



CITY OF SAN RAFAEL POLICIES AND PROCEDURES

Subject:	Responding to Reference Check Requests
Resolution No.	
Issue Date:	August 10, 2010
Revision Date:	
Prepared By	Leslie Loomis, Human Resources Director
Approved By:	Ken Nordhoff, City Manager

RESPONSE TO REQUEST FOR REFERENCES

PURPOSE:

The purpose of this policy is to establish guidelines for releasing personal and/or professional references to third parties. Adhering to this policy will help protect the employee responding to the reference as well as the City from any potential liability.

RESPONSIBILITY:

Department Directors, Human Resources staff and any staff receiving a request for personal and/or professional references by a former or current employee.

DEFINITIONS:

None

POLICY:

It is the policy of the City of San Rafael to allow employees to provide reference to third parties. All requests responded to on scheduled work time and/or breaks, whether provided as a professional reference or personal reference, fall under this policy and should only be provided by those employees formally designated as Supervisory or Management. Any employee receiving a request for references should adhere to the following procedures.

PROCEDURES:

In order to protect the privacy of employees, all requests for reference and/or information about will be screened to determine who is seeking the information. In an effort to eliminate any City liability in providing references, any requests received will be directed to the Human Resources Department. The HR Department will only provide name, job title, and dates of employment.

In the event that a more complete reference check is sought, the City of San Rafael will require a written *Release of Liability for Providing Reference* (Attachment A) signed by the person being discussed, in other words, the person that the reference is regarding. The *Release of Liability for Providing References* form can also be found on the HR page of the City's Intranet. The Release form should be completed and mailed to the Human Resources Department. Upon receiving the signed release, HR will:

- 1) Verify the signature authorizing release of information (If a former employee, HR will check the former employee's personnel file for signature verification)

Response to Request for References

- 2) Check to see if there are any restrictions on what information can be shared and who is authorized to provide the information on the former employee.
- 3) Notify the employee(s) designated on the form that they have been listed as authorized to respond to a reference check.

When proper authorization exists, employees are encouraged to respond to legitimate and proper reference requests in a prompt manner. However, employees are not required to respond and neither this policy nor the signed *Release of Liability* will obligate the designated employee to respond. Subject areas that should NOT be discussed during a reference check include:

- a) Marital status
- b) Pregnancy (current or plans for the future)
- c) Childcare plans
- d) Sexual orientation
- e) Religion
- f) Political preferences
- g) Race or racial background
- h) Health or disabilities
- i) Psychological condition or history
- j) Legal drug and alcohol use
- k) Legitimate use of leave time
- l) Other non-job-related topics

When responding to requests for reference checks, documentation is essential. The respondent will document all the questions asked by the agency, as well as the information and response provided regarding the current or former employee. A *Response to Request for References* form (Attachment B) should be used to document this information. The documented responses will be kept on file in the department and a copy will be sent to the HR Department.

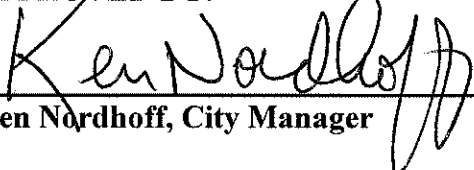
Current or former employees who are seeking written references as part of a college or university application will also need to submit a signed Release of Liability for References. **The release form and review need to be completed prior to any letter being signed and provided to any current or former employee.** A copy of any letter prepared by the City will be maintained in the employee's HR file.

Any reference, whether written or verbal, should be an accurate reflection of the employee's work performance and work habits while they worked for the City. Persons responding to reference requests will refrain from providing personal opinions and will only provide honest, accurate information that is consistent with written performance evaluations.

ATTACHMENTS:

- A. Release of Liability for Providing References
- B. Response to Request for References

APPROVED BY:



Ken Nordhoff, City Manager

8/10/2010

Date



RELEASE OF LIABILITY FOR PROVIDING REFERENCES

I, _____, hereby request, authorize and consent to the release of information regarding my previous and/or current employment with the City of San Rafael (“City”) for the purpose of evaluating my suitability for employment. I further authorize those individuals listed below to respond to any verbal or written inquiries regarding my employment record, including but not limited to: positions held; dates of employment; beginning and end pay rates; work performance; disciplinary records; reliability and any incidents of dishonesty; insubordination, violence and/or unsafe behavior; harmful or threatening behavior, including information based upon materials in my personnel files. I direct the City of San Rafael and the individuals listed below to release such information regardless of any agreement, instructions or representations I may have made with the City to the contrary.

In addition, I authorize the City of San Rafael to release the contents of and/or provide a photocopy of my entire personnel file with the City if requested by the prospective employer, including any documents sealed pursuant to any settlement agreement or stipulation, and all application information including questionnaires, interviews and education transcripts. I further authorize the disclosure of all records to which, as an employee, I would have or did have access under Labor Code section 1198.5.

I have received a copy of this Release of Liability form and had adequate time to review it. I understand the meaning and purpose of this Release of Liability, and by signing this document, I release the City of San Rafael, its officers, employees, or related personnel, both individually and collectively, from any and all liability, claims, or damages that may directly or indirectly result from the use, disclosure or release of such information by any person or party, whether such information is favorable or unfavorable to me in compliance with California Civil Code Section 47 as amended.

This Release of Liability will expire one (1) year after the date signed. A photocopy of this Release of Liability is to be considered as valid as an original.

I authorize the following individuals to respond to any inquiries as noted above:

Name: _____

Phone: _____

Name: _____

Phone: _____

Name: _____

Phone: _____

Signature: _____

Date: _____



RESPONSE TO REQUEST FOR REFERENCES

Instructions: Before responding to any requests for reference checks you must verify that the Human Resources Department has received a signed **Release of Liability for Providing References**. The HR Department will verify the current or former employee's signature and notify you if you are authorized by the employee to provide a reference. HR will also notify you of any restrictions on information that can be shared. Document all the questions asked by the agency, as well as the information you provided regarding the current or former employee.

Name of Current or Former Employee Being Discussed: _____

Name and Title of Person Requesting Reference Check: _____

Name of Requesting Agency: _____

Date of Reference Check: _____

Name of Person Providing Reference: _____

(Use reverse if more space needed)

	Question Asked:	Response:
1		
2		
3		
4		
5		

Comments:
