Reference Request & Provision Procedure

SOP · US · Updated 2026-07-23 · Square brackets are placeholders to replace with your own details.

A reference request and provision procedure is the written routine for both directions of the reference call: how your organization responds when another employer asks about a current or former employee, and how it collects references on the candidates it wants to hire — who is authorized to speak, what gets said, what consent is needed, and what gets logged.

References are a small task with outsized legal exposure. A negative remark on a phone call can become a defamation claim; a glowing reference for someone dismissed for misconduct can become a misrepresentation claim from the next employer; and a manager freelancing "off the record" creates all of that risk with none of the records. The fix is not silence — it is a procedure: a neutral-reference standard, a short list of authorized responders, and a log.

This procedure covers the neutral-reference standard, authorized responders, handling incoming requests, shutting down backdoor requests, and the mirror-image process for checking references on your own candidates. It is general information for building an internal process, not legal advice.

Purpose and scope

This procedure sets out how [Your company] provides references about current and former employees and how it collects references on candidates. It applies to all employees — especially managers, who receive most informal reference requests — and is owned by [HR/name/role].

The core rule is simple: all reference requests go to [HR/named role], and the standard response is a neutral reference. Anything beyond neutral requires the subject's written consent and [HR] approval.

Authorized responders

- Only [HR/named roles] provide references on behalf of [Your company] — in any form: phone, email, letter, reference-check platforms, and employment-verification services.
- Managers and colleagues do not give company references. A manager asked for one redirects the request to [HR contact] — warmly, and without commentary that becomes the reference by accident.
- [If [Your company] permits personal references: an employee may give one in a personal capacity only — off company letterhead and email, stated explicitly as personal, and never covering matters known only from company records.]
- LinkedIn recommendations and similar public endorsements by managers about current or former reports [are discouraged / require HR guidance] — they are discoverable statements that can contradict the file.

The neutral reference standard

Unless the subject has consented in writing to more and [HR] has approved it, [Your company] confirms only factual information from the employment record:

- Dates of employment and job title(s) held.
- [Location worked and full-time/part-time status.]
- Compensation — only [with the employee's written consent / where your state's rules permit the disclosure requested]; several states restrict salary-history inquiries, so check your state before answering pay questions.
- [Optional, decide once and apply always: eligibility for rehire, as a yes/no from the record.] Answering it for some former employees and refusing for others is itself a signal — pick one practice.
- What the neutral standard excludes: performance opinions, reasons for leaving, disciplinary history, health or leave information, and speculation of any kind.

Handling incoming reference requests

1. Route every request — written, phone, or platform — to [HR contact]. No one else answers, however friendly the caller.
2. Verify the requester: for phone requests, take the caller's name and organization and call back through the organization's published main number, not a number the caller supplies.
3. Check for the subject's [written consent / signed release]; where none is on file, [obtain it / provide only dates and title per the neutral standard].
4. Answer strictly from the employment record using the neutral standard — read the facts, decline the rest: "Our policy is to confirm dates and title." Repeated identically, that sentence protects everyone.
5. Decline "off the record" conversations entirely — there is no off the record; every statement is attributable to [Your company].
6. Log the request in [system]: date, requester, organization, subject, what was asked, what was provided, and who responded.

Special situations

1. Requests involving threatened or actual litigation, subpoenas, or government investigators go to [counsel/HR director] before any response — acknowledge receipt, promise nothing, escalate the same day.
2. Requests about an employee who left under a [separation agreement with an agreed reference] are answered exactly per the agreed wording on file, by [HR] only.
3. Where [Your company] knows of serious misconduct that a glowing reference would conceal, [HR] involves counsel before responding — the safe path is usually the neutral reference, accurately given; the dangerous paths are embellishment in either direction.

Requesting references on candidates

1. Obtain the candidate's consent before contacting referees, and time checks [after a conditional offer / at the final stage] per the hiring procedure — some states and localities regulate the timing and content of pre-hire inquiries; check yours.
2.

Ask the same job-related questions of every referee from the standard form at [location]: dates, role, responsibilities, performance against the job's requirements, and eligibility for rehire — never health, family plans, protected characteristics, or salary history where your state restricts asking.

3. Record each referee's answers on the form, file them with the hiring record for [period], and weigh a refusal to comment as a neutral fact — many companies give only dates and title as policy, and that policy is not a red flag about the candidate. [If a third-party background-check service is used, follow the additional consent and adverse-action steps that federal rules require — see EEOC guidance and your provider's process.]

Records and review

The reference log, consent forms, agreed-reference wordings, and completed reference-check forms are retained at [system/location] for [period], with access limited to [HR/named roles]. The log matters twice: it evidences consistency if a reference is ever challenged, and it shows what was actually said, by whom — memory is not a defense.

This procedure is reviewed [frequency, e.g. annually], after any disputed reference, and when state law changes on references, immunity, or salary-history inquiries. Owner: [name/role]. Next review due: [date].

How to use this template

1. Decide your neutral standard first — dates and title always; pay, and rehire eligibility, as deliberate yes/no policy choices applied to everyone.
2. Name the authorized responders and publish one internal route ("forward all reference requests to [contact]") — the procedure fails at the manager who just answers the phone.
3. Check your state's reference-immunity statute and salary-history rules, and shape the consent form and standard answers to fit them.
4. Put the standard reference-check question form into your hiring workflow so the requesting side is as consistent as the providing side.
5. Brief managers annually with the two sentences they need: "I'll pass you to HR for that" and "we don't do off the record."

Official guidance

- EEOC — Background checks: what employers need to know
- EEOC — Prohibited employment policies and practices
- EEOC — Information for employers