DO’S AND DON’TS

• Reference check questions should be directly related to the duties and performance of the person’s job. Do not contact “character references” or references who have not worked with the candidate.

• While the employer has the right to check employment references, both the United States and State of California Constitutions protect candidates and employees from unreasonable intrusions by prospective employers into their private, non-job related activities and status. (There are a few exemptions to this rule, for example, law enforcement candidates.)

• Questions related to protected class status or disability claims should be avoided. The rules are similar to those rules used in the interview process.

• For example, you should not ask about marital status, family status, residence, disability (physical or mental), non-professional organizational activities, economic status, arrest record, military service record, race, pregnancy status, child care provisions, color, religion, national origin, ancestry, gender, sexual orientation, ethnic background, age, etc. (See attached guideline.)

• Do not inquire if the candidate has ever filed a Federal EEOC and/or State Department Fair Employment And Housing (DFEH) or Workers’ Compensation complaint/claim. The filing of complaints/claims are considered a protected activity.

• If an employer starts to provide you information that is not legal or appropriate, please make every attempt to stop the flow of this information. If you find out information that you should not know, do not let it impact your decision-making.