

# County of Sonoma



## Guidelines for Requesting and Providing Employment References

Last Updated January 2018

# Table of Contents

I.	INTRODUCTION.....	3
	Purpose: .....	3
II.	LEGAL CONSIDERATIONS.....	3
III.	GENERAL GUIDELINES FOR CONDUCTING REFERENCE CHECKS.....	4
	When Should Reference Checks be Conducted?.....	4
	How Many References are Required?.....	4
	Who Should Conduct Reference Checks?.....	4
	Types of References:.....	4
	Inform Applicants That You Plan to Check References:.....	4
	Get a Waiver Signed: .....	5
IV.	PREPARING FOR THE REFERENCE INTERVIEW.....	5
V.	CONDUCTING THE REFERENCE INTERVIEW .....	6
VI.	OBTAINING REFERENCES FOR PROMOTIONAL AND TRANSFER CANDIDATES.....	7
VII.	STRATEGIES FOR DEALING WITH REFERENCE CHECK CHALLENGES.....	7
VIII.	EVALUATING REFERENCE INFORMATION.....	9
IX.	PROVIDING EMPLOYMENT REFERENCES.....	10
X.	DEPARTMENT RESPONSIBILITIES.....	10
	Determine What Information Will Be Provided: .....	10
	Develop Policy and Procedures:.....	10
	Ensure the Policy is Applied Consistently:.....	10
XI.	RESPONDING TO REQUESTS FROM PROSPECTIVE EMPLOYERS.....	10
XII.	LETTERS OF REFERENCE.....	11
XIII.	WHEN TO CALL HUMAN RESOURCES.....	12
XIV.	RECORDKEEPING.....	12
	Attachment A – Reference Check Template.....	13
	Attachment B - California Department of Fair Employment & Housing Fact Sheet.....	17

## I. INTRODUCTION

The County of Sonoma (“the County”) is committed to providing equal opportunity in employment, in accessing programs and services, and in contracting opportunities. Therefore, it is the policy of the County of Sonoma that no person shall be subject to illegal discrimination, harassment or retaliation with regard to any aspect of recruitment or employment with the County.

It is in the interest of the County to provide a safe environment for its employees, clients, residents and the public, minimize unnecessary exposure to liability, and select qualified applicants for job openings. Conducting thorough reference checks is the best method to identify potential problem employees. Direct benefits include making better and more informed hiring decisions, demonstrating fairness and equal treatment of all job applicants, and sending a message about the high expectations of the County. Longer term benefits include avoiding the costs of a bad hire, maintaining employee morale by making quality hires, and gaining the public’s trust that civil servants take hiring seriously.

Reference checking focuses primarily on applicants’ past behavior and accomplishments. It relies on the ***behavioral consistency principle***—that the most reliable predictor of future behavior, such as job performance, is past behavior. This principle has a long and productive history in employee selection. Reference checking verifies an applicant’s description of past experience and allows the reference checker to evaluate how closely this experience matches the requirements of the job.

While employers benefit from the opportunity to understand more about a candidate’s skills and abilities, the candidate also benefits from information about their own performance being backed up by their ex-employer.

### **Purpose:**

These guidelines are to provide assistance to departmental staff with guidance and procedures for:

- Best practices for conducting reference checks.
- Preparing for the reference check interview.
- Conducting the reference check interview.
- Template and questions to use when conducting a reference check.
- Prohibited questions.
- Evaluating reference check results.
- Responding to requests for employment references.

## II. LEGAL CONSIDERATIONS

In an effort to encourage employers to provide employment references many states, including California, have enacted reference immunity laws to protect employers from defamation claims associated with employment references. Under California law, truthful communications about job performance, employment qualifications, or eligibility for rehire are privileged as long as the communication is based on credible evidence and made without malice. If references are checked and provided consistent with these guidelines, reference checking is a legally defensible activity. There is no approach that will guarantee that you will not be sued by a former employee because of information that was provided in a reference check however, if these guidelines are followed you should feel comfortable checking employment references as well as providing both favorable and unfavorable references.

### **III. GENERAL GUIDELINES FOR CONDUCTING REFERENCE CHECKS**

#### **When Should Reference Checks be Conducted?**

Reference checking can be done at any stage of the department selection process, but must be completed before a conditional job offer is made. Typically, reference checks are conducted on the top 1-3 applicants, and are done simultaneously with the background checks. Employment verification should be conducted in conjunction with reference checks.

#### **How Many References are Required?**

It is critical that you make every attempt to contact **at least three** references. Obtaining multiple references allows you to verify consistency among respondents and to demonstrate that you have made reasonable efforts to confirm the validity of information given on the application or during the interview. The risks associated with not seeking references go beyond not selecting the best applicant. If an employer does not make reasonable inquiry about the person they hire, and the employee causes injury, the hiring authority and employer can be found legally and financially responsible. Exercising due diligence is the best protection against legal exposure.

#### **Who Should Conduct Reference Checks?**

The individual conducting the reference check should be thoroughly familiar with the duties of the job being filled, the skills required to perform the duties, the personal qualities required to assure a good fit in the position, and the legal restrictions on the information that may be sought. (Attachment B - California Department of Fair Employment & Housing Fact Sheet.) Ideally, reference checks should be conducted by the direct manager or supervisor, as the person who supervises the position being filled is likely to have follow-up questions that may not occur to others. In addition, if the person checking the reference is able to speak with his or her counterpart at the other agency, the likelihood of obtaining a candid reference is substantially improved. If, for example, a budget manager speaks to another agency's budget manager, it is likely that there will be some camaraderie which will prompt a more honest and detailed reference.

If the direct supervisor or manager does not have the capacity or expertise necessary to conduct effective, legally compliant reference checks, or if the department has centralized this function, it is still important that reference checks be conducted by a supervisory or management employee who is familiar with the job that is being filled.

All employees who are authorized by the hiring authority to conduct reference checks must be familiar with the legal considerations, procedures, and techniques for effective reference checking that are outlined in these guidelines.

#### **Types of References:**

Avoid personal references; your purpose is to talk to persons who can comment on the applicant's past job performance. The best references come from former direct supervisors. Peers and subordinates can also be excellent references, but should be considered secondary. The applicant bears the burden of providing the names of people familiar with their work, volunteer, or school performance, and to convince reluctant references to respond to the request for a reference. Current/former employers who are contacted during the reference check process can also provide you with verification of the individual's employment.

#### **Inform Applicants That You Plan to Check References:**

When you invite applicants to the selection interview, request that they come prepared with a list of employment references. The list should include the name, title, organization, address, telephone number and email of the references. Inform applicants that both the references provided, as well as others identified during the reference and background check process, will be checked if they are a finalist.

## Get a Waiver Signed:

If the applicant is a finalist for the position, ask them to sign a “Waiver for the Release of Information” form. A sample form, which should be printed on your department’s letterhead, is included on the [Recruitment & Classification SharePoint Site](#).

## IV. PREPARING FOR THE REFERENCE INTERVIEW

Prior to contacting other employers, it is important to prepare for the reference check interviews. Managers or supervisors conducting the reference check should:

- Ask the applicant for several names—especially prior supervisors, their phone numbers, email, and mailing address, if references have not already been provided. Although direct phone numbers are valuable, if you are making initial contact by phone, it is important to call the main office number for the business and ask for the reference in order to verify the contact.
- Determine the most important information to be obtained during the reference check. Some resources are the job description, job announcement, and the essential functions worksheet. Identify skills critical to job success or failure, especially hard to test qualities such as honesty, dependability, productivity, and judgment.
- Please use the information included on the job announcement and/or class specification to prepare a brief (max. 1-2 paragraph) description of the job to share with the person being asked to provide a reference.
- Review the applicant’s entire employment application packet, and (if possible) their responses to selection interview questions or other department selection information. The reference check should be used to confirm applicant statements, achievements, behaviors, and technical skills that have led to the applicant being strongly considered for the job. Look for areas which may be of concern such as a gap in dates, or behaviors which a written test or interview may not directly assess such as honesty, dependability, productivity, or judgment.
  - Human Resources recommends that you use Attachment A – Reference Check Template to develop a list of questions or topic areas to discuss. For example, if a particular job requires interaction with the public, strong writing skills, ability to speak before large groups, or maintain highly confidential information, the person conducting the reference check should ask questions that will elicit the information about the applicant's ability to fulfill each of these requirements. Appropriate questions that address various skills, traits, and characteristics are included in the Reference Check Template.
  - Ask only job-related questions. As with a structured interview, the focus of a reference checking discussion is on an applicant’s ability to perform the job. Legitimate job-related topics include performance in past jobs, work habits, job-related competencies, and appropriateness of past on-the-job behavior. As in many other employment situations, questions about age, race, color, sex, religion, marital status, national origin, disability (physical or mental), genetic information (e.g. family medical history), citizenship status, sexual orientation and identity, medical condition, political activities or affiliations, military or veteran status, or status as a victim of domestic violence, assault, or stalking should not be asked. In addition to these areas, please note that as of January 1, 2018, employers are no longer allowed to inquire about salary history. The Reference Check Template included as Attachment A should be used to document the reference interview.
  - Guidance regarding legality of questions is included in Attachment B – California Department of Fair Employment & Housing (DFEH) Fact Sheet. In addition to the DFEH guidelines, please note that as of January 1, 2018, employers are no longer allowed to inquire about salary history. If there is any question about the appropriateness or legality of a particular question, please contact your assigned Human Resources Analyst to discuss.

## V. CONDUCTING THE REFERENCE INTERVIEW

- Email identified references to let them know who you are and that you would like to complete a reference interview. Include a copy of the signed release. Ask the reference to provide some times that would be good for the reference interview, then confirm the appointment. If an email is not available, make this initial contact by phone, and offer to FAX or email the signed release.
- At the beginning of the reference interview, clearly state who you are, your title and employer, and the purpose of the call. If not already provided, offer each person a signed authorization and release form, your number, and the main number of your department.
- Provide a brief description from the job announcement or class specification of the position that is being filled.
- Try to establish rapport with the person you are calling. If you are familiar with the agency/organization you are contacting or have a colleague in common with the contact person, a few friendly comments may “break the ice” and facilitate a freer exchange of information.
- During the reference interview, ask references to suggest names of other supervisors or people who you might contact who have knowledge of the applicant’s work; then follow up with the suggested references.
- Speak to people who have a direct knowledge of the applicant to identify *behavior patterns* and skills in each area you have determined to be critical for the job.
- Begin the interview by asking simple direct questions such as verifying the applicant’s full name, job title while employed there, dates of employment, reason for leaving, and job duties.
- Ask the questions you’ve prepared. Keep the interview relatively short, but be sure to touch on each of the critical areas you’ve identified.
- Listen!!!
- Try to solicit specific examples. General statements such as “unprofessional behavior”, “an excellent employee”, “stressful”, “disorganized”, “great team player” is not as strong as examples of behavior or performance in specific situations.
- Be flexible. If the reference offers job related information that isn’t on your list of questions, be prepared to explore further by asking follow-up questions.
- “Read between the Lines”. When conducting reference checks, it is important to pay attention to indirect clues given. Some important signals are listed below:
  - **Degree of Enthusiasm.** Is there a willingness to discuss the applicant? (Use your interpersonal and networking skills to clarify company policy or the reason(s) why calls are not returned promptly or after several messages, or you have been referred to several people before anybody would provide information).
  - **Tone of Voice.** Does the person sound uncertain, nervous, distracted, and noncommittal?
  - **Ease of Obtaining Information.** Is the person forthcoming, or does he attempt to answer all questions with a simple “yes” or “no,” even when details are requested? Is the person able to cite examples to support her assertions, or is she vague about specifics?
  - **Candor.** Does the person’s manner seem straightforward and unrehearsed? Or do his statements seem coached, as if he were unwilling to say anything that departed from the “script”? Does the person answer questions promptly, or are there long pauses before she responds to questions?
  - **Clarify Signals if Possible.** Rather than speculate about the cause of such signals, ask specific follow-up questions of the reference, such as:

“You seem hesitant to answer questions. How comfortable are you in discussing this applicant?”

“There seems to be some reluctance to provide specifics about this applicant. Can you tell me why?”

Although such questions may not elicit any more information, the answers may provide clues about the attitude of the references towards the applicant and the reasons for that attitude.

- Be consistent. In conducting the reference check, you should be careful to ask the same basic questions about all applicants. Human Resources recommends you use the Reference Check Template included as Attachment D to develop and document the reference questions. This does not preclude you from asking follow-up questions based on the responses you receive. Weigh information you receive in the same manner for all applicants. What disqualifies one should be a basis for disqualifying any other if all other factors are equal.
- If a reference begins referring to an unlawful factor, quickly change the subject, and do not consider or record what was stated.
- Take and keep notes of your interview using the Reference Check Template. Who was called, for what purpose, the questions asked and what information was provided should all be documented. This documentation may be important if there is a need to investigate a complaint regarding the process or the hiring decision.
- Maintain the completed Reference Check Templates in accordance with the County’s Common Administrative Records Retention (CAAR) schedule.

## VI. OBTAINING REFERENCES FOR PROMOTIONAL AND TRANSFER CANDIDATES

The guidelines for reference checks apply to transfer and promotional applicants as well as applicants from outside the County. The following are some common questions related to reference checking on internal applicants.

***Do I need a signed release to conduct reference checks or review personnel files for internal applicants?***

No; if the applicant is an employee of the County, a signed release is not required. If the applicant is an employee of a special district or agency (Community Development Commission, Fairgrounds, Water Agency, SCAPOSD, etc.) then a signed release should be obtained.

***Can I contact the applicant’s present supervisor?***

Yes; as a courtesy you should inform the applicant that he/she is being seriously considered and that you will be contacting their current supervisor.

***Can I review the applicant’s personnel file?***

Yes. It is ***strongly recommended*** that you review the employee’s current personnel file which will include information such as previous applications, performance appraisals, commendations and letters of appreciation, notices of unsatisfactory performance and disciplinary actions.

## VII. STRATEGIES FOR DEALING WITH REFERENCE CHECK CHALLENGES

***What if the applicant does not want me to contact his/her current employer because he/she fears negative repercussions if his/her employer learns he/she is seeking other employment?***

Complete reference checks on previous employers, background checks, etc. If this information is favorable, tell the applicant that you would like to make a conditional job offer, but can't unless you can obtain a satisfactory reference check from the current employer. Ask the applicant if it is a particular person or the employer as a whole that should not be contacted. If a person, you can work with the applicant to identify other acceptable persons and/or resources. If the applicant still refuses to authorize contact with the current employer, the Human Resources Department recommends that the applicant be excluded from any further consideration.

***What if the former employer will not provide any information beyond confirmation of job title and dates of employment?***

First, confirm that this is company policy by contacting the personnel or human resources division. Notify the applicant that you have been unable to obtain anything other than basic information from the previous employer and that you may not be able to consider him/her any further if you cannot obtain references.

In addition, make sure you have emailed or faxed the former employer copies of the release form signed by the applicant authorizing them to provide information. If references are still not forthcoming even with a signed authorization form, you should be able to use the authorization form to review a copy of the applicant's personnel file, if the agency is local. Although not as informative as speaking with actual supervisors, reviewing the personnel file should provide some picture of the employee's assignments, performance, disciplinary history, attendance record, and awards or citations.

If the employer in question represents a *significant* portion of the applicant's work history, and neither the employer nor applicant provides much information, the Human Resource Department **strongly advises** against making an offer to the applicant, especially without considering other applicants.

***What if the applicant's former supervisor is no longer with the organization, or the former employer is now out of business?***

Ask the applicant if he/she has a current address (a city may suffice), phone number, email, or employer for the former supervisor. If so, proceed with your search from there. If not, contact the employer and ask whether anybody knows the whereabouts of the former supervisor. If the employer has a phone number but is reluctant to share it, ask that the employer contact the person and have him/her call you. Be persistent. It may be necessary to speak to several people in order to get the needed information. A little investigative work, such as searching the internet, may also be required.

If the entire company has gone out of business, follow a similar strategy. Ask the applicant if he/she has copies of his or her performance evaluations and/or a letter of recommendation from the employer. Ask the applicant if he or she has maintained contact with any of the employees of the defunct company. If so, contact those people for references or for suggestions about other people to contact and where they can be located.

***What if I get both positive and negative references?***

It is possible that both characterizations may be accurate. One reason for checking at least three references is to try to develop a consistent picture of the applicant. Managers and supervisors must decide how to evaluate the information obtained during the reference check process. If conflicting information is received, some factors that may be helpful in weighing the responses include:

- ***Length of Time*** reference has supervised or known the applicant. A hiring authority may choose to give greater weight to a reference who has supervised or known the applicant for 5-6 years, as opposed to only one or two years.
- ***Capacity*** in which reference knew the applicant. A colleague will probably provide a different perspective than a supervisor. Depending on the job, the hiring authority may place a greater value on the perspective of certain references.
- ***Personality Conflicts***. Does the person providing the information have an agenda? Was the applicant in a position with high political visibility, where he/she might have made enemies as well as friends? If so, is this to be expected, or a cause for concern?
- ***Relationship*** between the hiring authority and the reference. When weighing information from different sources, some of whom may be complete strangers, the hiring authority may place greater confidence in information obtained from persons whose judgment he/she knows and trusts than in information from people he/she does not know at all.



### ***What if all the references have been positive, but they were all people hand-picked by the applicant?***

This common concern is another reason not to limit yourself to contacting only the people whose names are provided by the applicant. Ask each reference you talk with for the names of other references that may also have a direct knowledge of the applicant's work performance and behaviors.

One question that may be used is: "Is there any manager or persons whom this applicant did not get along with, and why? (And how can that person be reached?)" Such people may give a very different perspective on the applicant from the one provided by the references the applicant selects. These "negative references" may also, directly or indirectly, provide valuable information about the applicant's ability to deal with adversity, handle challenges to his/her authority, build consensus, accept criticism, and work with difficult people.

### ***What if individual providing reference is very negative about applicant?***

When talking to negative references it is important to distinguish between legitimate complaints and comments that may be motivated by personal animosity. Just as with any other reference, ask for details and examples to support assertions; don't simply let the person engage in gossip or character assassination.

### ***What if the applicant has limited or no work experience?***

Applicants with limited work experience, such as recent graduates or persons returning to the paid work force after a long absence, pose special challenges for the hiring authority conducting a reference check. When an applicant's work experience is limited, hiring authorities may wish to consider other sources of information, including:

- *Faculty advisors.* Professors may be able to provide information about an applicant's technical knowledge, writing skills, and analytical ability.
- *Extracurricular activity advisors.* These references can tell you about an applicant's initiative, interpersonal skills, ability to work as part of a team, and leadership potential.
- *Organizations where applicant has volunteered.* May have valuable information about an applicant's work ethic, initiative, and dedication.
- *Supervisors at internships and part-time, temporary, or summer job.* Information about an applicant's work habits, dependability, customer service skills, ability to work with others, and willingness to take direction.
- *School attendance records.*

### ***What if the individual providing the reference asks to speak "off the record"?***

Let the reference know that there is no such thing as an "off the record" comment or conversation. During litigation if asked to give a deposition under oath, there is no privilege related to information given off the record. Never agree to an "off the record" discussion of the applicant.

## **VIII. EVALUATING REFERENCE INFORMATION**

- Keep focused on relevancy to County interests, job duties, and required behaviors/skills.
- Look for a history of behavior and job performance, which reflects an honest, reliable, efficient, and productive employee with good interpersonal skills.
- Look for omissions, misrepresentation, and falsifications.
- Look for flags or patterns which indicate unfitness such as violence, dishonesty, non-compliance with law/rules, technical incompetence, poor customer service, etc. Follow up as needed.
- Weigh any negative information received against elapsed time, the whole individual as opposed to one aspect of the applicant's history, and it's bearing to the job, the interests of co-workers and those whom the person will be expected to serve.

- Weigh the competitive job qualifications of the applicant against those of other applicants.
- Do not consider age, race, color, sex, religion, marital status, national origin, disability (physical or mental), genetic information (e.g. family medical history), citizenship status, sexual orientation and identity, medical condition, political activities or affiliations, military or veteran status, or status as a victim of domestic violence, assault, or stalking.

## **IX. PROVIDING EMPLOYMENT REFERENCES**

Honest, accurate employment references provide valuable information for prospective employers trying to make an informed hiring decision, and can also be of great benefit to employees and former employees seeking other employment opportunities.

## **X. DEPARTMENT RESPONSIBILITIES**

### **Determine What Information Will Be Provided:**

Each department/agency head is responsible for determining the approach that is appropriate for their organization after evaluating any requirements and/or standards specific to their operations; the type of services provided by employees (client care, law enforcement, etc.) and their potential impact on public health and safety; and the availability of departmental resources necessary to insure that all requests are handled appropriately and consistently. Below is a list of the various options for responding to requests for employment references:

- Provide employment verifications only (dates of employment, position title, etc.).
- Provide written letters of reference when requested by current/former employees. If the department/agency policy is to provide letters of reference, Human Resources strongly recommends a centralized review and approval process to insure consistency and appropriateness of reference letter content.
- Provide responses only within a pre-approved list of questions (reason for leaving, performance evaluation ratings, would you rehire, etc.) and/or industry specific requirements (e.g., commercial drivers). See Attachment A for sample template and questions.
- Provide responses to any question that is consistent with these guidelines.

### **Develop Policy and Procedures:**

Departments are responsible for developing written policies and procedures detailing how requests for employment verifications and references will be handled. The department should review the draft policy with Human Resources before distributing to staff.

### **Ensure the Policy is Applied Consistently:**

Departments are responsible for ensuring that employees are aware of the department's policy for responding to requests for information regarding current and former employees, and that all requests are handled in accordance with established procedures. It is not appropriate for the decision to provide information to be at the discretion of individual managers and supervisors within the department. To ensure consistent application of the policy, departments are responsible for designating the individuals authorized to provide verifications and references, insuring that designated individuals receive the appropriate training and support.

## **XI. RESPONDING TO REQUESTS FROM PROSPECTIVE EMPLOYERS**

All reference requests must be handled in accordance with your department's policy and procedures. If you are authorized to provide references and receive a phone call asking for an employment reference, it is a good idea to schedule a convenient time when you can call the individual back. Ask that the authorization/release be faxed or emailed in advance. This will allow you to confirm the identity of the individual making the request, and provide you an opportunity to review the personnel file and prepare

notes. This will also allow you time to obtain guidance on any sensitive information before responding to the request.

Remember when responding to requests to provide only job-related information related to:

- The employee's ability to perform his/her job.
- The diligence, skill or reliability with which the employee carried out the duties of his/her job.
- Any illegal or wrongful act committed by the employee for which the employee has been disciplined or counseled. If the employee left, or if an investigation or other disciplinary action is pending at the time of the reference request, please contact County Counsel for guidance before providing the reference.
- Eligibility for rehire.

Here are some general guidelines for responding to requests for employment references:

- Never provide an unsolicited reference. If a reference is solicited, do not offer information that is not related to the questions you are asked or make statements that are excessive or irrelevant.
- Verify the reference checker's identity (for example, by a return phone call) and only release information to a party with a legitimate "need to know".
- Always require that the prospective employer fax or email you a copy of the release signed by the employee before providing a reference. The release should be specific in the kind of information that can be disclosed and should be dated, and disclosure should be within these parameters. Never release information that is not authorized by the release.
- Do not withhold or misrepresent information about a current or former employee. If providing an employment reference, you are legally obligated to provide a **complete, accurate** picture of the employee's performance (both negative and positive).
- Do not promise to give an employee or former employee a "good" reference and then later provide a poor one.
- Never make "malicious" statements. The California Supreme Court has defined malice, for purposes of this law, as 'a state of mind arising from hatred or ill will, evidencing a willingness to vex, annoy or injure another person'.
- Only provide information about an employee that is directly work related and that can be substantiated. Generally, you should avoid providing negative information about an employee's job performance if you have not made the employee aware of the performance problem or behavioral concern. Consult County Counsel for guidance if you are asked to provide a reference and have negative information that was not shared with the employee.
- Restrict your comments to those aspects of the employee's job performance about which you have specific knowledge. Do not guess or rely on hearsay to respond to reference questions.
- Never provide medical information about an employee, even if an employee voluntarily disclosed it to you.
- Never make statements or comments about an employee's constitutionally protected speech or activities, or statements about an employee's union, political, religious or other affiliations.
- Do not disclose any information obtained from a third party under a promise of confidentiality, such as references from previous employers.
- Do not give personal opinions about personality, character and the like, even if solicited.

## **XII. LETTERS OF REFERENCE**

Requests for reference letters must be handled in accordance with your department's policy and procedures. If provided, reference letters should be limited to the following information:

- The employee's position and dates of employment.

- Factual statements of satisfactory or unsatisfactory performance.
- The degree of willingness to rehire the employee.

### **XIII. WHEN TO CALL HUMAN RESOURCES**

It is critical that reference checks are completed, and employment references provided, in accordance with federal and state laws, and with the EEOC's guidelines. Reference checks must be conducted consistently within the organization, and the results must be considered appropriately when making the hiring decision. Departments are encouraged to review these guidelines and procedures, and to consult with their assigned Human Resources Analyst if needed.

Your assigned Human Resources Analyst is available to assist with any aspect of the reference process, including:

- Ensuring that reference check questions are legal and appropriate.
- Addressing issues that come up during the reference check process.
- Evaluating the reference information received.
- Reviewing departmental policies and procedures for providing employment references.
- Reviewing department templates for Reference Checks, Reference Letters, etc.

### **XIV. RECORDKEEPING**

**Access:** Access to information obtained during the reference check process is to be restricted to the department head and managers/supervisors directly involved in the hiring decision.

- Applicants and employees are **not** entitled to receive copies of references, ratings, or test materials utilized in the selection process.
- Applicants and employees [are entitled](#) to copies, if requested, of any document they signed related to obtaining or holding employment (application, reference authorization forms, background release forms, conditional job offer letters, etc.).

**Retention:** References should be retained in accordance with the County's [Common Accounting and Administrative Records Retention Schedule \(CAAR\)](#).

## Attachment A – Reference Check Template

### INSTRUCTIONS

This reference check template should be copied into a Word document and used to develop and document the reference check questions and interview. The template contains a variety of “typical” questions used in conducting a reference check, grouped based on subject area. Please modify the list of questions based on the specific knowledge and skills required for the position. **The questions in red text with an asterisk (\*) should be asked for all candidates.** Make certain that you have a reasonable number of questions (as a general rule, the reference interview should take no more than 15-20 minutes), and that you have at least a few questions in each applicable area. After customizing the template for your position, please add sufficient space between questions for note-taking.

**Note:** It is important that you use the same template if checking references on multiple candidates for the same recruitment/position. This does not preclude you from asking specific questions to clarify or verify information provided by the candidate, or from asking follow-up questions based on the responses you receive.

Position Title	
Candidate Name	
Name and Title of Reference	
Reference Contact Information	
Date Completed	

### INTRODUCTION

My name is <your name> and I'm calling to conduct a reference check for <name of applicant> who is being considered for a position with <name of department>. <Applicant's name> provided your name and contact information. The reference check will take approximately 20 minutes to complete. Is this a good time for you? If not, when is a convenient time for us to continue this conversation?

Begin the reference interview by providing a brief description of the job for which the applicant is being considered.

### REFERENCE QUESTIONS

#### **General Verifications:**

\*What is/was your relationship to the applicant? And what is your job title?

\*How long did you work with the applicant?

\*What was the applicant's job title at your organization?

\*What were the applicant's dates of employment? (Or confirm the dates provided by the applicant.)

\*What were the main job duties or responsibilities of the applicant's position with your agency?

\*Did the applicant hold any other positions during their employment with your agency, or did he/she receive any promotions or demotions?

## **General Performance:**

\*Did they perform their duties satisfactorily? What was their overall rating during their last performance evaluation?

\*Based on the description of the position I provided, do you believe the applicant would be a good fit for this type of position? Why or why not?

How effective are the candidate's computer skills, including their ability to use new technology for work solutions?

How would you describe the candidate's level of productivity, including volume and ability to meet deadlines?

Is the candidate organized and consistent in the way s/he completes work assignments?

Have they consistently handled confidential information appropriately?

How would you describe the quality and accuracy of their work?

What are the candidate's strengths?

Given that no one is perfect and everyone has areas in which they can improve, can you describe the areas the candidate should continue to develop?

\*Was the candidate the subject of any disciplinary action or legal proceedings? If yes, please briefly describe the circumstances and the outcome.

**Job Specific:** (In this section, you should prepare your list of questions based on specific knowledge and skills required for the job)

How would you describe the candidate's technical skills and experience in the following areas? (List key technical skills required)

## **Personal Attributes:**

How quickly does they learn new tasks?

Can you rely on the candidate's work to be complete and accurate?

Did the candidate go above and beyond what was required without being asked? Will you give an example?

Was the candidate in a lot of high pressure or stressful work situations? If so how did they handle these?

How were the candidate's time management skills? Did they consistently meet deadlines?

How would you describe the candidate's flexibility in handling changing priorities, constant interruptions, and ability to work in a busy environment, serving many different individuals with varying needs?

How would you describe the candidate's judgment in determining appropriately what issues to bring to supervisor's (or others') attention?

Can you give examples of how the candidate has demonstrated efficiency and persistence in accomplishing assignments or projects?

Can you give examples of how the candidate has been innovative in his or her approach to resolving problems?

**Interpersonal Skills/Teamwork:**

Has he/she consistently and effectively developed and maintained positive working relationships with his/her supervisors, peers, and customers?

Are/Were they diplomatic in handling various interactions? Will you give an example?

What feedback or first-hand observations have you had regarding their interactions with individuals who may be difficult to work with?

Is the candidate more of an individual contributor or team oriented? Will you give an example?

How do you think co-workers would describe the candidate?

How did the candidate deal with conflict? How rigid or flexible are they? Will you give an example?

**Communication Skills:**

How would you describe the candidate's communication skills: verbal and written?

How well does this person listen? How do they engage people?

How effective was he/she in influencing others, especially those over whom they did not have supervisory control? Describe a situation where he/she demonstrated this skill.

How effective were they in keeping his or her supervisors, direct reports, peers, etc. updated? What methods does did they use?

**Supervision:**

Did the applicant supervise others? If yes, how long was the individual in a supervisory role with your organization?

How many employees did the candidate supervise directly? What are the job titles/roles of the employees supervised?

How many employees did the candidate supervise indirectly (number of people reporting through other supervisors to the candidates)?

Did the candidate's supervisory/management responsibilities include?

- Hiring
- Recommending pay increases
- Evaluating
- Disciplining
- Firing
- Supervising/managing in an union environment

**Management/Leadership:**

Describe the candidate's supervisory/management/leadership style. Was this style effective?

If I speak to their employees, how do you think they would describe their supervisory/management/leadership style?

How does the candidate motivate his/her people?

How well does this person build consensus among individuals with differing opinions or interests? Examples?

Can you speak to the candidate's ability to manage their own and others' time, set priorities effectively, and handle conflicting deadlines and competing demands?

How has the candidate demonstrated his/her strategic thinking ability? Examples?

What involvement did the candidate have in developing the strategic plan for the department or organization? What specifically did they contribute?

Please describe the candidates operational and (if relevant) financial management abilities?

How does the person go about making tough decisions? Are they inclusive? Fair? Abrupt? Random? Other?

What types of policies, procedures, or processes did the candidate implement?

Do you remember a time they had to resolve a serious conflict among their staff or with another manager? How effective were they in resolving?

What are the person's biggest accomplishments or key contributions to the organization (examples)?

Do you think the candidate had any lasting impact on the organization or others in the agency?

**Closing:**

\*Is there anything I haven't asked about that someone considering this person for a job should be aware of?

\*Is the applicant eligible for rehire at this time? Why or why not? What was their reason for leaving?

\*Can you provide the name of at least one other individual in your organization that is familiar with the applicant's work performance?

Reference Check Completed by:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_



### WHAT CAN EMPLOYERS ASK APPLICANTS AND EMPLOYEES?

The Department of Fair Employment and Housing has developed this guide to provide employers with guidance relating to inquiries that can be made to applicants and employees.

The California Fair Employment and Housing Act (FEHA) prohibits any non-job-related inquiries of applicants or employees, either verbally or through the use of an application form, that express, directly or indirectly a limitation, specification or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, or any intent to make such a limitation, specification, or discrimination.

The regulations of Fair Employment and Housing Commission indicate that inquiries that, directly or indirectly, identify an individual on a basis enumerated in the Act are **unlawful**. However, it is not unlawful for an employer to collect applicant flow data and other record keeping data for statistical purposes. Misuse of this data constitutes a violation of the Fair Employment and Housing Act.

### APPLICANTS

The FEHA also prohibits an employer from requiring any medical or psychological examination or inquiry of any applicant or to make any inquiry whether an applicant has a mental or physical disability or medical condition. It is also unlawful to make an inquiry regarding the nature and severity of a mental or physical disability or medical condition. However, an employer may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request for reasonable accommodation.

Once an employment offer has been made to an applicant, but prior to the commencement of employment duties, an employer may require a medical or psychological examination provided that:

- The examination or inquiry is job-related and consistent with business necessity and;
- That all entering employees in the same job classification are subject to the same examination or inquiry.

### EMPLOYEES

An employer may not require any medical or psychological examination or make any inquiry of an employee, or inquire whether an employee has a mental or physical disability or medical condition or inquire into the severity of the disability or condition.

However, an employer may require any medical or psychological examination or make inquiries that it can show are job-related and consistent with business necessity. An employer may conduct voluntary medical examinations, including medical histories, which are part of an employee health program available to the employee at the work site.

The Employment Inquiries table is a guide and is not intended to be an exhaustive list of all acceptable and unacceptable inquiries. Those questions considered unacceptable are likely to limit the employment opportunities of persons protected by the Fair Employment and Housing Act.

## EMPLOYMENT INQUIRIES

ACCEPTABLE	SUBJECT	UNACCEPTABLE
Name	<b>NAME</b>	<ul style="list-style-type: none"> <li>• Maiden name</li> </ul>
Place of residence	<b>RESIDENCE</b>	<ul style="list-style-type: none"> <li>• Questions regarding owning or renting.</li> </ul>
Statements that hire is subject to verification that applicants meet legal age requirements.	<b>AGE</b>	<ul style="list-style-type: none"> <li>• Age</li> <li>• Birth date</li> <li>• Date of attendance/completion of school</li> <li>• Questions which tend to identify applicants over 40</li> </ul>
Statements/inquiries regarding verification of legal right to work in the United States.	<b>BIRTHPLACE, CITIZENSHIP</b>	<ul style="list-style-type: none"> <li>• Birthplace of applicant or applicant's parents, spouse or other relatives.</li> <li>• Requirements that applicant produce naturalization or alien card prior too employment.</li> </ul>
Languages applicant reads, speaks or writes if use of language other than English is relevant to the job for which applicant is applying.	<b>NATIONAL ORIGIN</b>	<ul style="list-style-type: none"> <li>• Questions as to nationality, lineage, ancestry, national origin, descent or parentage of applicant, applicant's spouse, parent or relative.</li> </ul>
Statement by employer of regular days, hours, or shifts to be worked.	<b>RELIGION</b>	<ul style="list-style-type: none"> <li>• Questions regarding applicant's religion.</li> <li>• Religious days observed.</li> </ul>
Name and address of parent or guardian if applicant is a minor.  Statement of company policy regarding work assignment of employees who are related.	<b>SEX, MARITAL STATUS, FAMILY</b>	<ul style="list-style-type: none"> <li>• Questions to indicate applicant's sex, marital status, number/ages of children or dependents.</li> <li>• Questions regarding pregnancy, child birth, or birth control</li> <li>• Name/address of relative, spouse or children of adult applicant.</li> </ul>
	<b>RACE, COLOR, SEXUAL ORIENTATION</b>	<ul style="list-style-type: none"> <li>• Questions to applicant's race, color, or sexual orientation.</li> <li>• Questions regarding applicant's complexion, color of eyes, hair or sexual orientation.</li> </ul>
	<b>CREDIT REPORT</b>	<ul style="list-style-type: none"> <li>• Any report which would indicate information which is otherwise illegal to ask, e.g. , marital status, age, residency, etc.</li> </ul>
Statement that a photograph may be required after employment.	<b>PHYSICAL DESCRIPTION, PHOTOGRAPHS, FINGERPRINTS</b>	<ul style="list-style-type: none"> <li>• Questions as to applicant's height/weight.</li> <li>• Requiring applicant to affix a photograph to application or submit one at his/her option.</li> <li>• Require a photograph after interview but before employment.</li> </ul>
Employer may inquire if applicant can perform job-related functions.  Statement that employment offer may be made contingent upon passing a job-related mental/physical examination.	<b>MENTAL/PHYSICAL DISABILITY, MENTAL CONDITION (APPLICANTS)</b>	<ul style="list-style-type: none"> <li>• Any inquiry into the applicant's general health, medical condition, or mental/physical disability.</li> <li>• Requiring a psychological/medical examination of any applicant.</li> </ul>

## EMPLOYMENT INQUIRIES CONTINUED

ACCEPTABLE	SUBJECT	UNACCEPTABLE
A medical/psychological examination/inquiry may be made as long as the examination/inquiry is job-related and consistent with business necessity and all applicants for the same job classification are subject to the same examination/inquiry.	<b>MENTAL/PHYSICAL DISABILITY, MEDICAL CONDITION (POST-OFFER/PRE-EMPLOYMENT)</b>	<ul style="list-style-type: none"> <li>Any inquiry into the applicant's general health, medical condition, or physical/mental disability, if not job-related and consistent with business necessity.</li> </ul>
A medical/psychological examination/inquiry may be made as long as the examination is job-related and consistent with business necessity.	<b>MENTAL/PHYSICAL DISABILITY, MEDICAL CONDITION (EMPLOYEES)</b>	<ul style="list-style-type: none"> <li>Any inquiry into the employee's general health, medical condition, or mental/physical disability, if not job-related and consistent with business necessity.</li> </ul>
Job-related questions about convictions, except those convictions which have been sealed, or expunged, or statutorily eradicated.	<b>ARREST, CRIMINAL RECORD</b>	<ul style="list-style-type: none"> <li>General questions regarding arrest record.</li> </ul>
Questions regarding relevant skills acquired during U.S. military service.	<b>MILITARY SERVICE</b>	<ul style="list-style-type: none"> <li>General questions regarding military service such as dates/type of discharge.</li> <li>Questions regarding service in a foreign military.</li> </ul>
Requesting lists of job-related organizations, clubs or professional societies omitting indications of protected bases.	<b>ORGANIZATIONS, ACTIVITIES</b>	<ul style="list-style-type: none"> <li>General questions regarding organizations, clubs, societies and lodges.</li> </ul>
Name of persons willing to provide professional and/or character references for applicant.	<b>REFERENCES</b>	<ul style="list-style-type: none"> <li>Questions of applicant's former employers or acquaintances which elicit information specifying applicant's race, etc.</li> </ul>
Name and address of person to be notified in case of accident or emergency.	<b>NOTICE IN CASE OF EMERGENCY</b>	<ul style="list-style-type: none"> <li>Name, address, and relationship of relative to be notified in case of accident or emergency.</li> </ul>

**NOTE: Any inquiry, even though neutral on its face, which has an adverse impact on persons on a basis enumerated in the Fair Employment and Housing Act, is permissible only if it is sufficiently related to an essential job function to warrant its use.**

For more information, contact the Department toll free at: **(800) 884-1684**

TTY Number: **(800) 700-2320**

Or visit our Web site at: [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

This publication can be made available in Braille, large print, computer disk, and tape cassette.

STATE OF CALIFORNIA  
DEPARTMENT OF FAIR EMPLOYMENT & HOUSING  
2218 Kausen Drive, Suite 100  
Elk Grove, CA, 95758

**DFEH-161 (8/01)**