



REFERENCE CHECK GUIDELINES

Remember to give candidates advanced notice that you will be checking their references whenever possible. Use the following guidelines when you are conducting telephone reference checks, whether the candidate is an internal employee or an external applicant:

- ❑ *Introduce yourself and state the purpose of your call*
- ❑ *Confirm that it is a convenient time to talk*
- ❑ *Briefly describe the position for which the applicant has applied*
- ❑ *Confirm the relationship between the person giving the reference and the applicant*
- ❑ *Verify basic duties such as job title, duties, salary, dates of employment*
- ❑ *Be consistent! Ask the same questions about all final candidates and weigh the information equally; what disqualifies one should be the basis for disqualifying any others.*

CHECKING REFERENCES

Always check references, especially from former supervisors, including TCDE applicants, before you make a final selection. Always check more than one reference. A minimum of two references is recommended.

Reference checks are a critical part of the selection process. Reference checks can give you information on how an applicant has actually performed and past performance is the best predictor of future success. In addition, employers have sometimes been found liable for negligent hiring when an employee with a history of violence or other serious problems is hired without a reasonably thorough reference check.

You may check references at any time in the process. When you are unable to distinguish among candidates based on the application alone, especially when

interpersonal skills or judgment are essential for the job, it may be worth the investment of time to do a reference check on your top group of candidates before you decide whom to interview/hire.

Advising the Applicant

- An applicant's permission is not required except in the case where the applicant has asked that we not contact his/her current employer. In this situation you should call and explain that you are now checking references. If the applicant refuses to give you permission, explain that without this information you will not be able to consider him/her further for the position.
- It is legally permissible to contact references other than those provided by the applicant. Again, as a courtesy, inform the applicant that you will be doing this. If the applicant has concerns about a particular person, you may certainly take those concerns into consideration.

Conducting the Reference Check

- Job-related questions are the key to a good reference check. You can establish what the applicant's duties were, how their performance was evaluated, and what strengths and weaknesses were identified.
- It is a good practice to use a consistent set of reference questions for each candidate on which you are seeking information.
- Remember that the illegal questions used for interviewing also pertain to reference checks.
- After identifying yourself and your reason for calling, describe the job and find out what kind of work relationship the reference has had with the applicant -- first hand observation of performance is most valuable, and we have a responsibility to evaluate the credibility of the information we receive in the reference check.
- You may ask about whether the applicant had an acceptable attendance record but may not ask about a person's use of sick leave, medical leave, or workers' compensation. Do not discuss a person's disability, and ignore any

information about disability that is volunteered. If a reference begins to discuss impermissible areas, steer the discussion back to job-related factors.

- You should check the references of a TCDE applicant in the same manner as any other applicant, including contacting current and former supervisors.

Confidentiality

- Reference information is kept confidential whenever legally possible. Reference information obtained prior to employment is kept in a confidential file and not available for review by applicants or employees.

FREQUENTLY ASKED QUESTIONS (FAQ)

1. How many references should I check?

- More than one. If you get inconsistent answers from the first two, you may want to check more than you ordinarily would.

2. What if you encounter resistance?

- Some organizations have a policy of not releasing information, however, California law protects reference checks unless they are untrue, without a valid basis, or given with malice.
- Try another approach. Ask for advice on how best to manage the person to bring out her/his abilities. If you're not getting answers to standard questions, try painting a picture of your work culture and its unique pressures, so that the supervisor can give a realistic evaluation. For example: "We're a high volume customer service office. The phones don't stop ringing, the paperwork is endless, and we're considering Ms. Smith for a position in our unit dealing with our most demanding customers. Is that an environment in which she would excel?"
- Sometimes references are uneasy about determining someone else's fate. Try to downplay their role, e.g. "I want you to know that I'm not burdening you with the responsibility of judging this person's past. We're just at the evaluation stage right now. There are several candidates in contention

for the job, and we're just trying to determine who would fit into the unit best."

- Sometimes giving the reference a structure for responding, e.g. "Some people constantly look for new ways to reinvent their jobs and assume responsibilities beyond the basic job description. Others adhere strictly to their job duties and 'don't do windows,' so to speak. Can you tell me where Ms. Smith fits on that continuum?"

3. What if a reference won't give any real information?

- If a reference refuses to cooperate, put it in perspective. If other employers are giving rave reviews and one supervisor refuses to provide information under any circumstances, the silence shouldn't necessarily disqualify an applicant. But if a string of past supervisors are "taking the 5th" and refusing to share information, this should raise a red flag.
- If you cannot get good reference checks on an applicant, you may also (1) inform the applicant that you have been unsuccessful and will not be able to consider their application further, (2) ask the applicant to encourage the reference to talk, and/or (3) suggest that the applicant sign a release to permit references to speak to you.

4. Can I use negative information that a reference check has given me in confidence?

- The only way to keep information completely confidential is not to record it, and then it can be problematic to use in making a hiring decision. You have an obligation to try to verify the information, if you can. If you are unable to verify the information, you should contact TCDE HRS for advice.