



GUIDELINES FOR REFERENCE CHECKS

HUMAN RESOURCE MANAGEMENT

STATE LABOR RELATIONS & EMPLOYMENT PRACTICES

Reference checking is an essential element of the employee selection process for several reasons. Respected HR sources maintain that up to one-third of all resumes contain material falsehoods. Also, reference checks increase the probability of gaining better information about applicants than a selecting official's intuition or instinct. They also confirm employment dates that may reveal *unexplained employment gaps*. Finally, they can protect the investment we make in those hired and promoted, and help reduce disruptive and costly staff turnover or retention burdens associated with bad selection decisions.

Some employers are reluctant to reveal information about former employees out of fear that doing so will lead to a lawsuit--even though many states, including Delaware, have laws that protect employers who disclose truthful information about current or former employees. See 19 Del. C. § 709.

Despite this reluctance, State agencies should conduct reference checks. By contacting former employers, they can at least verify that applicants actually worked for specified employers for particular time periods. Also, many employers are still willing to give recommendations, especially for good employees. Finally, and most critical, agencies must at least *attempt* to obtain employment references to demonstrate due diligence in the hiring process, and avoid claims that they failed to exercise reasonable care when selecting new employees. Agencies responsible for patient care, or child protection, among others, are already mandated to take specified measures in this regard.

Agencies that provide information about current or former employees should document the source of the information provided, to whom it is given, and who gave it on their behalf. Agencies should also disclose only accurate factual information which has been documented in the employee's personnel file.

If a current or former employee has filed a grievance, complaint, charge or lawsuit, *no information* about this should be disclosed to any outside employer or State agency. Finally, agencies must, of course, be careful not to contact the current employer, without the applicant's consent—*except, in accordance with OMB HRM guidelines, when the job candidate is a current or former State employee who has applied for a position in another State agency.*

What can we disclose?—Accurate and factual relevant information that would not intrude upon reasonable notions of privacy.