



OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

Human Resources Division

Title:	Employment References	HR_450_21
Supersedes:	HR_450_21, dated April 16, 2007	
Applicability:	Managers and Supervisors	
Reference:	ORS 30.178	
Effective Date:	August 1, 2009	Approved: 

I. PURPOSE

To provide accurate, factual information to prospective employers about the work performance of current and former employees of the Department of Fish and Wildlife.

II. POLICY

It is the policy of the Department of Fish and Wildlife to respond in good faith to employment references for former and current employees.

- A. The Region Manager/Division Administrator shall identify appropriate supervisors or managers who have first hand knowledge of the employee's work performance to respond to employment references upon receipt of a written release from the subject employee. A faxed copy of the release will suffice.
- B. The designated supervisor/manager shall:
 - 1. Take detailed notes about the conversation, including what specifically was said.
 - 2. Answer only in response to the prospective employer's questions, and not volunteer any information.
 - 3. Assess each question to determine whether the supervisor/manager has first hand knowledge before responding. If the supervisor/manager is not certain of the answer, he/she should not speculate as to the response.
 - 4. Restrict comments to the employee's job performance, e.g., the employee's skills in relationship to the employee's position and responsibilities that the employee performed.
 - 5. Base responses on factual, objectively reasonable grounds, and refrain from making subjective statements about the employee to the extent possible.
 - 6. Provide all pertinent factual information, whether positive or negative. The supervisor shall not mislead the prospective employer by revealing only some

information if it is not the whole picture. In situations where the employee may have engaged in illegal or criminal acts, or has demonstrated dangerous behavior, the supervisor/manager shall contact the assigned Human Resources Analyst who will seek legal advice before a response is made.

7. Not provide a negative reference regarding an employee who left because of circumstances that might suggest a civil rights claim such as whistle blowing or sexual harassment. The negative reference could be perceived as evidence of retaliation. The supervisor/manager shall refer this matter to the Human Resources Analyst who shall seek legal advice before a response is made.
 8. Retain the signed release from the subject employee and all notes of the employment reference in the supervisor's confidential file for a period of three (3) years in the event a complaint is filed.
- C. Requests for personnel files and other public records pertaining to current and former employees shall be directed to the Human Resources Division, Personnel Records Unit.

III. POLICY CLARIFICATION

1. A signed release is not required for reference checks upon promotion, transfer or voluntary demotion within the department.
2. Either the attached Reference Authorization and Release of Liability or a comparable signed release form from the prospective employer constitutes an appropriate release and authorization to give employment-related references.
3. Written reference letters can only be provided by the designated supervisor/manager as described in Section II.

Attachment A Reference Authorization and Release of Liability – TO BE USED BY CURRENT OR PRIOR ODFW EMPLOYEES SEEKING EMPLOYMENT ELSEWHERE (see HR Policy 440_04 for authorization and release for applicants for ODFW positions).

**REFERENCE AUTHORIZATION
AND RELEASE OF LIABILITY
(ODFW EMPLOYEE OR FORMER EMPLOYEE)**

This form authorizes the Oregon Department of Fish and Wildlife to respond to inquiries from prospective employers of current or former ODFW employees.

To Whom It May Concern:

If the Department of Fish and Wildlife (ODFW) receives a request for an employment reference on me, I authorize ODFW to respond to the inquiry and give employment-related information.

I hereby voluntarily agree to unconditionally release and discharge you and/or the successors, employees, officers and directors of ODFW from all claims, liabilities and causes of action, known or unknown, fixed or contingent that arise from or that are in any manner connected to any information regarding my employment, including, but not limited to, evaluations or assessments of my job performance and/or good faith expressions of opinions regarding my job performance. This release includes, but is not limited to, claims of defamation, libel, slander, negligence, or interference with contract or profession. I further voluntarily agree not to sue the State of Oregon, Oregon Department of Fish and Wildlife, you, and/or any and all other persons employed by or connected with your agency/organization as a result of the furnishing of any information regarding my employment, including good faith expressions of opinion regarding my job performance.

I am aware and understand that the information and good faith opinions regarding my job performance furnished by ODFW pursuant to this voluntary request will remain confidential if so requested by ODFW or the prospective employer, and will not be disclosed to me or any other person, except as required by law.

I acknowledge that I have carefully read and fully understand the provisions of this release. I further acknowledge that I was given the opportunity to consult with an attorney or any other individual of my choosing before signing this release and that I have decided to sign this release voluntarily and without coercion or duress by any person.

This release sets forth the entire agreement between you and the Department of Fish and Wildlife and me, and I acknowledge that I have not relied upon any representation or statement, written or oral, not set forth in this document.

A photocopy or fax copy of this authorization may be deemed to be the equivalent of the original and may be used as a duplicate original.

Employee or Former Employee Signature

Print Name

Date