

<b>POLICY #319</b>	<b>SUBJECT:</b> Conducting Reference Checks and Responding to Requests for Reference Checks
<b>EFFECTIVE DATE: October 11, 2016</b>	Page 1 of 4
<b>Approved By: Carla Benson-Green, Cabinet Secretary</b>	

## Delaware Children's Department Policy

### **I. Policy**

Reference checks are essential elements of the DSCYF employee selection process. They serve as an additional source to confirm an individual meets the job requirements and possesses other work-related knowledge, skills, abilities, credentials, licenses, certificates and suitability for the position. In addition, they provide information about an individual's work, conduct, and performance history. Reference checks can protect the investment made in those hired and selected and help reduce disruptive and costly operational impact, staff turnover or retention burdens associated with bad selection decisions. Finally, reference checks foster security, safety, protection, and optimal, appropriate and professional services for the children, youth and families served by DSCYF.

Designated Department employees are expected to conduct reference checks as part of the hiring process as well as to respond to reference check requests by authorized parties. Delaware has laws that protect employers who disclose accurate, documented, and truthful information about current or former employees. See 19 Del.C. §709.

### **II. Purpose**

The purpose of this policy is to establish the requirements for conducting reference checks as part of the Department hiring process as well as to outline requirements for responding to reference check and reference requests received by Department staff. Hiring Managers are referred to the Manager's Hiring Guide (located on the extranet under Services, Human Resources, Manager Resources) for additional information. Hiring Managers are also referred to Policy #318 for information regarding Conducting Background Checks which is also a required part of the hiring process.

### **III. Applicable Law/Enforceability**

The Merit Rules and union contracts and state and federal law provide the basis for this policy. It is consistent with all State policy concerning reference checks.

### **IV. Definitions**

- A. Credentials, licenses, certifications, training, and degrees – Items that are minimum job requirements for a position. They must be the current, valid, unrestricted credential, license, certification, training or degree. For example, the credentials, licenses, certifications, and degrees of: teachers and positions in the DMSS, Education Unit;

<b>POLICY # 319</b>	<b>SUBJECT: Conducting Reference Checks and Responding to Requests for Reference Checks</b>
<b>EFFECTIVE DATE: October 11, 2016</b>	Page 2 of 4

psychologists and licensed health-care providers such as nurses; trades, such as electricians; and others credentialed by a Delaware Board of Professional Regulation.

- B. Employee - All Department employees, including Merit and casual/seasonal, contracted staff and paid/unpaid interns.
- C. References - An individual that serves as the point of contact for employers seeking to verify or ask questions about a potential employee's background, work experience, work performance, conduct or other work-related factors.
  - 1. HR Reference Check (Employee Record Check) – HR provides the attendance, discipline, and performance history documented in the candidate's personnel record of a current or former employee of DSCYF who is a candidate for a DSCYF position.
  - 2. Inter-Agency Reference Check – HR provides a copy of specified and relevant information from the personnel records of candidates currently or previously employed by DSCYF upon request by email from the Hiring Agency human resource office to the Employing Agency human resource office. *Source: Guidelines for Interagency Access to Personnel Records During the Hiring Process, Human Resources Management, State Labor Relations & Employment Practices, June 2007.*
  - 3. Personal Reference- Information requested for a current or future employer from a DSCYF employee who is not the individual's supervisor or manager.
  - 4. Professional Reference –Work-related information from a current or future employer of a candidate.
  - 5. Verification of Employment – The verifier confirms only limited, fact-based information about the candidate's work history, such as dates of employment, position or salary.

## V. Conducting Reference Checks for Prospective DSCYF Employees

- A. Hiring Managers should conduct a check of a minimum of three professional references.
- B. All reference checks by Hiring Managers are limited to those described above and should be completed as soon as possible and in the manner outlined in the DSCYF Manager's Hiring Guide. **Reference checks must be considered in hiring decision-making.**
- C. Any and all information provided on the employment application, resume, and other supporting materials submitted by the candidate may be verified during reference check.
- D. Unless otherwise specified, after references are obtained, a verbal, conditional offer of employment must be made and accepted prior to conducting any background check.
- E. Failure to conduct reference checks prior to the verbal offer of employment may result in rescinding of the offer, repeating all or part of the hiring process, and/or other appropriate remedies. It may also result in discipline, up to and including dismissal, and/or other appropriate remedies for the Hiring Manager.

<b>POLICY # 319</b>	<b>SUBJECT: Conducting Reference Checks and Responding to Requests for Reference Checks</b>
<b>EFFECTIVE DATE: October 11, 2016</b>	Page 3 of 4

F. All aspects of the reference check process are confidential. Information may be disclosed only to decision-makers and Human Resources staff. Everyone involved in the hiring process is required to maintain and protect confidentiality.

G. The Hiring Manager is responsible to obtain, process, and maintain all required releases, waivers and permissions to conduct respective reference checks for a period of three years.

## **VI. Responding to Requests for Professional Reference Checks**

### **A. General Guidance**

1. Only designated individuals as outlined below may provide a professional reference. Others are prohibited from doing so without prior approval from HR.
2. Written releases and/or authorizations must be received before providing professional references.
3. All aspects of providing professional references are confidential. Information may be disclosed only to the authorized requestor and Human Resources staff. Information is not available to the candidate unless as part of an appeal provided for in statute or regulation or policy. Everyone in the process is required to maintain and protect confidentiality.
4. Employees providing professional references may use Department letterhead or other Department identifiers to provide the work-related information.
5. All documentation of providing professional references must be maintained, stored, and retained for a period of three years.

### **B. Procedures for Providing Professional References**

1. A request for a professional reference should be made to the employee's supervisor/manager. The supervisor/managers is expected to give references for employees they supervise or who are in the chain of command to appropriate requestors with appropriate authorization
2. The supervisor or manager providing a reference must identify the work relationship with the person seeking it (e.g., the employee is the current supervisor of the candidate for whom the reference is being sought).
3. All information provided must be accurate, current and derive from documentation.
4. Information provided must be work-related such as performance, attendance, discipline, conduct.
5. References may be given verbally or in writing. If a reference is provided verbally, it should be documented.
6. Only Human Resources staff are authorized to give Personnel File Record checks.
7. Only designated Human Resources staff are authorized to give Inter-agency Reference checks.
8. Any requests for verification of credentials, licenses, certifications, training, and degrees should be referred to Human Resources

<b>POLICY # 319</b>	<b>SUBJECT: Conducting Reference Checks and Responding to Requests for Reference Checks</b>
<b>EFFECTIVE DATE: October 11, 2016</b>	Page 4 of 4

## **VII. Responding to Requests for Personal References**

### **A. General Guidance**

1. Employees who provide personal references for co-workers should clearly identify their relationship to the individual for whom the reference is provided.
2. Employees who provide personal references are not permitted to use Department letterhead or Department identifiers as part of the reference.

## **VIII. Adherence to Policy**

A. All employees are responsible for being aware of and complying with the content of this policy.

B. Failure to comply with any provision in this policy may result in:

1. Any remedy described herein;
2. Training or retraining;
3. Disciplinary action, up to and including dismissal, for the individual committing an infraction;
4. Any combination of these actions; and/or
5. Other appropriate actions.

C. This policy is not intended to create any individual rights or cause of action not already existing or recognized under state or federal law.

## **IX. Responsibility for the Policy**

DSCYF Human Resources staff or designees are responsible for providing guidance regarding this policy.