

Reference Check Guide



**SOUTH TEXAS
COLLEGE**

The Office of Human Resources

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Introduction

Reference checking is a critical part of the hiring process. According to human resources industry experts, one-third of all resumes and applications contain misrepresentations or fabrications.

With this in mind, reference checking is especially important and needed to verify the information candidates have provided is accurate. These guidelines are intended to assist you in this process, so that a well-informed decision can be made in selecting the most qualified person for your department/division.

Reference Check Fundamentals

Reference Checks are NOT Optional

- A minimum of three reference checks must be completed for a candidate with a minimum requirement of at **least one reference from a current and/or former supervisor**. Exceptions for contacting a current and/or former supervisor can be made for candidates with no prior work experience.
- It is strongly recommended reference checks be performed over the phone; however, reference checks may be completed via email (refer to page 12).
- References must be completed for both external and internal candidates.
- All of the candidates' references must be checked **before** recommending a candidate for hire. This step may be completed before the actual interviews in the event that information is revealed by the references that may change the recommendation to interview a candidate. This will also avoid the unnecessary expense of travel and time for a candidate.
- **CAUTION:** If a candidate is rejected solely because of a bad reference, have other objective reasons to reject them, e.g., the availability of a more qualified candidate. In this event, discuss your decision with the Director of Human Resources to ensure all necessary documentation is in place.

What Kinds of Questions Should I Ask

- Focus your reference check on questions concerning knowledge, skills, abilities, and qualities required for the position.
- You should be consistent and ask the same basic questions about all candidates. However, you are not prohibited from asking follow-up questions based on any responses you receive.
- Laws protecting candidates against discrimination also apply when conducting reference checks. Absolutely **NO** questions regarding age, race, sex, religion, or national origin should be asked. These are not job-related questions and can expose the College to discrimination charges. If you choose not to develop your own set of questions, you may use the basic set of reference check questions which can be found in Appendix A and B.

Who Should Perform Reference Checks

- Reference checks must be completed by Search Committee Member, Search Committee Chair, Hiring Supervisor or Financial Manager.
- For part-time staff, reference checks must be reviewed and accepted by the Hiring Manager, Financial Manager, or higher staff.

Avoid Personal References

- Contact references which can directly comment on the candidate's employment history performing similar duties which directly relate to the hiring position's essential job functions.
- It is best to select references that are former direct supervisors. Coworkers and subordinates can also be good sources of information, but should be given less priority.
- Avoid contacting personal references if possible.
- If a candidate provides only personal references, you have the right as a potential employer to specify the type of references you want. The candidate has the responsibility of providing appropriate references or additional references if the original contacts are unavailable or unwilling to provide reference.

Submission of Reference Check Records

- Completed references must be included along with all other necessary documents in the hiring proposal. There will be no approval to hire unless all forms, including the references, are submitted.

Consent to Conduct Reference Checks

- The College's application process includes the candidate's signature of consent to obtain references. While the candidate's consent is obtained during application process, it is recommended, and a courtesy to follow-up with candidate prior to contacting references.
- If a reference insists upon a copy of the release, inform the Director of Human Resources and a signed release will be sent to the reference. Please do not volunteer to do this unless the reference specifically makes the request.

Important Steps to Complete Before Contacting a Reference

- Thoroughly familiarize yourself with the duties of the job being filled, the skills required to perform the duties, and the person qualities required to assure a good fit in the position.
- Carefully review the candidate's resume, application, and interview responses. It is important to look for gaps in information supplied by candidates before calling references.
- Prepare a list of information you want verified including the relationship of the reference contact to the candidate, the length of time they worked together, responsibilities, and duties.

The Reference Check Interview

Introduction

- Begin the call by identifying yourself with your full name, title, employer, and state the purpose of your call.
- Describe the duties and responsibilities of the position the candidate has applied for. This explanation will help the reference provide you with more relevant feedback.

Questioning

- Confirm the relationship between the person giving the reference and the candidate.
- Confirm prior job titles, dates, and duties.
- Remember to ask all of the questions you have already prepared and ask follow-up questions to uncover further information which may be useful.
- Note patterns that emerge in terms of the comments made about the candidate.

Develop Additional Contacts

- The most reliable and realistic references are generally given by persons not listed by the candidate. It is strongly suggested that when you call the current or former employer, you ask for the names of other persons who have knowledge of the candidate's work performance and contact them. It is recommended to inform candidate prior to contacting additional references.
- If the reference has no actual knowledge of the candidate's work performance, ask the reference for name(s) and telephone numbers of other persons with more knowledge of the candidate's performance, achievements, and strengths related to the job.

Closing

- Thank the reference for their time and assistance before ending the interview.
- Be careful to maintain a positive and professional image for both yourself and the College. Maintaining good relations is important as you may cross paths with the contact or their organization in the future.

Record Keeping

- Document the depth of your references and note responses even if they produced little or no information. Ensure reference check form is fully completed before

attaching to hiring proposal. This information helps protect the college against any negligent hiring claims.

Tips for Effective Reference Checking

- Do not delay in obtaining the references. The longer you wait, the greater the risk of losing the candidate to another entity.
- A current and/or former supervisor must be contacted as a reference. Exceptions for contacting a current and/or former supervisor may be made for candidates with no prior work experience.
- Describe to the reference the duties and responsibilities of the position the candidate applied for at the College.
- During the interview, it is recommended to review with the candidate the references they provided in the application packet. Request that the candidate identify a current or former supervisor. Ask the candidate to provide a supervisor reference if one is not included in the application packet. Inform the candidate that the hiring committee will be performing reference checks and ask the candidate if they would like to be notified prior to the references being contacted.
- Inform the reference that the College has a signed release to obtain information from the candidate. You may get more information by making this statement.
- Ask open-ended questions and follow the same format and basic questions for all references.
- Use follow-up questions for clarity and thoroughness.
- Strive to obtain job-related facts and relevant information based on past experiences rather than opinions. If possible, ask for examples of specific occurrences.
- Stay on the alert for any signs of evasiveness, unusual pauses, or changes in their tone of voice.
- Avoid contacting personal references.
- Focus only on job-related questions concerning knowledge, skills, abilities, and qualities required for the position.

Performing Reference Checks on Internal Candidates

Prior to selecting an internal candidate for an interview, the hiring supervisor should first contact Human Resources to review pertinent information in the candidate's personnel file. This information shall be made available and will serve the hiring supervisor and hiring committee in making a decision for the position, such as:

- Disciplinary actions
- Attendance records
- Performance evaluations
- Documented performance improvement plans

Current employees under a performance improvement plan are not eligible to be recommended for hire to other positions within the College until performance improvement plan is completed.

If the internal candidate's records are satisfactory, the hiring supervisor should then proceed to contact the candidate's current supervisor for a reference check. As a courtesy, the hiring supervisor should inform the candidate that their current supervisor will be contacted. In addition to contacting the current supervisor, it is highly encouraged for hiring supervisors to contact directors, deans, and/or campus administrators for a reference. If the current supervisor or other as listed above are unwilling to provide a reference, note it on the Employment Reference Check form with a detailed explanation.

Providing a Reference for a Current or Former Employee

Providing a Reference to an External Organization

If you are contacted from an external organization to provide a reference, good practice is to respond to calls by requesting the caller provide you with a release/authorization form signed by the applicant. Tell prospective employer only what you know to be true. You should only speak to areas of the candidate's skills and experience about which you have direct knowledge and only respond to questions you are comfortable answering. An option is to provide only basic factual information such as, dates of employment, position title, and eligibility for re-hire. If you are unwilling to provide a reference, refer the requester to the Director of Human Resources.

Providing a Reference Internally

If you are contacted to provide a reference, provide only factual information. You should only speak to areas of the candidate's skills and experience about which you have direct knowledge and only respond to questions you are comfortable answering. An option is to provide only basic factual information such as, dates of employment, position title, and eligibility for re-hire. If you are unwilling to provide a reference, refer the requester to the Director of Human Resources. Below are documented items that can be disclosed to a hiring supervisor during a reference check:

- Disciplinary actions
- Attendance records
- Performance evaluations

The following is an excerpt from the Texas Workforce Commission's Especially for Texas Employers guide book:

By now, most employers have heard that the Texas Legislature enacted H.B. 341 in 1999, a bill that essentially codified existing case law dealing with job references and defamation lawsuits; the statute is found in sections 103.001-103.005 of the Texas Labor Code. The law protects from defamation liability an employer who releases information about a current or former employee to a prospective new employer, unless "the information disclosed was known by that employer to be false at the time the disclosure was made or that the disclosure was made with malice or in reckless disregard for the truth or falsity of the information disclosed." The question that most employers have is how to put the law into practice. Following are some practical tips for how to avoid liability and for how not to tempt employees to try to file lawsuits.

Point 1: Be Careful Over the Phone

As a general rule, it is not a good idea to give job reference information over the phone if someone "cold-calls" you, unless you are absolutely certain who is calling and why. The reason is that you do not know who is calling and, more importantly, why they are calling. The person could be a representative of a prospective new employer, but they could just as easily be a private investigator hired by the ex-employee to see if you say

something bad about their client, a debt collector trying to track your former employee down, a stalker or identity thief, a disgruntled ex-spouse or significant other, or even a nosy neighbor. A good general practice is to respond to calls about employees with something like "I'm sorry, but we do not release information about current or former employees over the phone. However, we will be glad to furnish any information that your applicant authorizes us in writing to release to you." Then, suggest that the caller get the applicant to sign a release/authorization form and send it to your company.

Point 2: Just the Facts, Please

When giving a job reference, release only factual information. Factual information is something you can prove, either with witnesses or documentation. Facts do not include opinions, value judgments, or moral criticism.

Point 3: Supply Only What Is Requested

In addition, it is generally a good idea to provide only what is requested. Unless there is a compelling need to do so, try not to volunteer additional things that are not connected to the information requested by a prospective new employer.

Point 4: Tell the Truth

You may have heard that "truth is an absolute defense to a defamation lawsuit." The fact is, that's true. Tell a prospective new employer only what you know to be true. Telling true facts has been protected in the past by court decisions and is now protected by the new statute.

Point 5: Avoid Inflammatory Terms

Although embellishing a story with vivid terms and frank opinions is human nature, it should be avoided when giving job references. Inflammatory terms can make a person feel they are being unfairly attacked and can tempt a person to seek an attorney. Use points 2 and 4 above to combine facts with truth, as illustrated in the examples below:

Inflammatory: "We fired Joe for stealing."

Non-inflammatory: "We discharged Joe for failing to properly account for items entrusted to him. Items A and B were checked out to him, they turned up missing, and he failed to give a satisfactory explanation for what happened to them. Under our policy, that was a dischargeable offense."

Inflammatory: "Jane was fired for using drugs. We don't tolerate druggies here."

Non-inflammatory: "Jane failed a drug test on (date). The initial positive result was confirmed. Medical review of the result revealed no satisfactory explanation for the presence of the substance that was found. Employees who fail a drug test under such circumstances are subject to termination."

Inflammatory: "Joe was terminated for sexually harassing an employee."

Non-inflammatory: "Joe was terminated for violating our policy prohibiting harassment in the workplace."

There are many other situations in which inflammatory terms might be used and in which it might be better to tone the language down. The main thing is to express the facts in a way that gets the idea across without sounding like name-calling or moral judgment. As in most other areas of employment relations, the more an employee feels that he or she is being fairly treated, the less likely they will be to think they have to hire an attorney or complain to a government agency in order to vindicate themselves.

Reference Check Form Instructions

When Performing Reference Check via Phone

When conducting a reference check, be sure to introduce yourself giving your name, title, where you are calling from, and explain the reason for your call. Provide the person you are speaking with the name of the candidate and the positions they are applying for at South Texas College. In addition, let the reference know the candidate has given consent to check his/her employment information.

When Performing Reference Check via Email

It is recommended to contact the reference via phone prior to emailing reference contact. Below is an example of what to include in the body of the email after providing a brief introduction of yourself:

Mr. John Doe, is applying for the <name of the position> with our College. Your assistance is requested for completion of an employment reference check. Mr. Doe confirmed consent to obtain a reference and indicated you as a professional reference. Please complete the employment reference check below and return your responses via reply to this email at your earliest convenience, preferably by no later than Monday, March 18, 2016.

Your assistance and participation is greatly appreciated!

Thank you,

Questions and Answers

If I know a candidate personally, do I need to check references?

Yes. References must be conducted on every person you wish to hire regardless of whether you know him or her on a personal basis, regardless of whether a coworker knows the finalist, and regardless of the level of position.

Do I need written consent to check references?

Yes. Our application process covers this issue as the candidate gives consent as a prerequisite for submitting an application. Do not check references on any person that has not completed the application packet. If in doubt, check with Human Resources to ensure the person has gone through the application process.

What do I do if the candidate indicates NOT to call his or her present or a former employer?

If the candidate is a finalist, you **MUST** call the candidate and explain that they are a finalist and for further consideration to hire them, you will need to call the person that they had marked NOT to contact. The candidate must also be informed that no final decision has been made to prevent them from assuming that they will be hired.

If I receive a negative evaluation on a candidate, should I immediately disqualify him or her?

No. While it is important to consider any negative comments carefully, they should not immediately disqualify the candidate from further consideration. There are two sides to every story. Should this situation arise, the best course of action is to ask for specific examples to support the negative comments and then check additional references; more than three, if necessary. Formulate a question that asks about the deficiency. For example, if one employer says the employee had a problem with tardiness, ask other references if the candidate was prompt, dependable, and able to meet deadlines.

If my finalist is a current STC employee, should I contact his or her supervisor?

Yes, absolutely. Simply because a candidate is currently working for the College does not mean that reference checks may be waived. While dates of employment for current employees may be obtained from Human Resources, reference checks must still be conducted with prior departments to verify job duties and performance.

With whom should I share reference information?

Information obtained through reference checks should be held to the highest level of confidentiality. This information should only be accessible to individuals relevant to the recruiting and hiring process for the particular vacancy. These individuals may include

the respective Dean's or Vice President's Office, the President, or the Director of Human Resources.

What is negligent hiring?

Negligent hiring is a failure by a prospective employer to check references adequately or to gather relevant information on a candidate hired. Obtaining reference information is vital to ensure employment information is validated and/or verified. Employers have a common law duty to exercise reasonable care in hiring to avoid foreseeable risks of harm to employees, customers, and the public.

With concerns over liability, isn't it almost impossible to get a bad reference these days?

No. Although it is true that most references don't generally provide overtly negative comments, it is still possible to obtain information that is not positive. This may require you to evaluate the comments provided and compare them to the qualities, skills, and experience which you are looking. For instance, if a reference states that the employee was a good worker, but not a good supervisor, they might be more appropriate for positions that do not have supervisory responsibilities.

Some colleges/companies provide only basic information on a former or current employee. Is this information useful?

Yes. Although a more ideal reference is someone who shares evaluative information, being able to confirm basic information provided on a resume or application is helpful. These reference checks can provide information such as dates of employment, job title, pay, and whether the employee is eligible for rehire. They also will allow you to determine the accuracy of the information provided by the candidate.