

Best Practices in Hiring

For the Diagnostic and Laboratory Testing Industries

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INTRODUCTION

The medical missionary Albert Schweitzer came relatively late to the job that would earn him a reputation as one of the world's greatest humanitarians. By the time he had earned his medical degree at age 36 and embarked for Africa at 37, he was already a renowned musician, theologian, and writer. He once said, "Success is not the key to happiness. Happiness is the key to success. If you love what you are doing, you will be successful."

If you are responsible for hiring, you are in the success business. And when the people you hire are successful it is likely that your company will be successful too. But if the key to success is happiness, how do we find happy people, or people who will be happy and successful in the job we have to offer?

The answer lies in expanding the scope of hiring beyond the standard duties/education/skills model and adding clinical assessments of personal characteristics like ambitions, aspirations, attitude, and cultural fit.

Why are these important? When you think back on some of your recent hires, it is likely that the entire pool of people you were considering had the right background. A candidate generally needs to jump that hurdle just to get to the phone interview. The question probably focused on fit. Who has the most outstanding personality and ability to get the job done? Who will work best with staff and managers? Who has the qualities to be successful in the job and promote the success of the company?

Yet we're often left to speculate about a candidate's likelihood to succeed based on impressions we happened to pick up on the phone or in the interview. If personal traits are important, we need to think about what they are, put them into words, and engage our candidates so we get a sense of their personal qualities and chances for success.

When success is the theme, the steps in the hiring process are simple, and in this brief report we'll go through them one at a time. The first step is to incorporate success into the definition of the job.





WRITE THE JOB DESCRIPTION

A job description typically contains the three elements: (1) duties, responsibilities and position/title, (2) minimum education requirements, and (3) skills or qualifications. That's the standard model, but it's not enough. To describe a position we need to include two more criteria.

First, what do we want the person to accomplish? What is the role accountable for and what will the position achieve in 90 days, a year, or three years?

Second, what are the soft skills that the position requires—the characteristics of the successful person in the role? Perhaps you envision someone who is "biased toward action" and "focused," or maybe "resilient" and "easygoing." The starting point for determining the characteristics you need is identifying the qualities of the people who are already successful within your company today. High turnover can result when new employees have a hard time adjusting to a new corporate culture and can be avoided by identifying in advance the desirable and necessary soft skills.

Here is an example of how this new format might look for the position of Product Manager of Research. The "top 3 priorities" spell out what we want the person to accomplish, and "characteristics and traits required" bring soft skills to the forefront of our attention:

DUTIES AND RESPONSIBILITIES

The Product Manager of Research is responsible for the primary product-line contribution to the in-vitro diagnostic (IVD) research and development business unit. Responsibilities extend from increasing the profitability of existing products to developing new ones. The position is responsible for driving market research, understanding customer needs, and finding innovative solutions for the broader market.

The Product Manager of Research interfaces with R&D, manufacturing, engineering, quality, and sales to define product requirements, and works with marketing/communications to develop downstream go-to-market and product positioning strategies. Working with sales and key customers, he or she is also the internal and external advocate for the products.

TOP 3 PRIORITIES

- 1. Design, build, and implement a tactical plan
- 2. Create support tools for the sales people
- 3. Determine how to resolve complex customer issues and develop an issue-resolution process

EDUCATION REQUIREMENTS

Bachelor's degree required and a master's degree preferred.





WRITE THE JOB DESCRIPTION

BACKGROUND AND SKILLS REQUIRED

Marketing experience in the molecular sector is required, with marketing experience in either next-generation sequencing or IVD preferred. Outstanding written and verbal communication skills, organizational skills, and proficiency in project management software are required. The ideal candidate is analytical, an effective presenter, a strategic thinker, and driven. Proven ability to conduct market research and problem solving as well as deep knowledge of the IVD R&D space is required. Previous experience as a sales person in a science field is preferred.

CHARACTERISTICS AND TRAITS REQUIRED

An energetic person who drives change and challenges the status quo will do well in our company. Previous experience in a small to mid-size company where you wear "multiple hats" and the administrative infrastructure is minimal is a strong plus. Must possess a team mentality while contributing individual work. The ideal fit will be the person with the desire to push the ordinary to create new business opportunities and to meet aggressive deadlines. The ideal candidate will be a good listener and have impressive interpersonal skills.

Identifying the characteristics and traits for success not only helps an employer find the right candidates, it also helps an employer ensure that the hiring process itself is successful by minimizing legal risks associated with hiring. An accurate, thoughtful job description is a tool that supports an employer's decision in selecting one candidate over another.





WEIGH PROMOTING FROM WITHIN VS. HIRING FROM OUTSIDE

The literature on promoting from within versus recruiting from the outside tells us pretty much what you might expect.

On the one hand, hiring from within saves time, energy, and money, because you can quickly transition your employee to the new job and avoid advertising and recruiting costs. Internal hiring is good for morale, because employees see that there are avenues for advancement. And internal hiring reinforces the company's culture and guarantees a good fit. On the other hand, hiring from within can cost you because now you've created another vacancy that needs to be filled. It can be bad for morale if it fosters competition and creates bad feelings among employees. And it may mean missing a chance to shake up a company culture that has grown stale and unproductive. So where are we? The results of a recent study, reported in the Wall Street Journal, add quantitative analysis to the question that may tip the scales toward internal hiring, if you have a good candidate.

Prof. Matthew Bidwell of the University of Pennsylvania Wharton School, examining six years of employee data from the U.S. investment banking unit of a financial services firm, found that:

- External hires were paid 18% to 20% more than internal employees for the same job, but they received lower marks in performance reviews during their first two years on the job.
- External hires were 61% more likely to be laid off or fired from the position and 21% more likely than internal hires in similar positions to leave a job on their own accord.
- External hires tended to have more education and experience than internal workers, but those credentials didn't always result in strong performance. Bidwell said employers don't appreciate how important it is for workers to know the culture and daily procedures of an organization.

When we have a position to fill we almost reflexively turn outside, but these findings suggest that we may profit from taking a determined look around the company.

Sometimes, of course, the only option is to turn outside. In a growing company, it's mathematically impossible to fill all new positions with internal candidates, and companies expanding into new product lines or markets will logically seek talent with specific knowledge of the new areas. If a company has determined that it needs to shake up its corporate culture, outsiders can come in handy.

The bottom line is that, even if you have an explicit policy of promoting from within, you have to hire good people in the first place. Procter & Gamble, well-known for its strong culture of promoting from inside the company, sums up this challenge by stating: "At P&G we are proud that we develop talent almost exclusively from within. For this reason our hiring process is very rigorous."





DECIDE WHETHER TO USE A RECRUITMENT FIRM

When competition demands that you have successful people filling all the roles in your company, the intensity of recruitment rises at each level. It is common for companies to advertise locally for entry-level and mid-level positions, but use an executive recruitment firm for leadership roles. The rationale is that entry- and mid-level roles need to be filled quickly and can be filled inexpensively—they're low risk. But leadership roles are viewed as high profile, long term, and vital to the company's success, so we tend to cast a wide net and undertake a rigorous process to find the best candidates.

But is it wise to treat the two kinds of jobs differently? Probably as many companies have faltered as have prospered in the hands of a carefully selected chief executive, and perhaps as many chief executives have faltered as have prospered at the hands of a hastily chosen executive assistant. Every position is important, especially in growing, competitive industries like health care, and so the decision to use a recruitment firm should be based less on the level of the position and more on an objective assessment of your ability to identify and recruit the best talent.

Agreements with recruiting firms typically take one of two forms: exclusive and retained, and non-exclusive and contingent.

In an exclusive and retained arrangement, most common for executive recruitment, e.g., a vice president or president, you agree to work with the contracted firm only. If you happen to find a candidate yourself, he or she is vetted along with all other candidates by your retained recruitment firm.

The financial terms may call for a specified percentage (often 25-33%) of the first year's anticipated total

compensation, with payments due in installments (for example, one-third at signing, one-third after 90 days, and one-third at completion). Depending on the terms, the final payment may be due whether the search is successful or not.

It is not uncommon for the agreement to specify a cap on the fee, that is, to set the fee as a percent of compensation up to a dollar limit. This can be an attractive option when using a search firm for the first time.

In a non-exclusive, contingent agreement, the recruitment firm might compete with other firms as well as with your own internal recruitment efforts, and it receives payment only if and when you hire its candidate. The advantage for the client is that there is no commitment of money upfront, but there may also be less of a commitment on the part of the recruitment firm.

The "value-added" by a recruitment firm derives from six features and tasks that the firm should be able to provide. These are also useful criteria for determining which firm to hire.

THE FIRM HAS A RELEVANT DATABASE

Over a period of years in the industry and through a continually expanding network of contacts, a search firm builds an extensive database of professionals on which to draw. The Slone Partners database, for example, contains information on over 100,000 diagnostic laboratory professionals.





DECIDE WHETHER TO USE A RECRUITMENT FIRM

THE FIRM CAN SELL THE POSITION TO CANDIDATES

The number-one reason that people give for seeking a new job is the desire for challenge and professional growth. An expert recruiter can convince the right candidates not only that they can thrive in a new position, but also that they are key to the firm's success. Candidates immediately want to know, what does this story have to do with me? The recruiter sets the stage, telling the story of the client company's rise to success and its current challenges, and the part the candidate will play in continuing that trajectory or redirecting it. Finding the words to create the story of how a candidate fits in is an art that comes from thousands of hours of practice and from knowing the backdrop of the competition and the marketplace.

THE FIRM CAN ASSESS TECHNICAL SKILLS

A good recruiter's viewpoint is industry-wide and sees the big picture of what is available in the marketplace and what is not. For instance, if a client is looking for someone who is boarded in both medical genetics and cytogenetics, the recruiter will know that there are only a finite number of people with these certifications, will know who they are, and will know how to reach them.

THE FIRM CAN ASSESS CULTURAL FIT

The culture of a company is its personality, and like personality it has many attributes and is fairly well set in place. Professor Edgar Schein of the MIT Sloan School of Management defines company culture as the set of basic assumptions "that was learned by a group as it solved its problems...that has worked well enough to be considered valid and, therefore, to be taught to new members as the correct way you perceive, think, and feel in relation to those problems." Culture is not to be taken lightly, and a good recruiter will work with you to define your culture and determine the personal traits best suited for succeeding within it.

THE FIRM IS WELL-VERSED IN THE LEGAL REQUIREMENTS OF HIRING

Hiring is undeniably a process that involves complying with various federal and state law requirements –more than many companies fully realize. For example, the recruiter understands the questions that can be asked and the technicalities of the background check process. Understanding this process is a value-added benefit that a recruiter provides.

THE FIRM CAN CLOSE THE DEAL

Often companies mistake a candidate's interest in exploring a new job as an acceptance. By the time the offer comes, the candidate should be mostly committed to accepting the role and moving forward. A good recruiter will "trial-close" a candidate all the way through the process. For example, after having discussed the salient points of a position, including location, scope of the role, and compensation, the recruiter might say, "Your phone screen went well—should the process continue in this positive direction and they offer the role, do you plan to accept? Is there anything preventing you from moving forward? Who else is involved in making this decision with you?"

THE FIRM PROVIDES POST-SEARCH FOLLOW-UP AND ONBOARDING

Many organizations have their own formalized procedures in place for transitioning new staff, but evidence suggests that candidates are more productive quickly and stay longer when a third-party coach helps them in the transition. A competent search firm will offer executive coaching to serve as a sounding board to help the candidate prioritize goals and expedite the learning curve. Slone Partners, for example, offers 90 days of complimentary executive coaching.





ANNOUNCE THE JOB

Social networks have become a mainstay for advertising to potential candidates. Jobs posted to LinkedIn average 49 applications, and candidates looking for jobs will be subscribers to LinkedIn, Twitter, and other sites.

Posting positions online will save time and money in the recruiting process, but it is important to have a plan. Choose a social network with a user base that will give you the most relevant applicants, and set up a company page on the service that is a quality, well-branded representation of your firm. Ensure that your postings comply with legal requirements and do not state or suggest a preference for applicants of a particular gender, race, age or other protected characteristic.

Social media allows you to target extremely specific market segments. When you post a job or company page on LinkedIn, for example, you can advertise it to a finite group based on job function, seniority, geography, or other criteria. You can also write posts on industry-specific group pages and send status updates to specific segments of your followers.

Note that the social network you build through these services is only as valuable as the quantity and quality of user data it can provide. But when it comes time to recruit, you will already have a database of user information to get started. A network also gives you the capacity to recruit passively. Curating your company page and managing a group of followers on a regular basis opens the door for talent to be referred from the network, even when you are not hiring. Use this time to tell followers what it is like to work for your company, and target executives with updates on the benefits of partnering with your organization.

Referrals from social networks are becoming commonplace in recruitment. Passive candidates who see a good opportunity via a social network can also readily see whether they have a primary or secondary connection who currently works for the company. Before applying for the job online, candidates are reaching out through the network to ask about the job and are perhaps seeking referrals from their connections. A candidate who successfully earns the respect, and a referral, from your employee is a candidate worth meeting.





PHONE-SCREEN TOP CANDIDATES

The amount of information learned in a brief phone call with a potential candidate can be both surprising and extremely valuable. When speaking with candidates about opportunities, there are essentially three areas that must be covered immediately: specific key requirements (e.g. education, board certification, essential experience, etc.), relocation, and compensation.

The discussion of education and credentialing can be tailored to the specific search. Technical and clinical leadership roles almost always have specific requirements that must be met in order for an individual to qualify. For example, the director of a CLIA laboratory (one that is regulated by the federal Clinical Laboratory Improvement Amendments) is typically a Ph.D. in a science discipline with a board certification that allows him or her to hold the CLIA license. California-based laboratory leadership positions also include a state-specific license requirement.

In addition to education, industry experience can be determined in early discussions. Clients may be seeking a specific technology background such as immunoassay or gene sequencing for technical roles. On the sales side, we may need to verify a candidate's foundation in relationships and call points. Financial leadership roles might require specific experience in leading third-party billing departments. And for operations positions we may need to assess a client's background in scaling up an operation as the business grows.

Relocation is often the most difficult aspect of recruiting, and it affects nearly all positions at the director level and above. It is imperative to open a dialogue in the first call with candidates about the relocation requirement and their perspective as it relates to a geographic move. Relocation is rarely a one-person decision: There are almost always additional factors to consider beyond whether the candidates themselves are open to a move. A good question for opening this discussion is, "What is the most challenging aspect of relocation for you?" This will inevitably result in a candidate opening up about a spouse, children, elderly parents, real estate, etc. Once the candidate verbalizes these concerns, the conversation can develop from there and you will likely have a strong understanding of how realistic it is that this individual will actually relocate. It is good practice to ask the candidate to go back to family and openly discuss the idea of relocation before taking any next steps, because often the reaction candidates receive from family members is different from what they expected.

Other elements of the relocation decision that should be discussed early in the process are details of the relocation package. For most companies, gone are the days of buying candidates' homes and paying real estate fees. A typical relocation package may include the packing and moving of household goods, transportation of one or two cars, meals while moving, and one house-hunting trip. Packages may or may not cover temporary housing, the expenses of multiple house-hunting trips, and meals for an extended period.





PHONE-SCREEN TOP CANDIDATES

Compensation is often viewed as a difficult topic to approach, but it shouldn't be. Compensation is not a gray area. Individuals earn what they earn and want what they want in order to make career changes. Sometimes these expectations may not align, but never wait until the 11th hour of the offer process to figure that out. Understanding a candidate's compensation expectations should happen in the first or second call. While compensation is not the only consideration for most individuals, it is wishful thinking to believe that employed candidates are going to change positions and relocate for compensation that is merely similar to what they have now. There are, of course, exceptions, but as a general rule candidates have a clear expectation that they will be paid more by making a job transition. If a client is firm on the parameters of compensation and the individual is simply too expensive, this determination should be made early in the process to avoid frustration for everyone.





INTERVIEW AND ASSESS THE TOP 3-4 CANDIDATES

Assessing a candidate involves three essential questions: Can they do the job? Will they love the job? Will they fit in?

Usually we start and end with the first question. How much do the other two matter? It has to do with Albert Schweitzer's advice that "happiness is the key to success."

Looking only at ability to do the job ignores the reasons why people are successful in their jobs and why they may eventually leave them. The primary reason people leave jobs is that they are not challenged and don't have the opportunity to reach their potential. According to a recent article in Forbes, even in an uncertain economic environment, with the unemployment rate over 7.5 percent, the number of people voluntarily leaving their jobs currently averages two million a month. This turnover imposes considerable costs on a company. A recent study estimated that, for jobs paying less than \$75,000 a year—which is 90% of jobs in the United States—the typical cost of turnover is 20 percent of

salary. For executives the costs are much higher, easily equaling or exceeding 100 percent of salary. Given that the average income in the United States is about \$40,000 a year, companies could be paying \$192 billion a year to replace voluntary job leavers, about as much as U.S. corporations pay in federal income taxes.

There are, of course, other costs of turnover that are harder to quantify, like loss of business, lower productivity, and diminished morale.

To gather the hard and the soft intelligence that you need, ask more questions. And when the interview is over, use the Lt. Colombo approach: "Oh, just one more question...." Never hold back because you don't want to offend the candidate. You are making a hiring decision for your company, and getting to know the candidate is part of your job.

Here are few questions to help you figure out whether the candidate will enjoy the role:

- What do you need in your next position?
- What is missing in your current role?
- What do you want to be able to do in this position?
- What do you not want to do?
- Walk me through your resume and explain why you made each move.





INTERVIEW AND ASSESS THE TOP 3-4 CANDIDATES

And to determine if a candidate will fit with your company culture, ask:

- What criteria do you look for in a company to determine if it's a good fit?
- What are the leadership characteristics that work well for you?
- Can you describe a situation when your leadership style was not effective?
- What would you like to be doing in two or three years? What's your career goal in 10 years?

Remember, of course, that your questions must be legally compliant. That means that you can't ask about an applicant's race, age, national origin, gender, disability or other such protected category. Rather, the focus of your questions should be on how and why the candidate is the best fit for your company.

Sometimes you can get caught up in the moment of a good interview. Always keep in mind that you want an opportunity to think about and assess the candidate after the interview is over. For that reason, it's important not to make any promises or guarantees with regard to the job or future employment during the interview. For example, you shouldn't tell a candidate, "you're a perfect fit" or "you're the leading candidate."

After this conversation, you'll have a decent gauge of whether the candidate plans to thrive in your organization or just collect a paycheck.





DECIDE

One is a lonely number. Whenever possible, involve other stakeholders in the hiring process (but be sure to break up the process with built-in breaks to avoid exhausting the candidates).

Checking references is a good way to get others involved in the decision process. Ask candidates for the names of two previous superiors (not employers) and one co-worker, and call these references to get to the root of how the person operates and engages with others. Look for consistency: If the three references are saying similar things about the candidate and echoing your impressions, it is a good sign that the information you have gathered is true and accurate. Avoid contacting people who are not on the candidate's list, because it is possible that the candidate has not yet disclosed to a current employer his or her interest in moving on.





OFFER

Though our goal in the hiring process is to find qualified candidates who will find happiness in their new positions, the employment relationship is nevertheless a business relationship and requires a good contract that provides a solid framework for the relationship. That means that as an employer you should have a document that establishes the nature of the relationship, the terms and conditions of employment, and how the employment relationship will end. Depending on your organization and the position involved, this document may be an offer letter or a more formal employment agreement. Whatever format is used, the document should be drafted to ensure that the terms of employment and the expectations of both employer and employee are clear from the beginning.

The document should, at a minimum, include the following elements:

- Establish the position offered and scope of duties and responsibilities
- Identity the employer's expectations regarding legal and regulatory compliance and the employee's obligations related to compliance
- Establish the nature of the employment relationship (e.g., at-will)
- Compensation and benefits, such as vacation time, and the rights of the employer to modify such items, including unilateral modification
- Provisions related to termination of employment
- Non-competition and other restrictive covenants applicable during the term of the employment relationship and after employment ends
- Other key terms related to confidentiality and protecting company assets, which are described below

Having a well-crafted document that establishes the terms of employment contributes to employment success because it takes the guess-work out of the relationship, mitigates future disputes, and places the employer in a stronger position should a dispute arise.

Because people will move on, you must ensure the protection of your business assets should an employee depart.

Protecting company assets, such as privileged information, intellectual property, customer relationships, prospect lists, fee schedules, thirdparty contracts, business/clinical methods/processes, and even other employees, is critical. At this stage of the hiring process, you must be prepared with reasonably tailored agreements that provide appropriate levels of protection, depending on the new hire's exposure to assets and the harm they could potentially inflict if they depart.





OFFER

The restrictions contained in employee agreements should include:

- a confidentiality agreement, which should be signed by every employee
- a non-solicitation agreement, which restricts an individual from soliciting other employees or customers after leaving (generally signed by mid-level employees and above)
- a non-compete agreement, which prohibits an employee from working for a competitor for a specified length of time.
- a non-disparagement agreement

These agreements will provide substantial protection by limiting the ability of departing employees to make improper competitive use of information gathered during employment or from taking advantage of relationships that they were paid to develop. You also have patents, trademarks, copyrights, bilateral contracts, and trade secret laws at your disposal to further protect privileged information and customer relationships.

These provisions need to be tailored to meet your particular circumstances and the position filled by the employee. Also, companies should avoid the temptation to use a "one size fits all approach" to their restrictive covenant provisions. The legal requirements for and limitations on these provisions (particularly non-compete provisions) can vary materially state-to-state. These provisions should be drafted to adequately protect the employer's legitimate business interests but not so broadly drafted that a court may reject them or redraft them in a manner that is less protective than you need.

The agreement with the employee should reflect the employee's acknowledgment that they agree that the restrictions are reasonable and can be enforced through injunctive relief in addition to a suit for damages. This will greatly enhance your chances for success if you need to enforce a restrictive covenant.





BRING YOUR NEW HIRE ON BOARD

Onboarding, also called transition services, can be a great tool for ushering in new employees at the crucial time when they are beginning to make their mark on the organization and starting to build relationships with management and new colleagues.

Onboarding is not, however, the same thing as orientation. The difference between onboarding and orientation is the scope. Orientation focuses on the tactical part of the role, while onboarding is more comprehensive.

The onboarding process involves a set of clear and specific expectations. It is best executed in a 30-60-90-day plan, starting with new employees being introduced by the manager to their job responsibilities and provided with the equipment necessary to do their job from the first day. Throughout the 30-60-90-day process, new

employees should be introduced to key stakeholders within the business, and test plans and ideas. They should continue to be coached and receive feedback from colleagues. At the end of the first 90 days, new employees should feel that they are a part of the team; have their mission, vision, and values in line with the company's culture; and have an idea of how their profile measures up to others within the company.





REVIEW/EVALUATE/CALIBRATE

Through each of the steps from writing the job description to interviewing to hiring to onboarding, you have worked to find the candidate with the optimal mix of hard and soft skills to be successful at your company. But the process should not stop once your new hire is on board. You can use your experience with your hires to assess how well you are incorporating ability and fit into the hiring process.

In Anna Karenina Tolstoy wrote, "Happy families are all alike; every unhappy family is unhappy in its own way." This famous line has been interpreted to mean that marriage and family succeed when each piece of the puzzle fits together just right—the result is a tableau that looks the same from family to family. But there are countless possibilities for messing up the puzzle, and so each failed relationship is unique. Like forging a happy family, assembling a workplace in which everyone meshes and succeeds is a continuous process of reviewing your assumptions, evaluating the performance of your workforce, and recalibrating your procedures. You can't get it right all the time, but you can always be trying to get it right, peopling your workplace with the next Albert Schweitzer.





ABOUT SLONE PARTNERS

Slone Partners is a premier national recruitment firm that specializes in delivering top executive, management and leadership talent for the diagnostic and laboratory testing industries. For over twelve years, we have worked with cutting edge, demanding organizations to quickly attract and hire the best industry talent. Our areas of expertise include Personalized Medicine, Molecular Diagnostics & Genetics, Clinical Diagnostics, CLIA Laboratories, Genomics & Bioinformatics, In-Vitro Diagnostics, Anatomic Pathology, Clinical Trials (CRO).

For more information, please contact Slone Partners at info@slonepartners.com.

ABOUT MCDONALD HOPKINS

McDonald Hopkins has a national practice in the representation of laboratories and pathology groups. The firm provides a broad range of legal services to its laboratory and pathology group clients including employment counseling, litigation services, regulatory, compliance, licensure and reimbursement consulting, data privacy and data security, and mergers and acquisitions. McDonald Hopkins is on the employment litigation panels for the following insurance carriers: Chubb, Hartford, AIG (including Lexington), Allied World, and XL. McDonald Hopkins has also represented laboratories covered by ACE. We have offices in Chicago, Cleveland, Columbus, Detroit, Miami, and West Palm Beach.

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