

## **REFERENCE CHECKS**

**PURPOSE:** To ensure reference checks have been conducted in an appropriate, consistent manner on all applicants selected for hire.

**SCOPE:** This policy applies to all departments and to all reference checks conducted.

### **POLICY STATEMENT:**

Reference checks conducted on eligible applicants are considered an integral part of the selection process. It is the responsibility of the appointing authority to ensure reference checks have been conducted on all applicants selected for hire..

Checking references promotes a safe and effective workplace, by protecting an employer from negligent hiring exposure, wrongful termination lawsuits, incidents of sexual harassment, financial loss, false claims, theft, workplace disruption or time wasted in recruiting or training the wrong candidate.

As a supervisor, you may also be called on to respond to an inquiry regarding a present or past employee. In both cases it is important to be aware of the implications of reference checking. Please use the following guidelines when conducting reference checks and/or responding to reference inquiries.

### **CONDUCTING REFERENCE CHECKS ON APPLICANTS**

Reference inquiries generally serve two basic purposes:

1. To verify that the applicant meets the minimum qualification requirements for the position.
2. To verify information that the applicant has provided, as well as, objective evidence of his or her knowledge, skills and work habits; or, to provide a basis to determine the applicant's overall relative qualifications for the position.

A well-conducted reference check should provide valuable insight regarding an applicant's qualifications and past performance. However, such evaluations should be used with caution. Although future job success may be predicted through evaluating past work performance, reference checking is by no means an all-inclusive device for selecting the best candidate. Be aware that the names an applicant lists as references may be useful in verifying employment data but generally include only those sources which will produce a favorable report. In addition, due to the increasing legal ramifications of responding to reference requests, many employers are reluctant to release complete information or jeopardize a candidate's chances of obtaining a job. By asking specific job related questions and learning to evaluate responses given, it increases the likelihood of receiving useful data.

When used in the selection process, reference checks and criteria used should be equally applied to all final candidates. Like all other selection devices, the reference check must refer only to objective job related information. The person conducting the reference check must be able to justify any rejection made through such inquiry based only upon job related factors.

Appropriate areas of inquiry in a reference check include job related factors such as technical or managerial skills, quality and quantity of work, judgement exercised, style of work, dates of employment, promotions and demotions and salary data. [Depending on the policies of the organization contacted, some may not give a detailed reference.] It is inappropriate to inquire about areas not related to actual on-the-job performance as it is illegal to base an employment decision on such criterion. The applicant may think that the employment decision was based on non-job related factors. These include questions relating to hobbies, social activities, religious or political beliefs, marital status, children, residence, medical status or disability, and any past legal actions including workers' compensation claims, civil rights charges and safety complaints.

AN APPLICANT SHOULD BE INFORMED BEFOREHAND THAT YOU WILL BE CHECKING HIS/HER QUALIFICATIONS THROUGH PAST EMPLOYERS AND OTHERS GIVEN AS REFERENCES. This is especially important if the applicant's present employer is to be contacted. CANDIDATES SHOULD SIGN A WRITTEN RELEASE AUTHORIZING PRESENT AND FORMER EMPLOYERS TO PROVIDE EMPLOYMENT RELATED INFORMATION. Job candidates should sign such a consent form as part of the final selection interview (Authorization form is attached to this EPP). Any applicant who refuses or is unavailable to authorize reference checks may be disqualified. The County on-line application form also contains an authorization and waiver to check references. Many organizations require a signed consent form before releasing any information. Therefore, a separate form signed by the applicant may be requested by a potential reference. This acts to alleviate them from liability in responding to the inquiries.

It is important to contact the applicant's immediate supervisor when possible. While a Human Resources department can confirm employment dates, job titles and rates of pay, former supervisors are the best source of information regarding work habits. In any reference check, it is advisable to contact an authorized manager of the organization who can make a fair and honest evaluation of the applicant.

When contacting a reference, a list of predetermined questions should be used. The following points should be considered:

1. Request only specific job related information (example, technical or managerial skills, quality and quantity of work, attendance, style of work and other job skills).
2. Avoid subjective areas. Questions should be phrased so that references are asked to describe only characteristics necessary for the applicant to successfully perform the duties of the job.
3. Request that the reference use actual records and facts in discussing the individual. Inquiries should be stated in a way that promotes impartiality and accurate information.

## RESPONDING TO REFERENCE REQUESTS

Recent litigation in the area of responding to reference requests makes it important to be aware of the potential ramifications of providing a response to reference inquiries. When providing information, the former employer is expected to yield an accurate, truthful, job related and impartial assessment of the ex-employee in order to protect the employee from defamation of character.

A WRITTEN RELEASE OF INFORMATION, SIGNED BY THE FORMER EMPLOYEE, SHOULD BE OBTAINED BEFORE RESPONDING TO ANY INQUIRY OTHER THAN EMPLOYMENT DATES, SALARY HISTORY OR OTHER PUBLIC RECORD. It would be helpful to have all resigning, terminated or transferred employees sign a release form before leaving the department. Attached to this memo are two types of authorization to release information for present and previous employees. Employees should be allowed to sign either a complete reference authorization (Release A) or a limited release (Release B). The waiver indicates the type of reference the former employee authorizes the department to release. If you do not possess a signed copy of either of these forms, release only that information provided for in Release B or as outlined below, unless you receive a signed waiver from the previous employee.

Always obtain the identity of a person requesting a reference check before releasing any information (i.e. request name, position and represented organization). If there is any question as to the validity of the request, consider verifying the information by return phone call or receipt of written verification.

The most important guideline is to share only job related information. When asked to respond to a reference inquiry you should always avoid defamation of the previous employee. All responses, both favorable and less than favorable, should be OBJECTIVE and based on FACTUAL, DOCUMENTED criteria.

The following are general guidelines when providing references:

1. Make only objective, job-related statements that pertain to the job and job performance in question.
2. Unless a signed written authorization has been obtained from the previous employee that permits a more detailed reference, release only the following types of information, most of which is public information:
  - a. Dates of employment.
  - b. Job titles during employment.
  - c. Promotions and demotions.
  - d. Salary.
  - e. Resignation or termination (no details).
  - f. Do not answer the question, "Would you rehire this person?" as this can be construed as defamatory if you say no.
3. Document all released information. Use specific statements that are based on documented criteria.

4. Be sure that all written responses to a potential employer's inquiry are based on a thorough investigation. Written responses should be labeled "confidential" and provide a qualifying statement such as "providing information that was requested". Written responses should only be released with the candidate's permission and should follow all the above guidelines pertaining to oral responses.
5. Do not respond to any off-limit, non-job-related or personal questions. Avoid casual conversations leading off track.

Any potentially negative comment you feel is warranted to protect the interests of future employers should be discussed beforehand with DES or County Counsel. A written authorization should be obtained from the employee before responding. Without this authorization you should communicate that it is County policy not to respond to such inquiries regarding disciplinary actions, reasons for termination or other questions to which a response may be less than favorable. Keep in mind that a "no comment" response carries a lower risk of liability than a negative one that may be alleged to be defamatory.

Any questions or concerns regarding the above information or requests for additional resources relating to reference checking may be discussed with the Department of Employee Services.

### **INTERNET LINKS**

County Ordinance (<http://www.clackamas.us/code/documents/title2.pdf>)

Attachments

**CONSENT TO DISCLOSE INFORMATION FOR REFERENCE CHECKS**  
(Release A)

I hereby request and authorize Clackamas County, acting by and through its designated representative, to provide information concerning my prior employment at Clackamas County to anyone conducting a reference check for potential employment.

I expressly authorize Clackamas County to provide information, either verbally or in writing, concerning my job duties, job performance, interpersonal skills, performance evaluations, salary history or related information as appropriate, to respond to inquiries concerning my employment with the County.

I hereby acknowledge that Clackamas County is disclosing the above information at my express request and that I will make no claim whatsoever against Clackamas County, its agents, Commissioners and/or employees arising out of disclosure of such information regarding my employment by the County or its representative.

I understand that Clackamas County may provide any future reference seekers with a copy of this form, to indicate that Clackamas County is providing this information at my request.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Printed Name

cc: Department of Employee Services

**CONSENT TO DISCLOSE LIMITED INFORMATION FOR REFERENCE CHECKS**  
(Release B)

I request Clackamas County, acting by and through its designated representative, to provide only limited public access information, concerning my employment at Clackamas County to anyone conducting a reference check for potential employment.

I understand that all future calls regarding reference inquiries will be limited to the following release of information:

- A. My dates of employment.
- B. My last job title.
- C. Other job titles held with the County.
- D. Salary.
- E. Reason for leaving (restricted to one-word statement of resignation or termination - no details).

I understand that Clackamas County may provide any future reference seekers with a copy of this form, to indicate that Clackamas County is providing this information at my request.

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Printed Name

cc: Department of Employee Services

**AUTHORIZATION TO CONDUCT REFERENCE  
CHECKS ON ELIGIBLE APPLICANTS**

I hereby request and authorize Clackamas County, acting by and through its designated representative, to contact any previous employers and supervisors, including all persons with and for whom I have worked, to access any and all information regarding my present and previous employment.

I expressly authorize Clackamas County to request information regarding my job duties, job performance, interpersonal skills, performance evaluations, salary history or related information, as appropriate to the position to which I've made application. I release Clackamas County, its agents, Commissioners and/or employees, and all present and previous employers, supervisors and co-workers from liability for any damages that may result from furnishing such requested information to Clackamas County.

I understand that Clackamas County may provide a copy of this form to present and previous employers and others listed as references to indicate that Clackamas County is obtaining this information at my request.

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Signature

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Date

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Printed Name

cc: Department of Employee Services

## REFERENCE CHECK

Candidate Name: \_\_\_\_\_ Interviewed by: \_\_\_\_\_  
Position applied for: \_\_\_\_\_ Date: \_\_\_\_\_  
Reference Name: \_\_\_\_\_ Reference Title: \_\_\_\_\_  
Organization: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

These are general questions designed to be used as a guide for supervisors when assessing an applicants' overall performance qualifications. In accordance with the law, inquiries must be job-related based on the particular position being filled. Therefore, it may be necessary to supplement the following with additional questions addressing specific requirements of the job or deleting some questions contained on this form. There are additional questions located in the Supervisor's Guide to Recruitment and Selection.

### I. VERIFY INFORMATION ON APPLICATION

A. I'd like to verify dates of employment for \_\_\_\_\_ .

B. What job titles/positions did \_\_\_\_\_ hold during this period?

C. What was \_\_\_\_\_ 's final salary? (May be confidential.)

D. What was \_\_\_\_\_ 's documented reason for leaving your organization?

E. What were the job responsibilities \_\_\_\_\_ performed for your organization? \_\_\_\_\_ listed the following as job responsibilities. Would you agree?

F. What was \_\_\_\_\_ 's level of responsibility in your organization?

### II. ASSESS OVERALL WORK PERFORMANCE

A. What can you tell me about \_\_\_\_\_ 's overall work performance?

B. What appeared as \_\_\_\_\_ 's major strengths in performing his/her work duties?

- C. In what areas did \_\_\_\_\_ appear to need additional assistance to develop?
- D. How closely was \_\_\_\_\_ 's work supervised and how well would you say he/she responds to supervision?
- E. Did \_\_\_\_\_ supervise other people? How many were supervised and how would you assess his/her supervisory skills? (For positions requiring supervision.)
- F. How well does \_\_\_\_\_ work with others, as part of a team, independently?
- G. How successful was \_\_\_\_\_ at completing requested assignments and meeting deadlines?
- H. Can you tell me how \_\_\_\_\_ worked with the public? With co-workers? (Or specific groups/individuals served.)
- I. How was \_\_\_\_\_ 's attendance? On average, how many days absent per year? How often tardy?
- J. Overall, how accurate was \_\_\_\_\_ in the work he/she performed?

III. OTHER QUESTIONS RELATED TO POSITION (Fill-In)

- A.
- B.
- C.

IV. IN CLOSING

Is there anything else about \_\_\_\_\_ you would care to tell me that I might consider relating to her/his overall work performance and qualifications?