

All Personnel

BP 4112.61

4212.61

EMPLOYMENT REFERENCES

4312.61

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the causes or reasons for separation regarding all district employees other than the Superintendent. No other staff member shall make statements concerning a separated employee's performance or the reason(s) why any individual has left district employment.

(cf. 4112.6 - Personnel Files)

(cf. 4117.5 - Termination Agreements)

Legal Reference:

LABOR CODE

1050-1054 Reemployment privileges

CIVIL CODE

47 Privileged communication

CODE OF CIVIL PROCEDURE

527.3 Labor disputes

CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment recommendation

Randi W. v. Muroc Joint Unified School District et al., (1997 14 Cal.4th 1066)

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EMPLOYMENT REFERENCES

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All letters of recommendation to be issued on behalf of the district for current or former employees shall first be submitted to the Superintendent or designee for approval.

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (Code of Regulations, Title 5, 80332)

No certificated person shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of resigning or for withdrawing action against the district. (Code of Regulations, Title 5, 80332)