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**Adopted: 1-7-18**

## **438 RESPONDING TO EMPLOYMENT VERIFICATION AND REFERENCE CHECKS**

### **I. PURPOSE**

All requests for employment information on current and former employees must be referred to the Human Resources Department. Information from written and/or phone requests will be limited to provisions established by Human Resources.

### **II. DEFINITIONS**

- A. Employment Verification: response to an inquiry by a prospective employer, a government agency, or an outside entity, such as a lending institution, that the current or former employee is or was employed by The Studio School.
- B. Reference Check: confirming a person's employment eligibility, current/past work history, and/or educational qualifications. Employers often verify employees prior to hiring or promoting them, to ensure that the employee's employment history, education, and other details match the information provided by the employee.

### **III. PROCEDURES AND RESPONSIBILITIES**

- A. Employment Verifications
  - 1. All employment verification inquiries from current or former employees, prospective employers of current or former employees, governmental agencies, or other organizations such as a financial or lending institution, should be directed to Human Resources for an official Studio School response. Under no circumstances is any other employee authorized to provide a written or official employment verification response for The Studio School.
  - 2. Employment verifications by phone will be routed to Human Resources who will give limited information about the former or current employee's employment dates, position title, and employment status. Salary information will not be released over the phone without a written consent from the former or current employee.
  - 3. All written requests for employment verification must contain the employee's or former employee's signature authorizing the release of information. Information will not be released without the current employee's or former employee's signature.
  - 4. When the permission signature is present, Human Resources will release the information below about current and former employees:

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- a. whether the individual is currently employed at The Studio School,
  - b. the employee's current or last job title,
  - c. employment status,
  - d. the dates of employment at The Studio School, and
  - e. the current or final salary paid to the employee and/or pay history.
5. Depending on the circumstances of the request and input from the past or current employee, The Studio School may release salary history, job title history, and whether The Studio School would rehire the employee.
  6. Representatives of Government or law enforcement agencies, in the course of their business, may be allowed access to personnel file information. Personnel file access by employees and former employees will usually be provided in response to legal subpoena or court order. Such cases will be handled on an individual basis.
  7. In cases where additional information is requested on employment verifications, Human Resources will determine the nature of the request and will then forward the request to the appropriate department. All responses will be returned to Human Resources to be reviewed for consistency and protection in the best interests of The Studio School

#### B. Reference Checks

1. All A prospective employer seeks to validate the job performance and qualifications of an applicant prior to hiring. A former (or current) employer provides employment references to assist former employees in obtaining future employment. If an employer chooses to provide a reference or recommendation, the reference giver must include factual and non-confidential information that may be material to the applicant's fitness for employment. Vice presidents, deans, chairs, directors, managers and supervisors who provide employment references on current or former employees must be aware that untrue, incomplete, or misleading information may cause a different liability – negligent referral.
2. Information that may be given in a reference check:
  - a. verification of dates of employment,
  - b. job titles, and
  - c. description of duties.
3. If sufficient knowledge is not known about a current or former employee's job performance, the requester must be told the nature of the relationship with the employee and that a meaningful reference cannot be given.
4. If an objective and/or positive reference for any reason cannot be given, then the request should be declined and forwarded to Human Resources for a standard response.

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5. The Studio School does not have an obligation to provide references on former and current employees, but under ordinary circumstances it is our practice to respond to requests from prospective employers. Any written response for a reference check must be reviewed and approved by Human Resources before returning the request.
6. Information about administrative grievances, settlement agreements, Worker's Compensation claim, an employee's medical records or disabilities should not be given during a reference check. This is confidential information and violates the former or current employee's privacy. Information that violates the civil rights of affective employees should not be given.
7. Documents from any source (department, Human Resources, unit, etc.) cannot be released to current or former employees, prospective employers of current or former employees, governmental agencies, or other organizations such as a financial or lending institution without a written release from the employee. All employee files and the information and documents contained within are the property of The Studio School.

***Legal References:***

Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)