

CAL STATE SAN MARCOS

PROFESSIONAL REFERENCE CHECKS

It is the responsibility of the hiring authority to conduct professional reference checks on the final candidates they are considering to hire. A search committee may also conduct reference checks during the search process, but it is still recommended that the hiring authority conduct their own reference checks before making the final decision. **The time it takes to conduct reference checks is nominal compared to the time, cost and consequence of hiring the wrong person for the job.**

An employer who fails to check references and hires a person with a history of physical abuse of co-workers or hires a person who is a registered sex offender to work with or around students can be charged with negligent hiring. The basic theory behind negligent hiring is that employers have a duty to protect workers, customers (students), and visitors from injury caused by such employees; this obligation exists even if the injury occurs miles from the work site.

PROCESS

The [Applicant Authorization and Release Form](#) (found on the HREO Forms page) should be completed by the candidate(s). **While the candidate is asked to provide the University with references, candidates should be informed that reference checking may be extended to their current and any or all of their previous employers, even though they may not be on their reference list.** (Please be sensitive to coordinating the checking of the current employer's reference with the candidate. We don't want to jeopardize their current position.) If a candidate tells you not to contact a specific person or employer, please respect their request. The candidate is not required to provide this authorization, but checking references should be considered a very important part of the selection process and the hiring authority should be very cautious about hiring a new employee who will not provide adequate reference checking authorization. All references should be relevant to the position sought. If a person provided as a reference by the candidate does not have knowledge of the candidate's ability to perform the tasks of the vacant position, then contacting that reference is of little use. The best references are, typically, former employers (supervisors/managers with direct knowledge of the candidate's work), former co-workers, and former educators of the candidate.

INTERNAL CANDIDATES

Reference checks should also be done for internal candidates who do not work for you. You do not need an authorization form from the employee since we are already the employer. You should ask the same questions of the internal supervisor/manager as you would for the external candidate.

DO'S AND DON'TS

- Reference check questions should be directly related to the duties and performance of the person's job. Do not contact "character references" or references who have not worked with the candidate.
- While the employer has the right to check employment references, both the United States and State of California Constitutions protect candidates and employees from unreasonable intrusions by prospective employers into their private, non-job related activities and status. (There are a few exemptions to this rule, for example, law enforcement candidates.)
- Questions related to protected class status or disability claims should be avoided. The rules are similar to those rules used in the interview process.
 - For example, you should not ask about marital status, family status, residence, disability (physical or mental), non-professional organizational activities, economic status, arrest record, military service record, race, pregnancy status, child care provisions, color, religion, national origin, ancestry, gender, sexual orientation, ethnic background, age, etc. (See attached guideline.)
 - DO NOT INQUIRE IF THE CANDIDATE HAS EVER FILED A FEDERAL EEOC AND/OR STATE DEPARTMENT FAIR EMPLOYMENT AND HOUSING (DFEH) OR WORKERS' COMPENSATION COMPLAINT/CLAIM. The filing of complaints/claims are considered a protected activity.
 - If an employer starts to provide you information that is not legal or appropriate, please make every attempt to stop the flow of this information. If you find out information that you should not know, do not let it impact your decision making.

REFERENCE CHECKING

Before making the first reference call, you should be prepared with a set of questions that are related to the position and valuable in helping you make a decision. Your Human Resources & Equal Opportunity (HR & EO) representative can assist you if you would like help in developing questions. At the beginning of the conversation with the reference, it is often helpful for you to describe the position that the candidate has applied for and describe what you are looking for in the ideal candidate. This should assist the reference responder in framing their responses in a more meaningful way for you. When calling a reference, introduce yourself, state that you are checking the reference on (name), a candidate for (state the position and CSUSM) and you have the candidate's permission and/or an authorization and release to talk with the reference. If they want to see the signed authorization and release form before responding, please make arrangements to fax or mail a copy to them. If they refuse to provide a reference, ask them what their policy is on providing references for current or past employees. Try to assess whether the issue is their blanket policy on providing references or the fact that they will not provide a reference for this particular employee (or former employee).

Questions regarding attitude, skills, experience and performance should be asked. For example:

1. Did the candidate work under your supervision?
2. During what time period did you supervise the candidate?
3. Are you familiar with the candidate's former job? If yes, please describe the position the candidate held (or holds) in your organization. Review: a) duties, reporting relationships, scope of responsibility, level of autonomy; b) how long they were in the position and what other positions they held in the organization; c) confirm dates of employment, job title, salary and dates in current or last position. Always compare this information to what was provided on the application/supplemental questionnaire and/or resume.
4. What were the candidate's strongest skill areas?
5. Using a 1-5 scale, with 5 being high, how would you rate the candidate in the following areas:
 - a. List specific knowledge, skills, abilities, or tasks that are pertinent to your position.
6. Please describe how the candidate interacted in the workplace with: subordinates, peers, immediate supervisors and management (use each one that is appropriate for your position).
7. Was the candidate a person whom you had to motivate or were they internally motivated?
8. What aspects of candidate's job did (he/she) do well? In what aspects of their job did they require a higher level of supervision or seem to struggle with?
9. Describe the candidate's quality and quantity of work.
10. Did the candidate understand, follow and respect workplace rules and administrative processes (this could include dependability, attendance, punctuality, etc.)?
11. Did the candidate demonstrate flexibility when appropriate?
12. Please describe the professional areas that the candidate either struggles with or should continue to work on developing.
13. Was the candidate a "team player"?
14. CSUSM is an organization that values diversity. How has the candidate demonstrated his/her commitment to diversity in your workplace? Please describe.
15. Based on the description of the position that the candidate has applied for and reviewing their current or past job description, can you foresee any problems with the candidate being able to perform the duties of the position for which they have applied?
16. Would you re-hire the candidate if given the opportunity?
17. Is there anything else relevant to the candidate's performance and attitude in your workplace of which I should be aware?
18. Would you recommend the candidate for this position?

For Supervisor/Manager candidates the following should be covered:

1. How long has the candidate been a supervisor/manager?
2. Please describe the number and title of the employees that the candidate supervised directly.
3. Please describe the number of people indirectly supervised by the candidate (number of people reporting through other supervisors to the candidate).
4. Did the candidate do the following: (Clarify as to whether they had the authority and had actual experience in each of these areas.)
 - a. Hiring
 - b. Establishing job duties
 - c. Recommending pay increases
 - d. Evaluating
 - e. Disciplining
 - f. Firing
 - g. Supervising/managing in an union environment
5. Describe the candidate's supervisor/management/leadership style. (You should clarify and evaluate if it was an effective style.)

You should use the same basic questions for each reference for all of the candidates. If, in the course of responding to your questions, the reference refers or alludes to something not covered that is not in the prohibited or protected area of questions, please pursue that line of inquiry. Please note if you are only allowed to talk with the Personnel or Human Resources office for the reference information, your questions should be modified accordingly to fit into this situation. You may want to frame them around information found in the Personnel file such as performance evaluations, exit interviews, etc.

CONCLUSION

What do you do with the information you have gathered? If you received conflicting references about a candidate, you may want to check further. Occasionally you may need to "throw out" a reference because of suspicion or knowledge of bias or unfairness of the reference provider. If you are satisfied that you have all the information to make a good hiring decision, proceed with your decision.

Finally, if you guarantee confidentiality to the reference provider, you must honor that agreement. This includes inquiries made as to a candidate's character or abilities during the course of employment. Access to that information by the affected employee or candidate can generally be restricted. If a candidate, an employee, the union, or any other person other than those in your chain of command or HREO requests the reference information, please contact HREO. Make sure that the information is stored confidentially, securely and not in the official Personnel file located in HR & EO.

Please feel free to contact HREO management staff to review your questions and discuss any outstanding issues or concerns.