

To the extent consistent with applicable law, the District reserves discretion to determine the extent of any response to another employer's request for an employment reference or verification of employment.

When the District receives and responds to another employer's request for an employment reference or verification of employment, any administrator, supervisor, or authorized designee who provides information on behalf of the District is expected to act in good faith, without knowingly providing false information, malice, or engaging in unlawful conduct. Any response to such requests shall also be consistent with applicable legal requirements regarding the disclosure of personnel record information.

The following are additional District guidelines for any administrator, supervisor, or authorized designee who provides information on behalf of the District in response to another employer's request for an employment reference or verification of employment:

1. If there is reason to question whether the person making the inquiry is a legitimate employer (usually a prospective employer), take steps to gain a reasonable degree of comfort that the inquiry is legitimate.
2. Focus any information that is provided on the employee's (or former employee's) work history, qualifications for employment, and job performance.
3. Avoid the use of hyperbole (whether excessively positive or excessively negative).
4. Avoid making gratuitous comments that are irrelevant to job qualifications and job performance (e.g. perpetuating information that is based on a mere rumor, making remarks that could support a claim for unlawful discrimination, etc.).
5. Avoid making comments of which you do not have first-person knowledge.

To the extent any non-supervisory employee voluntarily chooses to act in the capacity of a personal reference for a coworker, and such non-supervisor is not responding to a request for an employment reference or for verification of employment on behalf of the District, the employee is expected to be clear in

providing any information that he/she is not providing the information on behalf of the District as an employer. The District expects that any such non-supervisory personal reference that relates to the workplace will still be provided in good faith.

A District employee who provides an employment verification or reference should create a maintain a written record containing the following:

1. Candidates name
2. Other employer's name
3. Date of reference
4. Summary of statements made to the other employer

#### **Legal References:**

##### **Wisconsin Statutes**

<a href="#">Section 19.36(10)</a>	[limitations on public access to district records, including certain personnel records such as letters of reference]
<a href="#">Section 103.13(6)</a>	[limitations on employee and former employee access to their own personnel records, including letters of reference]
<a href="#">Section 111.322</a>	[discriminatory actions prohibited]
<a href="#">Section 115.31</a>	[reporting certain known, or suspected, immoral or criminal conduct to the department of public instruction for possible license-related action]
<a href="#">Section 118.07(4p)</a>	[prohibited assistance to persons who are known or who are suspected to have engaged in sexual misconduct]
<a href="#">Section 301.45(1d)(b)</a>	[sex offense definition]
<a href="#">Section 895.487</a>	[civil liability exemption; employment references]

##### **Federal Law**

<a href="#">20 U.S.C. 7926</a>	[required policy prohibiting school employees, contractors or agents from aiding and abetting sexual abuse]
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**Amended: 01/29/2021**