

# REFERENCE CHECKING GUIDELINES

Employers have a duty to exercise reasonable care in hiring individuals by reference checking. It is imperative that employers get as much background information as they can about prospective employees. Reluctant prior employers may make it difficult to complete a background check but the price for not checking references could be even greater. Consider simply not hiring an applicant if there is inadequate information available about him/her.

The most important thing employers can do in the area of reference checking is to verify them. If you are unable to get a response or if you receive very limited information, be sure to document, document, document the fact that you tried to check the applicant's references. If you are not going to check references, don't ask for them.

If you are unsatisfied with the information provided by the applicant, ask for more references and ask the applicant to sign a *Hold Harmless Statement* that will release former employers from liability for providing information to the company. And, if former employers still will not provide any information or do not cooperate, realize that you may be hiring the applicant at risk, particularly if the prospective employee is placed in a position of trust or where he/she could harm the company, clients, vendors, suppliers, fellow employees, or the public.

When inquiring about an applicant's conviction record, be aware of state laws concerning arrests and convictions. If an applicant will have to be bonded if hired, a conviction record would be a factor in the hiring process. Driving convictions are also an issue if the applicant would be driving a company vehicle or a personal vehicle to conduct company business.

The most important thing to remember is that employers have a legitimate interest in determining whether an applicant is qualified based on matters related to the job. In the negligent hiring area, an employer may be liable if it makes no effort to obtain relevant information about an applicant's background before hiring and the employee later causes harm or injury to others that may have been prevented if reference checking had been conducted (e.g., failing to verify an applicant's driver's license status and record if driving is an essential function of the job).

It is often easier to obtain information if you have the applicant sign a *Hold Harmless Statement* authorizing former employers to supply information, and if you promise former employers that the information they give you will be kept strictly confidential. In requesting information, it's a good idea to use a printed form that asks specific, easily-answered questions. You will get more precise information this way. Keep the questions job-related and enclose a self-addressed, stamped envelope.

The quickest way to obtain reference information from former employers is to call them. The two-way dialogue usually provides more information than a written reference checking form. Offer to fax a copy of the signed *Hold Harmless Statement* to the former employer.

If a former employer still refuses to share information about the applicant, document it. Tell the person to whom you are speaking that you are going to record his/her name, the company's name, the date of the conversation, and the fact that he/she refused to reveal any information about why you should or shouldn't hire the applicant. Tell him/her that his/her lack of cooperation could force you not to further consider the applicant. You may create some guilt that would compel him/her to share information.

Reference checking requires a professional approach that can produce valuable information in the decision making process prior to making the investment of hiring a new employee. With adequate information on applicants' backgrounds and work experiences, the best candidate with the maximum potential for success can be hired.