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## EDUCATION

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# Security and Today's Aquatic Facility: What Do You Really Know About Your Employees?

Leland Yarger

What do you really know about your aquatic-employee candidates? With the security and liability issues facing aquatic facilities today, managers must verify and document current and future employees' backgrounds. Do not guess about your aquatic employees' backgrounds and abilities. This article provides some ideas and procedures for preemployment screening to ascertain the veracity of the qualifications, skills, and backgrounds of potential aquatic employees. These systematic steps should be included in your hiring process as part of an overall risk-management system. You must discuss policies and procedures with your legal or risk-management departments. The policies and procedures discussed in the article are suggested practices used by some organizations; legal requirements can vary from state to state.

**Key Words:** swimming facilities, aquatic risk management

Today's 21st-century America is a very litigious society, along with all the local, national, and international security concerns. Can your organization afford the negative publicity and accompanying financial losses by employing high-risk individuals? These concerns apply not only to large corporations, school districts, and "those other folks"; managers of aquatic facilities must heed the concerns we read about in the newspaper every day. Some examples include employees who operate organization vehicles who also have a history of multiple accidents or DUI, employees in child-care positions who have had assault or molestation convictions, and employees who have misrepresented their qualifications. As aquatic professionals, we all must create and use a process by which we can adequately screen our potential employees for background, previous experience, appropriate qualifications, and specific disqualifying qualities (Fawcett, 2001).

## Conducting a Job Analysis for Your Aquatic Staff Positions

The first step in creating an adequate preemployment screening process for your hiring of aquatic staff is to conduct a realistic analysis of aquatic staff responsibilities,

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as well as the anticipated high-risk work routines that are associated with your aquatic facilities. Certain aquatic staff members have specific responsibilities that require verifiable skills and credentials. Some supervisory aquatic staff often work in positions that require more self-direction, judgment, and tact. Ideally, the aquatic manager will match a prospective employee's qualities and experiences to the specific demands of the job. A worst-case scenario might place an ill-prepared or inexperienced junior employee in difficult or even dangerous situations. For example, placing a well-meaning 12- or 14-year-old from the age-group swim team who does not have lifeguarding or first-aid experience or credentials in the position of being a first responder could seriously jeopardize the health and safety of patrons, as well as place the aquatic facility at legal risk of negligence. This is why aquatic organizations must put in place and use carefully designed preemployment testing, screening, and supervision processes. Most organizations try to limit the hiring of incompetent staff by conducting various preemployment tests and evaluations. Some of the tests applied by organizations are specific to aquatic staff, and others include all employees. For example, all employees might be required to undergo drug screening, and swimming instructors might be required to have criminal background checks because they work individually with children.

## **Preemployment Screening Evaluations for Aquatic Staff**

Once you have satisfactorily completed a job analysis for your aquatic facility and put this analysis in writing, your next step is to acquire valid and reliable pre-employment screening tests and evaluations that match up with your job analysis (see Table 1). For example, you obviously need to authenticate the existence and currency of lifeguarding, first-aid, and CPR certifications and authorizations for individuals applying to be lifeguards. Depending on your state and local health department's codes and requirements, this might mean verifying and accepting certifications from the American Red Cross, Ellis and Associates, the YMCA of the USA, or other credible aquatic agencies. Your organization, agency, or aquatic facility might require a birth certificate plus other documentation of a person's personal and lifeguard qualifications. Some states are now insisting that employers document each prospective employee's citizenship and legal residence before hiring.

**Table 1 Types of Checks and Testing**

<b>Position</b>	<b>State</b>	<b>All states</b>	<b>Federal</b>	<b>Medical</b>	<b>Drug</b>	<b>Ability test</b>
Lifeguard	yes	depends	depends	yes	yes	skill/knowledge
Swim instructor	yes	yes	depends	yes	yes	skill/knowledge
Councilor	yes	yes	yes	yes	yes	knowledge
Head lifeguard	yes	yes	depends	yes	yes	knowledge
Pool operator	yes	depends	depends	yes	yes	skill/knowledge
Aquatic director	yes	yes	yes	yes	yes	skill/knowledge

Failure to do so could carry serious legal penalties, regardless of your personal or political views on the immigration issue.

## **Criminal Background Checks**

Because typical aquatic staff members have frequent contact with the public and hold positions of responsibility, prudent employers must protect their patrons by conducting state and federal background checks. Many states require anyone working with children to have comprehensive background checks run, including fingerprinting, before being hired. In some cases this could apply to your lifeguarding staff, as well as your swim instructors, your crew chiefs, and other supervisory staff. An example question you might ask about specific staff responsibilities is, will employees in this position ever have the responsibility or opportunity to be alone with a child or out of view of other adults, such as for an emergency bathroom trip? If the answer is yes, you should run the background check.

## **Medical Examinations**

For other aquatic positions, especially for lifeguards, the potential for vigorous activity is certainly present. For the safety of both the prospective employee and the patrons, it is critical that the facility manager be aware of any underlying medical conditions or physical limitations. This needs to be determined by qualified medical personnel. Following are example questions you might ask about a position:

- What specialized skills and abilities are required for this position?
- Does this staff position have to communicate effectively and quickly under stressful or emergency conditions that require certain amounts of visual and auditory acuity?
- To what degree might an attack of exercise-induced asthma during a rescue cause harm to the employee or jeopardize a patron's health and safety? Is the asthma severe enough that the employee might not be able to finish the rescue and provide timely care?
- Might a prospective lifeguard with diagnosed attention-deficit/hyperactivity disorder have attentional problems if not adequately medicated?

It is incumbent on the aquatic manager to provide, in writing, information to physicians about the job requirements and any conditions that might disqualify the prospective employee so that they can make the required checks before administering appropriate physical-ability tests, as well as hearing, visual, postural, and physical-conditioning screenings. Many agencies provide a standardized form that a prospective employee can give to the medical professional, to which a brief cover sheet could be affixed describing the job requirements.

## **Drug and Alcohol Screening**

Because of the debilitating effects of even casual or recreational drug and alcohol use, it is critical to have a policy regarding people with current or past histories of drug and alcohol abuse. This is a very touchy and potentially serious issue that

probably requires consultation with legal counsel to avoid violating statutes while ensuring compliance with legal and other requirements. Questions you might ask include the following:

- Does the prospective employee have a recent drug history based on a background check?
- If you are allowed and can afford to use a urinalysis screening, does the urine test demonstrate recent use of illegal substances or the abuse of legal substances such as alcohol?
- Can you justify hiring someone who might work in close proximity to children or who will have lifeguarding responsibilities who uses illegal drugs or abuses alcohol or prescription drugs that reduce their competence?

Obviously, the answer is negative to all these questions, but this reinforces the importance of employing some type of screening.

### **Physical-Ability Tests**

Many aquatic staff positions, most notably lifeguards and swimming instructors but also filter-room personnel, must have earned the appropriate certifications to demonstrate their minimum level of competence (e.g., American Red Cross Lifeguarding, Water Safety Instructor, CPR). Such certification is necessary but not sufficient for hiring a person. The manager needs to determine whether potential staff members can do what their certifications say they can do at any moment.

The need to determine a candidate's current skill or competence reinforces the importance of having conducted a thorough job analysis that lists all the physical tasks that the person in the position might be required to perform. For example, for lifeguards this includes making water rescues; attending to land emergencies that require competent administration of first aid and CPR and use of an automated external defibrillator (AED), oxygen (O<sub>2</sub>), and personal protective procedures; and other less well-defined judgment calls. The manager must determine a means for screening how well the candidate can think and react.

### **Other Screening Considerations**

Each aquatic staff position entails different responsibilities. Each organization has different requirements for their positions, but generally speaking, aquatic staff candidates who will or might have one-on-one contact with children should have state and federal background checks run, including one from every state in which they have lived. As an employer, you might want to sequence what tests are conducted when. I worked for one organization in which most of the applicants for lifeguard positions failed their drug tests. In that organization it was prudent to wait for the drug-test results before we paid to have criminal background checks completed, because the cost was greater for the background checks than for the drug screening.

Consider conducting a swim test after candidates have signed a health waiver. This swim test will weed out poor swimmers and help you identify the best candidates before spending resources on other screening tests. The physical swimming

and rescue, as well as knowledge tests, should cover material for which the person was certified and that matches the job requirements. Once you have administered physical-skills tests, the manager and other supervisory staff can rank-order candidates from the best to worst performance and hire accordingly. Alternatively, in a tight hiring market, it might be simpler to identify candidates as qualified or not qualified and make job offers to all the qualified individuals. Regardless of how you go about the hiring process, if you have employed adequate preemployment hiring screenings, you will have objective hiring rationale.

One final consideration is in order. Because of the sensitivity of the information you might be seeking in your preemployment tests and evaluations, it is critical to strike a balance between the employee candidate's rights and your need to know as an employer. In this regard it is critical to consult your legal advisors before establishing your process to get their input. Only legal counsel is in the position to advise you on what potential litigation could arise from preemployment testing.

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