Why check references?
Roughly 30% of job applicants
misrepresent themselves on the
employment application.*
* http://www.managementfirst.com/articles/background.htm

Recent high-profile cases • Jesse L. Burns, President of Edward
Waters College, claimed to have an MBA

and a doctorate. • There was no record of Burns having earned
a de gree higher than a BS. • When Burns' lack of credentials became
public, he was forced to resign. * *http://www.eminfo.com/articlesection/ReferenceChecking.htm

More high-profile cases • Seymour Schlager was appointed Medical

Negligent Hiring
Can you be held liable
if you don’t check references?
Yes.

Negligent Hiring • Negligent hiring lawsuits normally cost

$50,0 00 to $250 ,000 to litigate. • Employers lose 72% of those cases. • The average jury plaintiff award in

employment law cases is in e xcess of

$1,000,000. * *http://www.infolinkscreening.com/InfoLink/Background/BackgroundScree

ning.aspx#Negligent

1.) Check references • The importance of checking references
can not be stressed enough. • According to HR NEWS (Jan 2002), there
are six million threats of violence and

two million workplace assaults each year.

Thirteen pe ople die due to workplace

violence e very wee k.* *http://www.infolinkscreening.com/InfoLink/Background/BackgroundScreeni

ng.aspx#Violence

2.) B e consistent

• Some form of reference checking,

appropriate to the posi tion, should be

carried out on all candidates.

3.) Check references BEFORE the

job offer is made • Once the top two or three candidates
have been identi fied through resume scree nings and interviews, references

should be checked before any

consideration is given to making a job

offer. • We suggest that you check references
after interviews, not before.

4.) Require professi onal references

rather than personal • Ask candidates for the type of references you
need to assess qualifications required for the position, not just the ones the candidates

initially give to you. • Seek a reference from people who have
rec ent work experience with the candidate. • Check MORE than one reference.

5.) Ask open -ended and fol low-up

questions • Ask questions that require more than a
“yes/no” answer. • Keep questions job-related. • If you receive a generally negative reference

on an applicant, you should make the effort to c ontact a sec ond reference.

Internal candidates

• When considering internal candidate s,

encourage hiring supe rvisors to check

performance appraisals or other job

related documentation on file in Human

Resources.

Conducting the Reference Check

• Prepare carefully before you conduct a

reference check

• Familiarize yourself with the information the

cand id ate has already provided

Describe the positionDescribe the responsibilities, duties and
working environment of the position. After describing the position, ask
references their assessment of the
candidate’s capabilities for the job.If you have a reference who resists giving
supplemental information, rephrase
questions as requests for verifications.

Potential Liabilit ies • Defamation • Retaliation • Breach of Confidentiality • Negligent Misrepresentation

Defamation • Defamation is the act of harming the

reput ation of another by making a false

statement to a third person. •

Defamation… continued

• Share only job related information;

never provide false or malicious

information.

• The average de famation settlement is

about $7,000. The average negligence

settlement costs about $2 million.*

*http://www.shrm.org/ema/emt/articles/01summernixon.asp

Retaliation

• Employers face the potential of liabili ty

for retaliation when a supe rvisor giving

a reference strikes back at an employee

who has filed a charge against the

company.

B reach of Confidentiality • Do not disclose employment
information to anyone who does not

have a legi timate nee d to know. • Do not provide personal information,

i.e. illne sses, family issue s, etc.. • Avoid inappropriate conversation - stick
to the job related facts.

Negligent Misrepresentation

(“Failure to Warn”) • Workplace violence is the greatest
securi ty concern facing Fortune 1 000

companies.* Pinkerton’s Top Security Threats & Manag ement

Issues Facing Corporate America study - 2 00 0 • According to the Bureau of Justice
Statistics, 1 million employee s are the

victims of violent crimes in the

workplace.* http://www.shrm.org/government/vilence/refwhite.asp

Guidelines continued … • Verify information on candidate’s
resume. • Maintain consistency.

Internal Candidates

• Remind hiring supe rvisors to contact

Human Resources for pe rformance

appraisals and other job related

documentation.

B e cautious with language….

• Use of words like “troublemaker,” “screwed

up” and “crazy” have put employers in court.

• In Frank B. Hall & Co. v. B uck, the plaintiff

rec eived 1. 9 million dol lars from his form er

em ployer who desc ribed him in a reference as

a “ classical so ciopath”, a “zero” and “ lacking

in communication or scruples.”*

*http://www.boonesmith.com/employer.html