

# EMPLOYMENT REFERENCES AND VERIFICATION

## Policy 526.1

Page 1 of 2

Other employers are strongly encouraged to direct all requests for an employment reference or for verification of employment regarding a current or former Mineral Point School District employee to the District Business Office.

Upon receipt, the processing of and any District response to a request for an employment reference or verification of employment shall be coordinated with the District Administrator. To the extent consistent with applicable law, the District reserves discretion to determine the extent of any response to another employer's request for an employment reference or verification of employment.

When the District receives and responds to another employer's request for an employment reference or verification of employment, any administrator, supervisor, or authorized designee who provides information on behalf of the District is expected to act in good faith, without knowingly providing false information, malice, or engaging in unlawful conduct. Any response to such requests shall also be consistent with applicable legal requirements regarding the disclosure of personnel record information.

The following are additional District guidelines for any administrator, supervisor, or authorized designee who provides information on behalf of the District in response to another employer's request for an employment reference or verification of employment:

1. If there is reason to question whether the person making the inquiry is a legitimate employer (usually a prospective employer), take steps to gain a reasonable degree of comfort that the inquiry is legitimate.
2. Focus any information that is provided on the employee's (or former employee's) work history, qualifications for employment, and job performance.
3. Avoid the use of hyperbole (whether excessively positive or excessively negative).
4. Avoid making gratuitous comments that are irrelevant to job qualifications and job performance (e.g. perpetuating information that is based on a mere rumor, making remarks that could support a claim for unlawful discrimination, etc.).

To the extent any non-supervisory employee voluntarily chooses to act in the capacity of a personal reference for a co-worker, and such non-supervisor is not responding to a request for an employment reference or for verification of employment on behalf of the District, the employee is expected to be clear in providing any information that he/she is not providing the information on behalf of the District as an employer. The District expects that any such non-supervisory personal reference that relates to the workplace will still be provided in good faith.

Neither the School Board nor any employee, contractor, or agent of the District shall assist another school employee, contractor, or agent in obtaining a new position or other employment in a school, local educational agency, Cooperative Educational Service Agency, or child care program, or in any other substantially-similar work environment that would involve contact with or responsibility for children or students, if he/she or the Board knows or has reasonable suspicion to believe that the other employee, contractor, or agent engaged in sexual misconduct with a minor or student in violation of the law. Sexual misconduct in violation of the law includes a violation, or the solicitation, conspiracy, or attempt to commit a violation, of any of the offenses specified in section 301.45(1d)(b) of the state statutes. This prohibition does not include the routine transmission

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## Policy 526.1

Page 2 of 2

of administrative and personnel files. In addition, this prohibition does not apply if the information that is known, or that is the basis of reasonable suspicion, has been properly reported to a law enforcement agency, and any other authorities as required by law, AND at least one of the following conditions applies:

1. School district officials have been notified by the prosecutor or police that any related case or investigation has been closed without a conviction (including cases or investigations that are closed without the filing of any charges); or
2. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct.

When the District receives or responds to a request by another employer for an employment reference or for verification of employment regarding a current or former District employee, a record shall be maintained of any written request/response. Such records shall be maintained in accordance with applicable legal requirements and the District's records retention schedule.

### Legal References:

#### Wisconsin Statutes

[Section 19.36\(10\)](#)

[limitations on public access to district records, including certain personnel records such as letters of reference]

[Section 103.13\(6\)](#)

[limitations on employee and former employee access to their own personnel records, including letters of reference]

[Section 111.322](#)

[discriminatory actions prohibited]

[Section 115.31](#)

[reporting certain known, or suspected, immoral or criminal conduct to the department of public instruction for possible license-related action]

[Section 118.07\(4p\)](#)

[prohibited assistance to persons who are known or who are suspected to have engaged in sexual misconduct]

[Section 301.45\(1d\)\(b\)](#)

[sex offense definition]

[Section 895.487](#)

[civil liability exemption; employment references]

#### Federal Law

[20 U.S.C. 7926](#)

[required policy prohibiting school employees, contractors or agents from aiding and abetting sexual abuse]

### Cross References:

**Adoption Date: June 10, 2024**