

Jefferson County Education Service District

Code: GBA-AR(2)
Adopted: 5/07/08

References

Board policy guarantees to all persons equal employment opportunity and treatment with Jefferson County ESD and sets a standard for employees to be informed and knowledgeable. Checking references of candidates is basic in making good employment decisions.

Legal Framework

An employer who discloses information about a former employee's job performance to a prospective employer is immune from civil liability under the following conditions:

1. Disclosure of information is upon request of the prospective employer; or
2. Disclosure of information is upon request of the former employee;
3. The information is related to job performance;
4. The action is presumed to be in good faith.

Presumption of good faith is rebutted by showing the information disclosed was:

1. Knowingly false;
2. Deliberately misleading;
3. Rendered with malicious purpose;
4. Violated civil rights.

Giving References for Current or Former Employees

1. Jefferson County ESD administrative staff is expected to review employee's performance reviews in making reference comments.
2. When a person leaves ESD employment, personnel office staff may secure authorization from the person to release personnel file information to potential employers who ask for recommendations.
3. For former employees who have no reference authorization form on file, personnel office staff will request a copy of the signed authorization to release information from the prospective employer. If there is no authorization, office staff will contact the former employee and request such authorization in writing. Copy of the authorization will be retained in the personnel file.
4. No performance information shall be given in reference checking without contacting the supervisor. All contacts to ESD employees regarding reference checks for former or current ESD employees shall be referred to the supervisor.

5. Office staff will review the file of former employees to determine the authorization status given by the former employee.
6. Reference checks about former employees who do not authorize the sharing of personnel file information will be limited to dates of employment and job assignments.
7. Reference checks about former employees who do authorize sharing of personnel file information will be made by the supervisor.

Checking References on Applicants

1. ESD supervisors are expected to do a thorough checking of references of prospective employees and keep a record of the people contacted and the information received from each contact. Information may be gathered from the references listed by the prospective employee or from others who may have information regarding the person's performance.
2. If a candidate should ask about the information given by a reference, the candidate should be directed to the reference source. The ESD supervisor should not attempt to paraphrase the reference giver's comments to the candidate.
3. Notes made on reference checking need to be included in the completed application file for each position.
4. ESD supervisors should consult with the superintendent when questions about reference writing or checking occur. Legal advice may be required.