



Reference Checks
(Office of Diversity and Equal Opportunity, 303-871-7436)

Like your interview questions, limit reference inquiries to job-related matters. Avoid questions which are improper under federal or state prep-employment inquiry guidelines.

Statutory Limitations on Pre-Employment Inquiries:

A. The Americans with Disabilities Act [ADA]

1. Under the ADA, before a conditional job offer has been made, an employer **may not** request any information about a job applicant from a former employer that the employer could not ask of the job applicant directly.
 - a. Employers **may not** make inquiries of a former employer regarding an applicant's disability, the nature of severity of the disability, illness or workers' compensation history.
 - b. Questions regarding attendance, job functions, and the quantity and quality of work performed by the former employee **are allowed**. For example: Excluding absences due to disability or absences covered by family & Medical Leave Act [FMLA], how many days of work did <Applicant> miss in the last six months of employment?

B. Title VII of the Civil Rights Act of 1964 [Title VII]

1. As with the ADA, under Title VII an employer **may not** request any information from a reference the employer could not obtain from the job applicant directly. For example, inquiries regarding protected class status such as age, race, sex, religion, or national origin can lead to discrimination claims as these are impermissible basis for employment decisions.
2. Title VII prohibits employers from retaliating against individuals who have asserted their civil rights under the law. Thus, it is impermissible for an employer to inquire if an applicant has ever filed legal claims, such as discrimination charges, against a former employer.

Maintain documentation on all information received from reference checks as well as unsuccessful attempts to obtain the information. Documentation should include the date of the reference, the person conducting the reference, the name and position of the person talked to, and their working relationship to the applicant.

Preparing for the reference inquiries in advance, including planning the opening statement and job related questions is another step in the hiring process and is just as important as developing your interview questions. **Consistency is key**. Below is a list of sample questions including those to avoid:

TELEPHONE REFERENCE CHECK GUIDE	
Applicant Name:	Position Applied For:
Person Contacted:	Telephone Number:
Title of Person Contacted:	
Firm/Organization:	
Reference Checked by:	Date:

Introduction: <Applicant> is being considered for employment at the University of Denver as a <Position Title> and we are trying to determine if <he/she> is suitable for this job. I would like to spend a few minutes asking how you would assess <Applicant's> ability in some areas we've determined to be important for this job. *If hesitant, note that <Applicant> has signed a release form that authorizes the release of the following information.*

1. Verify applicant's employment dates stated on application or resume.
2. How long did you supervise <Applicant>?
3. Verify applicant's most recent job responsibilities. For example: May I read from the application the part describing <Applicant's> responsibilities while working for your Institution <or Company>? (Read summary.) Does this sound accurate? Are there any omissions or corrections?
4. If you had to rate <Applicant's> overall performance, would you rate it as **above, at, or below expectations**? Why?

[For faculty, you might want to ask specifically about teaching, scholarly research, and creative activity . . . rate it as **above, at, or below expectations**? Why?]
5. *If applicable*, how would you describe <Applicant's> leadership, managerial, or supervisory skills?
6. Did <Applicant> communicate well orally and in writing?
7. Was <Applicant> able to plan and accomplish short-term goals? Long-term goals? Examples?
8. How would you describe <his/her> interpersonal skills with management, peers and/or students <other constituents>?
9. If you had to rate <Applicant's> overall potential for advancement with your Institution <or Company>, would you rate it as likely, unlikely, not applicable or unknown? Why?
10. Verify reason for leaving.
11. Did you ever have to discipline <Applicant> for gross misconduct or violation of company rules?
12. If you had an opening today for the same job, would you rehire <Applicant>? Why or why not?

"Thank you for taking the time to speak with me. Is there anything else that you think I might find helpful in making a hiring decision?"