions, you are sifting through fifty applications for a particular job at your business. You are not looking for fifty positions to fill. Let's say you have ten positions or even five that you need to fill.

Regardless how you go through the decision-making process, you are about to discriminate against forty-five people in order to get the best five applicants. This form of discrimination is a good thing. It is the same process of purchasing a piece of equipment for your business. You weigh the pros and cons of each option and make a decision that best suits you.

The employment application process is the same; the difference is you are going through the process of weighing up the pros and cons of each applicant. You will look at their personalities, their appearances, their previous experiences as well as many other factors to determine whether each person is a good fit for your business.

When you go through this process, remember that this person will be standing at the register representing not only your product or service but you personally. No one will ever be appreciative of or welcome your customers like you do, but you can't be everywhere doing everything.

So the next best thing is to select employees who closely align with your business and customer service ethos. So in essence, don't feel as though you need to hire someone just because you are afraid they may be offended or feel as though you are discriminating against them. The simple fact of the matter is you did discriminate against them.

You chose someone else who had better qualifications and better "chops" for the job. Now again just to reiterate that state or federal mandated discrimination policies must always be adhered to and if you are not aware of your legal obligations when it comes to discrimination, you will need to get educated. The line can get a little fuzzy at times.

Take tattoos for example. To my knowledge there is no state or federal legislation that says that you must employ someone who has visible tattoos. Tattoos don't happen by accident. You aren't born with tattoos. Yes admittedly there probably have been many tattoos

that have been discovered after a heavy night of drinking where permission to the tattoo artist has been loosely given through slurred speech.

That being the case, tattoos are a choice that a person makes. I'm sure they went through the process of discrimination to choose which particular pattern or image they wanted tattooed on their body. *"Should I get the goat's head or the love heart with Mom"*

If I am running a family oriented business, let's say for example an ice cream store, I am quite within my rights to not employ somebody because they have visible tattoos. This is my right as an employer. Regardless of their previous experience qualifications or personality, if I don't feel their appearance is a match for my business I am quite within my rights to not offer them a job. This area comes under your own policy and procedure regulations such as "Grooming and Dress Requirements."

Or I may offer them a position so long as they can cover the tattoo if possible. I once saw one of my managers come into the store in her spare time and noticed a tattoo on her wrist. She had been working for me for about two years and I commented on it as I thought it had been recently acquired.

She told me she had got it many years ago but she chooses to wear a sweat band over the image so as to not "put people off" in her words. It was only then that I remembered she wore a sweatband on her wrist to work every day.

The opposite of this story is an experience I had with a young man I was once interviewing. I was constantly distracted by the gauze

patch on his head and before long I couldn't help myself. I asked him if he had bumped or scratched himself. He replied that he had given himself a tattoo recently and asked if I would like to see it.

"Most certainly," I said.

He carefully peeled back the gauze pad to reveal the word "H E L P" written backwards on his forehead (unfortunately I couldn't find a font to reflect the actual appearance of the letters). It was right about that time I made my decision not to hire him. He lost me at "H."

Take the recent grumblings in the state of Colorado as another example. The passing in legislation to make marijuana legal under certain considerations has caused a slew of complaints and lawsuits by employees fired because of their marijuana use. Some users may claim that because the law now permits the use of pot, it is discriminatory to fire an employee because of his usage. Here is where the line needs to be drawn as to what is *legal* and what is *acceptable* under your business' policy. Alcohol consumption has been legal for decades and yet improper consumption or showing up to work hung-over, or even worse, intoxicated, can still get you fired, no matter how legal it is to consume liquor.

There can be some common ground in relation to these principles. A young man came to interview for a job and had a large diamond stud in his ear (although I suspect it was a cubic zirconia). Our policy was that the girls could have no dangling earrings and there were to be no earrings or studs for our male employees.

Regardless of what you think of me or how antiquated my thought process is, this is my preference. I told the young man that we could possibly have some work for him as long as he was comfortable enough not to wear the stud during work hours.

He looked at me very strangely as if I had been thrust forward from the 1800s. Regardless of what he thought, that was my principle—my rule. He accepted the job and removed the said earpiece during his scheduled shifts. We should all be celebrating the right we have to make these choices.