

SUBJECT: Applicant/Employee Reference Checks

PURPOSE: To establish policy regarding Applicant and Employee Reference Checks

POLICY: Reference Checks

Acquiring and providing accurate employment references is an important component of acquiring, retaining, and providing relevant information concerning employees. Therefore, the employer is committed to adhering to the following procedure whenever conducting a background/reference check for an applicant for employment or when responding to inquiries from others for information regarding a current or former employee.

A. Acquiring References

Reference and background checks are conducted to assist the employer in assessing an applicant's fitness for employment with the employer. Only those employees designated by the Personnel Director or Administrative Officer may acquire employment references. Any authorized employee of the employer who attempts to acquire reference information on an applicant must comply with the following:

10. Obtain an employer employment application that is signed and dated by the applicant (*reference: Employer Employment Application*). The applicant must have completed all relevant sections of the application.
11. Obtain authorization from the applicant by means of his/her signature directly on the application and/or separate release form (*reference: Authorization to Conduct Employment Investigations*) for the release of information from former employers, military, educational institutions, other institutions, personal references, and other individuals listed on the application. Authorization for release of such information by the applicant shall include a release from liability of any company, institution, or individual providing such information. If an applicant refuses to sign such a release, s/he will be eliminated from further consideration for employment with the employer.
12. Inform the applicant that the employer will conduct a background/reference check and that evaluating the applicant's suitability for employment includes contacting employment and other references, educational institutions, and personal and professional associates to verify information provided.
13. Develop questions that are related to the essential functions of the position and are non-discriminatory. Questions related to an applicant's training, knowledge, skills, production, timeliness, quality of work, and ability to work with others are examples of appropriate inquiries. Discriminatory or non-work related questions such as family or marital status, disabilities, age, and related areas are not appropriate.

Note: For safety-sensitive positions as defined by 42 CFR Part 382 and U.S. Department of Transportation regulations, the employer shall obtain, pursuant to an applicant's written consent, information on his/her alcohol tests with a concentration result of .04 or greater, verified positive controlled substance test results, and refusals to be tested within the preceding two (2) years from date of application which are maintained by the previous employers.

14. Identify the appropriate individual(s) to question regarding the applicant's work performance, knowledge, skills, and abilities related to the essential functions of the position.
15. Adequately document the conversation and record refusals to provide information (*reference: Reference Check Data Collection Form; Reference Check Data Collection Form for Public Safety Agencies*).
16. Maintain strict confidentiality of all background/reference information. Only employees, supervisors, or management officials of the employer who have a demonstrable work-related need-to-know should be accorded access to such information.

B. Providing References

All requests for employment information shall be referred to the Personnel Office. Only those personnel designated by the Personnel Director or Administrative Officer are authorized to release employment information to third parties.

The employer has a neutral reference policy as well as a confidential information policy. Only the following personnel information and employment records that the employer maintains concerning current and former employees shall be provided upon request:

1. Name
2. Class/Job Title
3. Dates of Employment
4. Salary
5. Information regarding an employee terminated for violent actions in the workplace or who may have demonstrated dangerous behavior in the workplace will be provided only after consultation with employer's legal counsel.
6. Employment information and opinions regarding the character, honesty, and potential for violence of the employer's employees may be provided to governmental employers, including, but not limited to, any federal, state, county, municipality or city employers, or any other private (non-governmental) employer where the employee's character, honesty, sexual misconduct, and potential for violence are relevant issues. Examples include, but are not limited to, jobs which involve public safety, entrustment for the care or safety of children, the elderly or health care patients, or positions having access to money and/or valuables. The employer must provide information requested by law enforcement agencies in accordance with NRS 239B.
7. Records which are required for employees in safety-sensitive positions, as defined in 42 CFR Part 382 and U.S. Department of Transportation regulations, shall be made available to subsequent employers upon receipt of written request from the employee or former employee.

8. In accordance with NRS 239.012, a public officer or employee who acts in good faith in disclosing or refusing to disclose information and his/her employer are immune from liability for damages, either to the requester or to the person whom the information concerns.

RESPONSIBILITY FOR REVIEW: The County Personnel Director and/or Administrative Officer will review this policy every 5 years or sooner as necessary