

The "Why?" on reference checks

By Carlene Brown

Why does WCIA recommend doing reference checks as part of the hiring process? The failure to properly screen prospective employees and volunteers may trigger liability for negligent hiring, and hiring the wrong candidate usually has an unhappy ending for all parties.

Many members provide park and recreation programs which may involve children under the age of 16, developmentally disabled persons or vulnerable adults. In the *C.J.W vs. Puyallup* case, a lawsuit was brought against the city by two brothers alleging that the city was negligent when hiring a volunteer youth wrestling coach by failing to obtain more comprehensive screening information including prior coaching experiences, past employers, prior addresses, and non-family references. The brothers, who had participated in this program in their early teens between 2005 and 2007, were molested by the coach during local and out of state wrestling matches.

Conducting a thorough reference check into the coach's prior employment may have led the city to discover that the coach was terminated from his position as a wrestling coach from an Oregon school district in 1998. The termination occurred due to alleged questionable interactions with middle school students. The coach had never been convicted of a crime until 2014, and was therefore able to pass a criminal background check. A reference check may very well have led to the exclusion of this coach from the City's program.

We often hear conflicting opinions about the value of reference checks. For some, checking references is a routine part of the process, and not much value is placed on information learned about candidates. References might be perceived as biased or fraudulent. Reference checks should be a vital part of any recruitment process, and should not be looked upon as something to simply check off a box on a to-do list. Although reference letters are sometimes used, simply picking up the phone and having a conversation may provide much more candid information. A phone call has two advantages. First, it's interactive since one can ask specific questions and follow up with answers to questions where more information is needed. Second, people may be inclined to speak more freely on the phone when there is no paper trail.

Reference checks may also reveal good job candidates who otherwise may not be the best at interviewing, and filter out marginal candidates who seemingly appear amazing on paper. A resume' can only tell so much. The resume' may look like your candidate is able to do the job, but in reality the candidate may have never performed the job in the past and may not have the skill set to succeed in the position. This is where references can provide a wealth of information.

WCIA strongly recommends proper screening of all applicants, including volunteers. It is good practice to inform the prospective employee or volunteer that you are proceeding to check references. One way to do this is through a written waiver given as a part of your application process along with notice to all candidates that you reserve the right to check any and all job-related references. A waiver may also be useful in persuading a reluctant reference to provide requested information.

The WCIA Liability Resource Manual has a Sample Reference Release Form, PER.15.03, for members' use. The Liability Resource Manual is available through the Member Resources page on the WCIA website: <http://www.wciapool.org/member-resources>.

A well done reference check is worth the time and effort and is an essential step in hiring the best candidate for the position.

For further information or questions, please contact your WCIA Risk Management Representative.