

## Straight Talk on a Tough Subject for Job Seekers - Resume Fraud

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by John O'Connor

So in Las Vegas, Nevada, at a casino in March of 2005 I found an attorney talking about résumé fraud, prosecutions and lies. As a certified professional resume writer and career coach, I paid good money to attend a conference to hear about this subject. Experienced litigator and trial attorney Patrick H. Hicks from The National Employment & Labor Law Firm Littler Mendelson provided a clear and outstanding picture of the prevalence and impact of résumé fraud as well as the value of the résumé writer and career coach in this employment marketplace during the Professional Resume Writers and Research Association annual worldwide conference.



With over one hundred arbitrations and mediations, Mr. Hicks understands contract interpretation, employee discipline disputes, EEOC, and more. He has represented significant numbers of employers in wrongful termination and employment discrimination litigation and trial work, Title VII proceedings, and he counsels employers on the Americans With Disabilities Act, the Family Medical Leave Act, employee terminations, workplace violence, and pre-employment screening. How well was his message received? Let's just put it this way – if he could have taken all the questions asked in his two-hour talk he would have had 1000.

The bottom line was this - regardless of the job market climate and regardless of the level of the person, personal integrity matters and it counts on a résumé. Résumés remain marketing tools and a credibility-building matter of disclosure. Good, common sense should apply – tell the truth. From Mr. Hicks' point of view he has seen many employers win lawsuits and he has won suits simply on the resume fraud issues.

As some of us clearly know, job seekers often stretch the truth when it comes to résumé. It used to be called lying but straight talk has given way to political correctness. For example, I had a client who was within just a few semester hours of his four-year degree. Months after I started working with him he admitted to me that he had fudged a little bit because *I knew I wouldn't get a medical sales interview without the four-year degree*. As a résumé writer, when I know someone has fudged I can coach them not to. Each and every certified résumé writer and career coach that I know encourages clients to tell us the truth so we can coach and create proper documents and search strategies for them. In fact, it's hard to coach someone on a lie anyway! As I explained to the job seeker and my client, the company may not find out immediately but it will be grounds for termination if he is caught. I explained alternative medical sales opportunities that might not demand a four-year degree and encouraged him to finish his degree online over the next six months.

Most career professionals and the clients they serve agree that a résumé needs to be a marketing tool, a persuasive document that does not need to, even in the case of federal résumés, dump information on the reader just to be truthful. For example, I have seen drafts from our potential clients that say things like *Reason for Leaving: Downsizing*. Do we really need to reveal the downsizing in that way in the résumé – I think not. It wears well to use credible, reliable facts and achievements to build the case for our career transition clients. That's what we do in the most inventive ways. Clients pay us for that keen and uniquely individualized perspective. But it's not what we do that gets clients into trouble. They get into trouble by permitting themselves to lie to us and ultimately to potential employers.

How big a problem is résumé fraud? Let's just point out some serious facts:

- It costs companies and organizations thousands of dollars to hire new candidates. These candidate costs can often average \$5000 or more depending upon paid recruiting fees of up to 30% of first year's income.
- Let's look at the big picture. The Association of Certified Fraud Examiners estimates that occupational fraud and abuse costs organizations about \$600 billion annually, or roughly 6% of gross revenues.
- It has been reported that ninety percent of the personnel directors surveyed by the SHRM (Society for Human Resource Management) reported résumé untruths ranging from past salaries to personal identification.
- Falsification has had a nice run with the Internet. Many people use the same techniques as an identity thief. The Internet provides the foundation of a fountain of information, resources, databases to hack into, mock degrees and everything else for someone who wants to do this wrong right.
- ADP Screening and Selection Services suggested that they found more than 50 percent of job applicants submitted false information on their résumés and employment applications that was uncovered during employment and education checks in 2003 compared with about 40 percent in 2002.

Educational backgrounds seem to be the most fertile ground for fraud. It gets easy to make false scholastic claims, changing areas of concentration and then to minors or degrees never obtained. Usually fraud comes through in changes in employment dates, salary manipulation, job titles and duties, and other negative sounding information that may come up on background checks.

Although it is not the résumé writer's job to supply highly-detailed application forms, complete hiring interviews and multiple reference checks, professional résumé writers employ good judgment to each project and encourage clients to do what is right. Career coaches and outplacement specialists need to continue to advocate honesty in our practices, to teach and even educate clients how they can creatively and imaginatively promote but not falsify their backgrounds to earn new positions, promotions and job assignments. The art of this balance puts career transition and résumé writing professional in a unique and very important position in the world of employment according to Patrick H. Hicks.

Many recruiters (internal and external) have become very careful in how they qualify and verify client information. How important is the résumé today? It is the foundational tool they use to interview, verify and follow-up. They do look for incongruities and evidence that demonstrates the candidate does not have the background to match his or her qualifications. But even with strong recruiters, background checks and previous employer verifications, many clients squeak through. But time becomes a factor and companies sometimes figure out that they can prove résumé fraud later if they need to so it's to their advantage perhaps not to invest company time and money to do it fully.

Let's turn the tables a bit and let me ask you this – have you done a background check, employment verification and criminal records history on every babysitter who has ever worked for you? Wouldn't you like to know who will be watching your kids? Should you do this? Are your kids worth it? But the answer is probably no, isn't it? It's human nature to take the easy way out of situations and unfortunately it's people who handle hiring.

Patrick H. Hicks suggested that job seekers remember this – courts are holding that material misrepresentations on an employment application and résumé constitute just cause to terminate an employment contract, reduce or deny benefits, including disability benefits, over time.

More and more cases appear. One example is the Supreme Court in *Sarvis v. Vermont State Colleges*, No. 99-390 (March 2001) finding that the plaintiff had carefully prepared his résumés and supplemental materials to lead the community college to believe that he had made a full disclosure about his past work experience and qualifications. The Supreme Court concluded that "principles of fraudulent inducement support a rule allowing an employer to avoid liability for breach of contract arising from an employment relationship induced by an employee's fraud. Thus, misrepresentation during the hiring process can be a basis for rescission of an employment contract."

The Court held that as a matter of law, such misrepresentations may constitute misconduct sufficient to support a just cause dismissal. Further, the Court held that "because honesty is an implicit duty of every employee, plaintiff had notice that his misrepresentation was grounds for dismissal." The Court also rejected plaintiff's claim that his firing violated Title VII (Employment Discrimination) holding that the federal statute does not prohibit employment decisions based on a person's criminal history.

So there you have it – tell the truth, whether it be on your résumé, your job application, or who broke the window with the baseball. Very few if any person has a blemish free past or the perfect credentials for that just right job. It is far better to learn and know how to handle the blemishes of your career head on than to simply cover them up. Good résumé writers and career coaches can help the job seeker gain perspective on imperfections and imaginatively present your past, thus eliminating the need to lie. Personal integrity is each person's responsibility. Tell the truth in securing new opportunities in your worklife. You will face enough challenges and worries once you have the job.

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