



## Handling References... *Both Good and Bad*

Everything is ready to go - a polished resume heavy with the latest technology buzzwords and outstanding accomplishments, a carefully written cover letter outlining why any company should give you a corner office, interviewing skills that will guarantee success... everything you need to have offers pouring in.

Wrong. You didn't mention great references.

While a well thought out resume and interviewing skills are absolutely critical to your success, mediocre references can turn a potential offer into a lost opportunity.

Employers take references seriously, and job seekers often ignore or downplay their importance. Your references can make or break the deal.

### **My Company Doesn't Give Out References**

We frequently hear: "My employer won't give me a bad reference because of their 'dates and titles only' policy." These policies do widely exist, but that doesn't mean that negative references are not a concern. Suspicious, abbreviated ... or even indifferent... references are given out daily.

A bad reference can be very subtle.

A manager who shows hesitancy to answer questions directly... or doesn't return phone calls after three or four tries... or hits it head on with comments we have heard like: "I'll have to pass on her, but you may want to check her other references very carefully", or worse "He's still in software engineering? I'm surprised, good for him," can seriously jeopardize your credibility as a viable candidate.

You would be shocked at how many negative references are actually passed to potential employers everyday. Some investigative firms (that perform background checks for employers) claim that the percentage of mediocre to bad references is as high as 58%. We see numbers in the 20% range, averaged over the past 10 years.

Even presentation can make a decent reference come out poorly.

Some managers have a personality that is just not enthusiastic, animated or dynamic, and a high energy manager interprets their low energy responses as a veiled bad reference. They translate the low energy reference (based on presentation, not content) as a vote of no enthusiasm for the candidate.

During the '90s a spate of lawsuits caused employers to clam up.

In 1997, a lawsuit filed against Allstate Insurance brought national attention to this issue.

The *negligent referral* lawsuit was settled before going to trial, but the judge ruled that Allstate

could be sued for punitive damages because they concealed the violent nature of a former employee. In this case, wrongdoing allegedly occurred when Allstate wrote a letter of recommendation explaining that the employee was downsized as part of a corporate restructuring. He was actually fired for carrying a handgun at work.

Fireman's Fund Insurance said it relied on the recommendation from Allstate when making a decision to hire the candidate. The employee shot five co-workers in the cafeteria, killing three of them. A survivor of the shooting and the families of those who were killed filed the suit against Allstate Insurance.

Since that incident, 37 states have passed laws that protect employers by granting them immunity from civil liability for truthful, good faith references. Though the laws vary by state, the statutes specify that the employer will be presumed to be acting in good faith, unless the employee can prove that the reference was knowingly false, deliberately misleading, malicious or in violation of civil rights laws.

It is very difficult to substantiate that a manager knowingly provided a unfair or vindictive reference, because most references are done on the phone.

If you were fired for cause (such as theft, fraud, sexual harassment or assault on another employee) it has to be disclosed. An employer cannot conceal this type of information due to liability issues.

On the other hand, "negligent hiring" is a failure by the new employer to adequately check references. Employers can be held liable for not thoroughly checking reference information. It is important to obtain adequate background data to ensure that the new employee does not repeat a negative past behavior pattern, and create problems on the job (or endanger co-workers).

So what can you do to prevent a bad reference? Ashton Search Group has compiled a list of the most important things to consider when selecting references, including a quick checklist to make sure that you don't get blindsided:

### **Select Your References Diligently**

Who you choose to provide as a reference is important, so your references need to be credible. While the most influential reference is usually your current (or most recent) manager, you can also provide others that can describe your competency based on past performance. A reference older than five years should be avoided, because it is likely that your skill set and responsibilities have changed significantly.

Ashton Search Group recommends that references consist of three or more reliable "business" colleagues who can evaluate your technical skills, performance on the job, and overall contributions. They can include managers, clients, customers, vendors, peers, project team members -- and even non-technical employees that can explain how you have contributed to another non-related area (like sales) in meeting their goals. (Tip: if you're working with subcontractors, ask one of their people, who can attest to your technical skills from a different perspective, to act as a reference)

Don't bother with a generic letter of recommendation. Seriously. Future employers do not want

to read letters written to "whom it may concern." Employers want to be able to communicate directly with people who can speak authoritatively about your strengths and weakness, and suitability for their position. Also, these letters don't have much credibility, because anyone who would write a general letter for you would likely say only good things.

**Don't list names of your references on your resume.** Provide references only when a potential employer asks for them, which normally indicates they are proceeding toward an offer. Have a list prepared.

### **Eliminate Surprises**

Select individuals who have known you for a significant period of time (at least a year) and are in a position to discuss your skills and abilities, especially as they apply to the position you want.

Before you pass their name on, **it's a good idea to talk to your references.** Provide them with a copy of your current resume, and make sure that they are up-to-date on what you've done (and any noteworthy achievements that they may have forgotten). It may seem awkward, but ask them up front for their unvarnished perception of your accomplishments, strengths, and weaknesses. This is an important "tweak" that will provide enhanced results.

If you really want to determine the quality of your references - what they are saying and how well they're saying it - you can have a third party check them. Many companies don't check references themselves - they either hire a reference checking company, or ask their recruiter to check them.

If you are consistently coming in second or third after a very solid interview, and you suspect it may be one of your references, then you owe it to yourself to find out what people are saying. Talk to them yourself, or ask your recruiter to do it for you (an alternative that offers objectivity).

It's a good idea to know what your references are saying (or how poorly they're expressing it). It may be time to revise and fine tune your reference list.

Many hiring managers will complete the "sanitized" reference, and then ask... "Hey, off the record, just between us..., is Richard a good guy? Would you hire him again? In your opinion, why does he want to leave your company? Anything I should know that we haven't discussed? Is he a real contributor? Do others trust his judgement?" Often times, more information is generated when the reference is over, and the two managers are talking as peers. Off the record translates to "OK, now give me the real scoop as you see it".

### **What About a Bad Reference?**

If you did have a difficult, contentious, highly opinionated or bad manager, it's best to prepare for the possibility that he or she will be contacted.

A manager can provide negative information if he or she can back it up with employee performance reviews, performance memos or "qualified" personal opinion (supported by your personnel record), as long as it's not false, deliberately misleading or malicious. References are a personal opinion about you.

Let's face it, not everyone thinks you're a star. Very few engineers or engineering managers can expect a great review from everybody they ever worked with. With managers it is even more pronounced. Your style (or management decisions) may not be in sync with a senior manager's party line... and even if they were good decisions, they can be construed as inadequate, incompetent, politically inept or short sighted. The world as they see it (and how everyone else should have seen it).

## What do you do?

If you are currently employed, one option is to indicate to companies that you are looking confidentially. Request that your current employer not be contacted until an offer is forthcoming - confidential job searches are common. You are just postponing the bad reference.

However, in other cases, you have only a few choices:

- Sit down with the manager and attempt to come to a reasonable agreement regarding what information will be provided (not always possible, but worth a try). Negotiate your reference ahead of time. Agree on levels of disclosure.
- Ask for clarification on areas of weakness, and sign up for training to fix it. If there's no denying the complaint is relevant, you can now counter with an honest response... that you are working hard on improving that specific area.
- Your only other option is to do nothing, and hope that your other references are so strong that they may outweigh the one anticipated negative reference. This is a risky strategy -- that usually fails.

Here's a checklist of things to consider when preparing your list of references:

- Choose carefully. Try for 3-5 business references that include your current manager, and some other individuals who can provide a relevant technical evaluation of your abilities from a more senior perspective. Never use your relatives, pastor, frat brothers, a personal friend, or a co-worker from 1992 - they are not credible. Fluff references are a red flag to an employer, and indicate that it may be difficult to get technical and character attestations about you.
- Provide contacts that have worked with you recently. Peers (fair) and supervisors (much better) make good references. An outstanding reference would be a direct manager at your current company... the person that does your performance review.
- Verify contact information and update reference's title, especially with older references. Don't let your potential new boss call a disconnected number.
- Call the HR department and ask them to explain their corporate policy on providing external references.
- Make copies of your past performance evaluations - a few good evaluations are a great thing to have - in case your performance or contributions are questioned. They will normally balance a bad reference.

Experienced hiring managers and HR professionals will weigh the one lukewarm (or bad) reference against your other positive references, and how you interviewed. They may ask you to explain a bad reference, and convince them that it is erroneous, or based on a personality conflict. They understand this happens. Make your response truthful, brief and accurate.

However, why put them in that position? Your best option is to eliminate the possibility of a negative or questionable reference... make the hiring manager's decision easier, and stand out from your competition.

Take references seriously, **and make reference selection an important part of your overall search planning.**

---

Restrictions and Copyrights: Information published in the Ashton Search Group web site may be displayed, and printed for your personal, non-commercial use only. Data, information or other components may not be republished, reproduced, reprinted, distributed, disseminated, duplicated or resold in whole or in part, for commercial or any other purposes. You may not modify, copy, distribute, transmit, reproduce, publish, license, create derivative works from, transfer, or sell any information obtained from Ashton Search Group.