DEPARTMENT OF CORRECTIONS **Employee Services**		
Title:	**Employment References**	**DOC Policy: 20.5.13**
Effective:	**5/9/24**	**Supersedes: 7/15/98**
Applicability:	**All DOC Employees**	
Directives Cross-Reference: **Rule:** **ORS 30.178 Liability of Employer for Disclosing Information About Employee to New Employer** **DAS Policy 10.011.01 Personnel Records**		

I. PURPOSE

To provide accurate, factual information to prospective employers about the work performance of current and former employees of the Department of Corrections (DOC).

II. DEFINITION

DOC employee: Any person employed full-time, part-time, or under temporary appointment by the Department of Corrections.

III. POLICY

A. It is the policy of the Department of Corrections to respond in good faith to employment references for former and current employees.

B. All requests for reference checks shall be routed through the appropriate Senior Human Resources (HR) Business Partner assigned to an institution or division. This requirement ensures the agency can appropriately respond, ensures there is no settlement agreement preventing, restricting, or dictating the release of information, and prevents any claim of retaliation which may arise from less than positive information.

C. For general reference checks, the Senior HR Business Partner shall identify the appropriate person to respond to employment references, upon receipt of a written release from the subject employee. An emailed or faxed copy of the release will suffice.

D. For reference checks sent directly to DOC employees, the employees shall contact their respective Senior HR Business Partner for guidance, prior to responding to any reference check inquiries.

E. The designated reference shall:

1. Take detailed notes about the conversation, including what was specifically said.

2. Answer only in response to the prospective employer's questions and not volunteer any information.

3. Assess each question to determine whether the reference has firsthand knowledge before responding. If the reference is not certain of the answer, they should not speculate as to the response.

4. Restrict comments to the employee's job performance (that is, the employee's skill in relationship to the employee's position and responsibilities the employee performed.

5. Base responses on factual, objectively reasonable grounds and refrain from making subjective statements about the employee to the extent possible.

6. Provide any pertinent, factual information, whether positive or negative. Do not mislead the prospective employer by revealing only some information if it is not the whole picture. In situations where the employee may have engaged in illegal or criminal acts or has demonstrated dangerous behavior, the reference shall contact the assigned Senior HR Business Partner who will seek legal advice before a response is made.

7. Not provide a negative reference regarding an employee who left because of circumstances that might suggest a civil rights claim such as whistle blowing or sexual harassment. The negative reference could be evidence of retaliation. The supervisor shall refer this matter to the Senior HR Business Partner who will seek legal advice before a response is made.

8. In the event of uncertainty, only provide a neutral reference; specifically, only dates of employment, position(s) held, and job responsibilities. Include nothing disparaging and give no reason for separation from the agency.

9. Retention of the signed release from the subject employee and all notes of the employment reference in email form is sufficient.

F. Requests for personnel files and other public records pertaining to current and former employees shall be directed to the Employee Services Division.

IV. POLICY CLARIFICATION

A signed release is not required for reference checks upon promotion, transfer, or voluntary demotion within the department.

V. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: _____
Julie Vaughn, Rules Coordinator

Approved: _____
Heidi Steward, Deputy Director