



West Virginia Department of Transportation Policy: **Employment References**

Issued by the Secretary of Transportation

Policy No: DOT 3.27

Issue Date: 02/01/1994

Revised: 04/22/2022

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1.0 PURPOSE

The purpose of this policy is to establish uniform guidelines for verifying employment information and obtaining reference information on individuals being considered for permanent employment and responding to reference information inquiries regarding current or former employees.

2.0 SCOPE

This policy applies to all West Virginia Department of Transportation (WVDOT) employees, of all classifications, excluding the Parkways Authority.

3.0 DEFINITIONS

- 3.1 **Agency:** Any authority, bureau, commission, or Division, or similar cabinet subpart of the WVDOT.
- 3.2 **Agency Head:** Chief executive officer of any agency.
- 3.3 **Employee:** A person who lawfully occupies a position in a WVDOT agency and who is paid a wage or salary and who has not severed the employee-employer relationship.

4.0 POLICY

- 4.1 An Agency Head, or designee, may not employ or offer employment to any applicant until an Agency Head, or designee, has verified the applicant's relevant past employment and has obtained references indicative of the applicant's skills, abilities and performance which can be used in the overall evaluation of the applicant's fitness for employment.
- 4.2 Agency Heads, or designee, must comply with applicable federal, State and local laws when responding to requests for employment verifications and employment references.

5.0 PROCEDURES

5.1 Requesting Employment Verification and Reference Information

- A. Employment verification consists of confirming previous relevant employment to confirm dates of employment, position held, and rate of pay. Relevant employment includes any employment during which the applicant performed the same or similar duties as those required for the vacant position or otherwise gained abilities, skills, or knowledge used to perform

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the duties of the vacant position. Reference checking consists of verifying job-related information provided by the applicant on their application and during the interview and obtaining an assessment of the applicant's skills, abilities, and performance. Applicant-supplied reference documentation is not acceptable for the purposes of this policy unless it is verified with the referenced entity.

- B. For the purposes of this policy, "job-related information" means information concerning an applicant's education, training, experience, qualifications, conduct, job performance, skills, and abilities, which is gathered for the purpose of providing one criterion, among others, to evaluate the applicant's suitability for employment.
- C. Each Agency Head, or designee, is responsible for verifying relevant past employment and obtaining other job-related information useful for the evaluation of each applicant for employment according to the following.
 - 1. Request from each applicant the name, address, and telephone number of all previous employers.
 - a. In situations where the applicant has no relevant employment history, other employment should be verified. Academic or volunteer references may be considered only if such references supply relevant job-related information.
 - b. The number of inquiries to be made will vary due to each applicant's work history. Relevant previous employment should be verified. If employment verification or other reference information cannot be obtained, the reason should be noted on the reference form.
 - c. It is highly recommended an Agency Head, at their discretion, obtain employment reference information from other agencies concerning individuals being considered for inter-agency transfer or reinstatement as defined in the West Virginia Department of Transportation Employment Procedures *W.Va. Code §217CSR1*.
 - 2. Obtain each applicant's written consent prior to initiating any employment verification/reference process. Use the approved release form in Appendix A.
 - 3. Notify the applicant prior to contacting their current employer. If an applicant requests that an employment verification or reference inquiry not be sent to their current employer, the applicant must specify the reason.

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4. Tailor inquiries to the specific job for which the applicant has applied using the approved reference request form in Appendix B.

References may be obtained by telephone, fax machine, or e-mail. The provided approved reference request form, Appendix B, must be used to document verbal and written employment verifications and references. If the employer responding to a verbal inquiry offers an “off the record” comment, the person conducting the inquiry must inform the respondent that all comments will become part of the record. Reference information should only be obtained from the applicant’s former supervisor or human resources representative.

5. Treat employment verification and reference information with the same confidentiality standard as applicant and employee employment history information and retain the employment and verification and reference information for no less than two (2) years after termination of employment or two (2) years after the suitability determination is rendered for applicants not selected.

6. All inquiries must be made in compliance with Equal Employment Opportunity policy and laws which prohibit discrimination and harassment of any type, on the basis of race, color, religion, age, sex, national origin, disability status, or any other characteristic protected by federal, state, or local laws.

It may be necessary, and is permitted, for an Agency Head to request information as needed to secure required background investigation records but only after a conditional offer of employment has been made.

7. Ensure that the internet is **NOT** used to gather information on applicants through a general search or review of social networking sites. Information obtained through internet searches may not be reliable and making an employment decision based upon such information is not advisable.

8. Immediately contact the Director of the Human Resources Division to notify if the information received from employment verifications or references does not agree with the information provided on the application and include all pertinent facts. If it is determined that an applicant has falsified their application, it could result in the applicant not being hired and also having their name removed from future registers. If the applicant has already been hired, they could be dismissed from employment and their name could be removed from future registers.

5.2 **Responding to Requests for Employment Verification and Reference Information**

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- A. An Agency Head, or designee, is permitted to verify employment and provide reference information. All references provided by approved designees must be provided in accordance with this policy.
- B. It is the policy of the WVDOT not to provide written employment verification. This is only permitted with a written release from the applicant or employee.
- C. It is the responsibility of an Agency Head, or designee, to:
 1. Respond only to written reference inquiries for which a signed release to obtain employment verifications or reference information has been provided. Such release must include the applicant's home address, signature, authorization to provide information, and waiver of liability for release of information. Such response must be in writing and marked "confidential" or "personal" when supplying a response to an inquiry from a prospective employer. Responses to reference inquiries must state that the information provided is "clearly factual" or the "result of an investigation."
 2. Persons authorized by an Agency Head to provide employment verifications and references may give a telephone response provided:
 - a. A copy of an appropriate release has been received and is signed by the employee on whom the information is sought prior to responding (a faxed copy is acceptable);
 - b. Only information in the Appendix B form is provided; and,
 - d. Documentation of the conversation is completed and added to the appropriate file for the applicant.

6.0 CHANGE LOG

April 22, 2022 –

- Reformatted policy to DOT.
 - Previous Division of Personnel (DOP) policy was last updated March 1, 2011.
- Added definitions.
- Removed non-applicable DOP information.

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7.0 APPENDICES

Appendix A Reference Request for Employment with the WVDOT

To: _____ Date: _____

Telephone: _____
Attention: _____

Agency Requesting Reference: _____
Contact Name: _____
Contact Title: _____ Telephone: _____
Reference Request For: _____
Position Sought: _____

The applicant named above has provided your name as a reference; a signed release is provided below. WVDOT would greatly appreciate if you would verify the information provided by the applicant on the attached form and answer the additional questions. A return envelope is provided for your convenience. If any applicant-provided information is incorrect, simply strike through it, write in the correct information, and initial. If you have any questions, please contact the requesting agency listed above.

Release of Liability

I am being considered for employment with the West Virginia Department of Transportation, and have willingly consented to having my references contacted for information regarding my employment, volunteer, or other activities. Accordingly, I authorize all current and former employers, educational institutions, governmental entities, organizations, or individuals to truthfully respond to the enclosed reference request and to provide all the information requested.

A fax copy or photocopy of this authorization is as effective and valid as the original. If I am hired, your response will remain on file at the referenced agency. Please provide the requested information within ten (10) days of the date of this release so that I may receive further consideration for employment.

Applicant Signature: _____ Date: _____

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Appendix B Reference Request for Employment with the WVDOT

Reference-Provided Information:

Please select the appropriate response for each question.

Applicant exhibited a good work ethic. Yes No

Applicant demonstrated appropriate interpersonal skills with peers. Yes No

Attendance was satisfactory. Yes No

Applicant was responsible and showed initiative. Yes No

Applicant's skills were satisfactory and generally completed work without errors.

Yes No

The applicant was committed to good performance and meeting goals.

Yes No

The applicant was able to understand and follow instructions. Yes No

Please add any appropriate job-related comments about the applicant:

How were you associated with the applicant?

Co-worker Supervisor Human Resources Representative

Other: _____

Reference Provided by:

Name: _____

Title: _____

Signature: _____ Date: _____

FOR AGENCY USE ONLY: (if the reference is completed via telephone)

1. Complete the name and title (*above*) of the person providing the reference.
2. Advise that the responses are being recorded on this form.
3. If available, advise the reference provider that a copy will be sent via email.

Name of person documenting telephone reference: _____

Title of person documenting telephone reference: _____

Date: _____

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Approved by:



Jimmy D. Wriston, P.E.
Secretary of
Transportation
Commissioner of
Highways



Date

*The Secretary of the West Virginia Department of Transportation or the Commissioner of Highways may, pursuant to the authority vested with the Secretary and Commissioner in W. Va. Code §5F-2-2, §17-2A-1 et seq., and §17-2-1 et seq., waive the requirements of this policy if the circumstances, in the Secretary or Commissioner's sole discretion, warrant such action.