

‘This Isn’t the Job I Signed Up For!’

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When Michelle Gamble-Risley signed up to work at a small communications firm, she thought she knew what to expect, but as soon as she showed up for work, Risley realized she had no idea what she was getting into.

“The first couple weeks of the job were very revealing to say the least,” Risley told MainStreet. “The owner lied about my benefits as my medical [coverage] was three times the cost she quoted and my pay was \$5,000 less than the original offer.” According to Risley, her boss also had promised to let her work from home after she started, and even inflated the number of vacation days she would get by including holidays in the cited number. “I can’t even recall all the misleading or obvious inconsistencies. It was very discouraging.”

Risley confronted her boss after a few weeks of working on the job but her complaints were essentially ignored. “She just turned it on me and acted like I didn’t understand what she’d said [during the hiring process]. It was very manipulative.” Unsure what else she could do, Risley stuck it out for a year before she finally decided to quit the job. Still, she did get some of her frustration out. As she recalls now with a bit of pride, “I told off my boss the day I quit.”

First-Day Surprises

Risley is far from the only person to feel duped when starting a new job. Every position comes with its surprises, but sometimes you find out on day one that your new job is not quite as good as it sounded during the hiring process.

Bonnie Bevins accepted a job at a law firm shortly before graduating from paralegal school. She had initially been told that the majority of her work would be paralegal in nature, but ultimately that wasn’t the case. “I was essentially utilized as a receptionist, billing and file clerk,” she said. Similarly, Dan O’Connell landed an internship at an ad agency only to find out the agency was just his boss’s living room and his job was to be her unpaid personal assistant.

Some of the more common complaints we heard included broken promises of a bonus after the first six months, the option to work from home for a certain amount of days each week and a guarantee that the position would come with some amount of travel. In other cases, the broken promise can be something as small as what happened to Marc Karell, who worked as a manager at a small engineering firm. Karell had specifically requested that he be allowed to

leave work at 5 p.m. each day to pick up his children from daycare before he accepted the job. Sure enough, he says his employers “conveniently forgot” this agreement and after a couple months, he decided to quit.

“The first day I left at 5 p.m. and the president said no, that was not acceptable for a manager to leave so early,” Karell said. “I had left my old firm so he had me over a barrel, but I stood firm and left every day at 5 p.m., and reached out and got my old job back within two months.”

What Are Your Rights?

People who believe they’ve been taken advantage of in this way may feel they don’t have any good options, but there are some things you can do.

Initially, it’s important to refrain from being too combative since you may want to continue working there, and the issue may simply be the result of forgetfulness on the part of your boss. “If you’ve already started the job, you can approach the boss with a reminder about the original deal,” said Tory Johnson, a career expert and founder of WomenForHire.com. “The idea is to reassure the boss that everything’s getting done and that your work is not suffering at all. If your boss is an out-of-sight, out-of-mind kind of guy, he will appreciate this.”

However, if you approach the people in charge and can’t come to an agreement, as happened with Risley, you essentially have three options: deal with it, quit or take your employer to court. Unfortunately that last option is incredibly difficult to pursue successfully.

“Those cases are very difficult to establish and you really need a very egregious set of facts,” said Joshua Zuckerberg, a labor lawyer at Pryor Cashman who has worked on ‘truth-in-hiring cases,’ as they are called. According to Zuckerberg, in order to have a chance at successfully taking an employer to court, you need to prove that they deliberately lied to you about an actual fact (for example, they claimed you would oversee 10 employees currently on staff, but in fact there were no employees) and that this deception caused some kind of quantifiable damage to your career (perhaps you abandoned a better paying job or decided to close down your business to take this position). In addition to this, the plaintiff also needs to show “reasonable reliance,” or as Zuckerberg puts it, you need to prove that you didn’t just buy into “a pipe dream.”

There have been a few rare examples of truth-in-hiring cases going forward in court. One case from the early 1990s involved a lawyer who sued Jackson & Nash, a law firm that hired her with the promise that she would be in charge of their environmental division. The problem was that they didn’t have an environmental division. In another case, an employee sued Group Health because she had been promised during the hiring process that she would be exempt from a regular written test that other employees had to take only to end up being fired three weeks into her job because she did have to take the test and failed it. In both cases, these employees abandoned their previous jobs to take the new positions, and in both cases the court ruled that the business had misled the employee during the hiring process.

Yet, more often than not, Zuckerberg says the complaints that employees have are based on claims about what the company and the job might be like down the road. For example, if you’re lured to a company on the belief that it is expanding quickly and will take on interesting new projects in the future, you can’t turn around and sue them if that doesn’t come to pass. “That’s not a misrepresentation, that’s just them trying to induce you to

come and work there,” Zuckerberg said. “To come up with a real claim that your company did something fraudulent, you have to show that they were lying, not just that they were hoping something would be the case.”

Ultimately though, Zuckerberg says contemplating suing your employer in this situation is probably “not a fruitful place to be in.” Rather, he suggests that you “focus your attention on the application process.”

Preventing a Bait-and-Switch

While you may never be completely sure that your future position will meet all your expectations, there are several steps you can and should take throughout the hiring process to limit the risk that you’ll end up in the wrong job. It starts the moment you see a job listing.

“Take a really good look at the job description itself and make sure you have a good understanding of what the skills, requirements and goals are for the position,” said Sophie Beurpere, director of communications at Indeed.com. “Beware of the vague listings like ‘marketing tasks.’ You want to get the ones that are very detailed and descriptive.”

Once you find a detailed description that appeals to you and land an interview, Beurpere recommends that you do some research into the company. Look on its website to find out what the company’s goals are and what projects are in the pipeline. Google them to find out what other people are writing about the company and look for current and former employees of the company on professional networks like LinkedIn to see how long people typically work there. If most people leave after a year or two, that could be a sign there is something wrong with the work environment, Beurpere says.

If you do land an interview with the company, you should absolutely make sure to ask a lot of questions. By doing so, Beurpere says “you’ll get an idea of whether your employer has a clear understanding of the position that you are applying for.” Johnson, the career expert, agrees with this and recommends that candidates ask the boss or future coworkers what they would change about the company. Similarly, you can ask why the position is currently vacant to find out more about why the previous person left. In this way, you can do some polite investigation into the culture of the company and its possible quirks.

Finally, if you are in the last stage of the hiring process and about to accept a position, Johnson says the most important thing you can do to ensure that your employer makes good on promises is “to get it in writing.” In a sense, applicants should approach signing up for a new job much as they do when signing a lease. If you want your landlord or your employer to honor an agreement, however small, you need to have documentation. As Johnson notes, “Even an informal e-mail exchange, if saved, can prove helpful to your cause later on.”

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