

## **REFERENCE CHECKING PROCESS**

Before any offer of employment is made, at least three references must be checked. Although references may be presented in written form, verification of the information provided is required.

Create a standard reference check form or use the template provided. You may include other questions that are relevant to the job the applicant may be performing. Remember that only job related questions and statements are allowed.

### **A Suggested Script:**

1. Introduce yourself by name, title and school (or Franklin Central Supervisory Union).
2. Indicate that the applicant has applied for a position with the school and has shared this person's or company name with us as a reference or a place they had previously worked.
3. State the purpose of the call is to verify employment and confirm some information provided to us.
4. Ask if this person has a few minutes to answer some questions. If not, get a definite time to call again.
5. After asking the questions, thank them for their time and leave your phone number in case they have anything else to share about this candidate.

### **Liability for Negligent Hiring**

A legal trend in our country is that an employer may be held liable to third parties (employees, applicants, other businesses) for negligence in hiring an employee who is incompetent, unfit for the job or dangerous. This is based on the theory that the employer is responsible for the acts of its employees and will hold these employers liable for improperly screening applicants who may subsequently cause harm to third persons *regardless of whether the harm caused was within the scope of the individual's employment*. Not all actions will be held accountable but certainly those actions that could have been avoided through a reasonable background check.

- To limit your liability for negligent hiring, make sure every applicant has completed an application for employment. This provides a release for making reference checks prior to making any offer of employment.
- Thoroughly reference check. Do not accept written letters of reference at face value.

### **The Right to Privacy in the Workplace**

The applicant's expectation and right to privacy is sometimes at odds with the employer's need for information. Privacy issues may potentially arise in a variety of pre-employment screening contexts including interviews, background checks, and access to employee records. Invasion of privacy claims usually are based on one of three theories: Unreasonable intrusion into an individual's personal affairs, placing an individual in a false light, public disclosure of embarrassing and private facts.

- To limit your risk, make sure the applicant has completed and signed the employment application. A statement in the application removes any expectation of privacy by stating the Supervisory Union's requirement for reference checking and expectations up front and obtains the individual's consent to employment references.
- Once completing the reference checking calls, protect the confidentiality of applicant information (medical information, performance records, etc.) by storing the information on non-selected finalists in a confidential file and forwarding the final applicant's information to the Superintendent's Office. You are required by law to retain this information on file for one (1) year from the date of action.