

HR/LR Procedure #1421P
Employment Reference and Records Checks for
Current and Former State Employees

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Authority	Enterprise Human Resources

GENERAL PROCEDURES AND INSTRUCTIONS

Agency human resource (HR) staff and hiring supervisors/managers must perform an employment reference check and are encouraged to perform an employment records check prior to appointing a current or former state employee to a new position of state employment. An employment reference check is an inquiry made to a previous employer about an applicant’s work history, work performance, competencies, and disciplinary history. An employment records check involves obtaining and reviewing a copy of an applicant’s relevant files from previous employment (e.g., personnel, disciplinary.)

The following procedures should be followed:

1. Prior to conducting any reference check, or reviewing any employment-related records, including SEMA4 records, have the applicant complete and sign an authorization form allowing your agency to make inquiries and obtain information about the applicant’s prior state employment, including but not limited to, work history, prior performance evaluations, and disciplinary actions. A sample authorization form is included in the “Forms” section below.

You must obtain a signed authorization form even when requesting public data from other state agencies because the classification of personnel data can sometimes be unclear. Agencies should not respond to requests for private data from other agencies without an authorization form signed by the data subject.

2. Ask the applicant about all prior employment, including any current and prior state positions. Ask the applicant to identify the agency, dates of employment, and the reason for leaving the position(s), if applicable.
3. Check all SEMA4 records to determine if there is any disciplinary action on the SEMA4 record.
4. Agencies are encouraged to conduct an employment records check of current or former state employment.
5. If the HR office determines that the applicant is a current or former state employee who has been discharged or otherwise disciplined, HR in conjunction with the hiring supervisor should analyze the facts and circumstances leading to the discipline to determine whether the discipline provides a job-related basis to remove the applicant from consideration for the vacancy.
6. Any other information obtained by the HR office that may reflect on the applicant’s ability to satisfactorily perform the job duties should also be considered prior to hiring. This would include less than satisfactory performance reviews and disciplinary action that may have been changed pursuant to a grievance settlement. Any other background checks performed must follow the requirements of HR/LR Policy #1421, Background Checks.
7. If the applicant is a current employee of the agency conducting the hiring process, the agency should,

after receiving a signed authorization form from the applicant, review all employment-related data maintained within the agency and conduct any other background check activities that are conducted for other applicants for the job vacancy. The background information obtained should not be used to make decisions regarding the employee's current job unless such information relates to one of the qualifications for the current position. For example: the employee's current job requires a valid driver's license and the background check reveals that the employee does not have such a license.

We encourage you to share these guidelines with your managers and supervisors, and instruct them to seek the advice of HR or MMB Labor Relations if they have further questions.

FORMS AND SUPPLEMENTS

Minnesota Department of _____ Applicant Authorization for Release of Information from Current and Former Employers

Name: _____
(Please Print)

Other Names Used in Prior Employment: _____

I am applying for a position of employment with the Minnesota Department of _____. I authorize my current and former employers to orally and/or in writing make available to representatives of the Minnesota Department of _____ the following data if requested: contents of my personnel file, information regarding my job performance, dates of employment, salary information, job title(s) and responsibilities, nature of any disciplinary action, reasons for separation, eligibility for re-employment, and any and all other data about my employment that may be maintained by my current and former employers. This authorization does not extend to any medical records about me that may be maintained by my current and former employers.

A list of my current and former employers is attached to this Authorization.

I understand that I may request that certain data not be released to the Minnesota Department of _____. However, I also understand that restricting the release of certain information about me may result in my no longer being considered for employment by the Minnesota Department of _____. I understand that I may discuss this further with a Minnesota Department of _____ human resource representative if I have any questions prior to completing this form. With the above understanding, I place the following restrictions on the information that may be released by my current and former employers:

I understand that the purpose of permitting the Minnesota Department of _____ to obtain this information about me is to determine my suitability for employment with the Minnesota Department of _____.

I understand that access to the data will be limited to individuals within the Minnesota Department of _____ and their representatives whose job duties reasonably require access, to myself and to any individuals authorized by me to receive the data, to the Minnesota Department of Management and Budget, and to other persons or entities to the extent required by court order or authorized by state or federal law.

I hereby fully release my current and former employers from any and all liability for any damage of any kind or nature whatsoever that may result from furnishing the information as described in this Authorization. This authorization to release data as specified above expires when the position I am applying for has been filled. I understand that I may withdraw my authorization at any time, but that if I do withdraw my authorization, it will not affect any data that was released prior to my withdrawal.

Signature: _____ Date: _____

Contacts	Enterprise Human Resources Labor Relations Representative
References	HR/LR Policy #1421, Background Checks