3.12 REFERENCE CHECKS AND EMPLOYMENT VERIFICATION

References for Current or Former Employees

The following information shall be routinely provided by the Bureau of Human Resources in response to inquiries regarding current or former City employees:

- Verification that an individual is or has been employed
- The dates of employment
- The title of position held
- Salary of employee when they left the City
- Whether employment was part-time or full-time
- The bureau and work unit where employed

If a supervisor or manager believes additional factual information should be provided, they should consult with their <u>Site Team Manager</u> to ensure the additional information should be released.

Legal Protection

Under Oregon law, an employer who discloses information about an employee's job performance to a prospective employer is protected from civil liability if the information is given in good faith. However, the presumption of good faith is rebutted where it can be shown that the information disclosed by the employer was knowingly false or deliberately misleading, was disclosed with malicious purpose or violated any of the employee's civil rights

New Hire Reference Checks

When to Obtain References

After completing all interviews, and prior to making a hiring decision and commitment, check the references of the final candidate(s). **Hiring authorities are expected to check job references.**

The hiring authority should:

- 1. Advise applicants that references will be checked and verify the applicant's consent with a signed <u>Reference Release</u> form.
- 2. Determine in advance what reference information is needed. Questions must be job related and comply with the <u>Fair Pre-Employment Inquiry Guidelines</u>.
- 3. Focus reference check on knowledge, skills, and abilities required for your specific vacancy and take notes on the Reference Record

The above attachments are not considered part of the binding human resources administrative rules

Fair and Unfair Preemployment Inquiries

To comply with federal and state hiring laws and the City's non-discrimination policy, hiring supervisors and managers must exercise care to avoid making unfair pre-employment inquiries, whether on forms, during interviews, or when requesting information concerning applicants.

All Hires Through Central Human Resources

All new hires, regardless of type of appointment, must be confirmed through the Bureau of Human Resources as being eligible for hire. See Administrative Rule on Types of Appointments for process.

Contact Information

Questions about appropriate reference information to release should be directed to the Bureau of Human Resources.

Administrative Rule History

Adopted by Council March 6, 2002 Effective April 5, 2002

City of Portland, Oregon Reference Record

Job Classifi	cation Number and Title:			
Candidate:				
Please attac	h supplemental notes and questions asked of this reference.			
Reference C	Contacted (Name):			
Title:				
Company N	Jame:			
Telephone I	Number:			
Employmen	nt or Volunteer Experience as Reported by Reference as (applicable)			
A.	Job Title:			
B.	From (date):To:			
C.	Reason for leaving:			
D.	Duties:			
E.	How candidate handled public contact:			
F.	How receptive to direction:			
G.	How candidate followed through on assignment:			
H.	How candidate handled pressure:			
I.	Ability to organize and present ideas:			
J.	Relationship with co-workers:			
K.	Technical expertise:			
L.	Attendance record:			
M.	Attitude toward Safety:			
N.	Did the employee exercise sound judgment in performance of duties?			
O. Eligible for rehire - Yes - No and Why?				
P.	If candidate was a supervisor, duties:			
	How many supervised:			
	Job Titles of subordinates:			
Q.	Other Comments:			
Education E	Experience as Reported by Reference (if applicable)			
A.	Type of training received:			
В.	Where:			
C.	When:			
Н.	Other comments			
Ref	erence checked byDate			

City of Portland, Oregon Reference Release

I,, hereby release			
(PRINT) Name of Applicant	(PRINT) Name of	Reference	
from any and all claims resulting from	n any information given to the City of Portland	l .	
The City of Portland may forward a co	opy of this release to:		
Name of Reference:			
Job Title:			
Name of Organization:			
Address:			
Telephone Number:			
FAX Number (if known):			
The City of Portland has discretion to every reference.	use this information as it sees fit, including th	e right to not contact	
Date:	<u> </u>		
Applicant's Signature:			
Bureau:			

Fair and Unfair Pre-employment Inquiries

SUBJECT	FAIR PRE-EMPLOYMENT INQUIRY	UNFAIR PRE- EMPLOYMENT INQUIRY
Age*	Inquiry related to birth date and proof of true age.	Inquiry that implies an age preference for persons under 40.
Arrest/Conviction	Request to complete the CONVICTION/CRIMINAL HISTORY INFORMATION form. Entities or positions with a direct responsibility for the supervision, care, or treatment of children, mentally ill persons, or developmentally disabled persons or other vulnerable adults shall have a criminal history check. Other inquiries concerning convictions or imprisonment will be considered to be justified by business necessity if the crimes inquired about relate reasonably to job duties and if the conviction or release from imprisonment occurred within the last ten years.	Other inquiries concerning convictions and imprisonment will not be considered justified by business necessity if they do not reasonably relate to job duties and did not occur within the previous ten years.
Citizenship	Whether applicant can be lawfully employed in this country because of visa or immigration status; whether applicant can provide proof of legal right to work in US after being hired.	Whether applicant is a citizen; requirement before hiring that applicant present birth certificate, naturalization, or baptismal record; any inquiry into citizenship that would tend to divulge applicant's lineage, ancestry, national origin, descent, or birthplace.
Disability*, **	Whether applicant can perform the essential functions of the position, with or without reasonable accommodation. Request to describe or demonstrate performance of the essential functions with or without accommodation.	Inquiry about nature, severity or extent of a disability. Inquiry as to whether an applicant requires reasonable accommodation. Whether an applicant has applied for or received worker's compensation. Any inquiry that is not job related or consistent with business necessity.
Family	Whether applicant can meet specified work schedules or has activities, commitments, or responsibilities that may prevent meeting work attendance requirements.	Inquiry concerning spouse, spouse's employment or salary, children, childcare arrangements, or dependents.
Height/Weight	None.	Any inquiry relating to height or weight.

Marital Status	None.	Any inquiry about the applicant's marital status whether an applicant is married, single, divorced, separated, engaged, widowed, etc. Any form requesting identification by Mr., Mrs., Miss, or Ms. status.
Military*	Inquiry concerning education, training, or work experience in the US military.	Type or condition of military discharge, request for discharge papers, an applicant's experience in a military other than the United States military.
Name	Whether applicant has worked under different name, and if so, what name; name applicant is known to references if different from present name.	Any other inquiry concerning name which would divulge marital status, lineage, ancestry, national origin, or descent. Inquiry into original name where it has been changed by court order or marriage.
National Origin*	Inquiry into ability to read/write/speak foreign language when the foreign language is a job requirement.	Any other inquiry into applicant's lineage, ancestry, national origin, descent, birthplace, native language, or national origin of an applicant's parents or spouse.
Organization Membership	Inquiry into organization memberships, excluding any organization the name or character of which indicates race, color, creed, sex, sexual orientation, marital status, religion, age, status as a disabled veteran, status as a Vietnam era veteran, disability, national origin, or ancestry of its members.	Requirement to list all organizations, clubs, societies, etc., to which applicant belongs.
Photograph	None. May request after employment for purpose of identification.	Any request for submission of photograph at any time prior to employment.
Pregnancy (see also Disability)	Inquiry as to duration of stay on the job or anticipated absences made to males and females alike.	Any inquiry related to pregnancy, medical history concerning pregnancy, and related matters.
Race or Color*	None.	Any inquiry concerning race or color.
Relatives	Names of relatives currently employed by the City of Portland.	Any other inquiry about marital status, spouse, or spouse's occupation.

Religion or Creed	None.	Inquiry concerning religious preference, denomination, affiliations, church, parish, pastor, or religious holidays observed.
Residence	Inquiry about address sufficient to facilitate contact with applicant.	Any other inquiry regarding with whom applicant resides; whether applicant owns or rents.
Sex*	None.	Any inquiry concerning gender.
Sexual Orientation	None.	Any inquiry regarding sexual orientation.

^{*} Use of the Affirmative Action Information Request requesting applicants to voluntarily identify themselves as belonging to any group for whom the City takes affirmative action, is not a violation of these guidelines. Bureau of Human Resources staff's request for a copy of military discharge papers, in order to receive "Veteran's Preference" in civil service employment, is not a violation of these guidelines.

^{**} There are very specific federal guidelines on fair and unfair pre-employment, post-offer, and post-employment inquiries for persons with disabilities. For more information on inquiries or accommodation procedures for applicants or employees with disability, contact your Human Resources Coordinator or the City's Affirmative Action office at 503.823.6959.