



**DEPARTMENT OF CORRECTIONS
Human Resources**



Title:	Employment References	DOC Policy: 20.5.13
Supersedes:	DOC rule #37 (Tab #15), "Release of Public Information (in part). " dated 03/01/94	
Applicability:	DOC Managers and Supervisors	
Directives Cross-Reference:	Rule: ORS 30.178, State Policy 10.011.01	

I. PURPOSE

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

II. POLICY

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

- A. The functional unit manager shall identify appropriate supervisor(s) who have first hand knowledge of the employee's work performance to respond to employment references upon receipt of a written release from the subject employee. A faxed copy of the release will suffice.
- B. The designated supervisor shall:
 - 1. Take detailed notes about the conversation, including what specifically was 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 supervisor has first hand knowledge before responding. If the supervisor is not certain of the answer, the supervisor should not speculate as to the response.
 - 4. Restrict comments to the employee's job performance: e.g., the employee's skills in relationship to the employee's position and responsibilities that 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 all 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 supervisor shall contact the assigned Human Resources Consultant 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 Human Resources Consultant who will seek legal advice before a response is made.
8. Retain the signed release from the subject employee and all notes of the employment reference in the supervisor's confidential file for a period of three (3) years in the event a complaint is filed.

C. Requests for personnel files and other public records pertaining to current and former employees shall be directed to the Human Resources Division.

III. POLICY CLARIFICATION

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

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.