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	EFFECTIVE DATE 06/28/97	
	REVISION DATE	
SUBJECT: Reference Checks/Letters of Recommendation		
Ted Stewart, Executive Director		

I. PURPOSE

There has been a growing number of liability cases stemming from laws on defamation, governmental records access management rules, slander and libelous lawsuits and changing conditions under which managers may or may not give out references and/or recommendations. As a result, the Department of Natural Resources is issuing the following guidelines relating to reference letters and recommendations.

II. POLICY

A. Inquiries from agencies seeking information.

From time to time, supervisors, managers, and/or directors are requested to furnish either 1) a letter of recommendation for employees, volunteers, contractors, advisory boards or commissioners or 2) references from another agency seeking information on that employee, volunteer, independent contractor, member of the advisory board or commissioner. This policy will address official (letterhead with title of individual) letters of recommendation, rather than unofficial phone calls, non-letterhead, etc.

1. Any employee within the department may send out a letter of reference. However, the following provisions must apply prior to sending these out. In accordance with Utah Code Annotated, Section 63-2-85.4, the public may only be given the following information:
 - a. Employee's name.
 - b. Gross compensation.
 - c. Salary range.

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- d. Contract fees.
- e. The nature of employer-paid benefits.
- f. The basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary.
- g. Job title.
- h. Job description.
- i. Education and training background as it relates to qualifying the individual for the position.
- j. Previous related work experience as it relates to qualifying the individual for the position.
- k. Date of first and last employment with your department or division.
- l. Work location.
- m. Work telephone number.
- n. City and county of residence (does not include street address).
- o. Honors and awards as they relate to state government employment.
- p. Number of hours worked per pay period.

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2. The manager to whom the request is made may have the request made either in writing prior to actual issuance of any letters, or by phone. When an outside agency is requesting information either by phone or in a letter, the DNR manager can only give out information listed above.

3. Most reference-seeking agencies will want to know about performance of the department employee. Be careful in giving out this information, as this information may be used against the department if the manager ever has to conduct a corrective or disciplinary action to this employee at a later date.

4. If there is information on the department employee that is negative, the call or letter of request for information should be forwarded to the Human Resource office for further assistance, as this may involve some potential for liability for the department.

If the request by the business entity is inquiring about only the facts listed above (II.A.1.a. through II.A.1.p.), prior approval on sending the information will not be necessary by the department Human Resource Office. However, if the request is being made as to THE PERFORMANCE OF THE INDIVIDUAL OR ANY OTHER INFORMATION OUTSIDE OF THE SCOPE OF THE ABOVE FACTUAL ELEMENTS (II.A.1.a. through II.A.1.p.), THE LETTER SHOULD BE REVIEWED BY THE HUMAN RESOURCE OFFICE PRIOR TO SENDING OUT. In either case, both the final letter and the request must be submitted to the Human Resource office for our filing. Exceptions to this policy will be recommendations made from any boards existing within the divisions.

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B. Letters of recommendation requested by the department employee.

Many times, employees ask their supervisors for a letter(s) of recommendation. In this case, the following guidelines should be observed:

1. When using department/division letterhead, letters of recommendation may be furnished for any current or former state employee under the following conditions:
 - a. If the employee has voluntarily resigned because of new job opportunities, higher salary, maternity, education, moved out of state, marriage, etc.
 - b. If the employee has received a standard or better on his/her performance appraisal in the last year.
 - c. If the employee has retired or has undergone a reduction in force.
2. Official letters of recommendation may not be given if the following conditions exist:
 - a. If the employee has not made the request in writing.
 - b. If the employee did not pass probation.
 - c. If the employee has been disciplined in the last year.
 - d. If the employee was terminated for reasons of disciplinary action, performance problems, not passing probation, etc.

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3. The Human Resource office should be contacted prior to issuing any letters of recommendation if the employee has gone through corrective action in the last three years, has had some performance problems but still ranked successful, or has received any letters of warning.
4. Recommendations usually contain the following: work-related performance, character, time and attendance, ability to get along, strengths/ weaknesses, etc. **Managers should try to keep the letter of recommendation limited to what is actually documented in the personnel file: e.g., performance appraisals, job duties and responsibilities, time and attendance, etc.**
5. The letter of recommendation should never be addressed "To Whom It May Concern." Rather it should be specific to the agency to whom the employee wants it directed.

All letters of recommendation requested by the employee should be reviewed by the Human Resource office prior to being sent out. Copies of all official letters of request and recommendation should be submitted to the department Human Resource office for the employee=s personnel file. The exception will be for recommendation letters on seasonals, temporaries and other time-limited employees (not full-time) or for those letters that are not printed on department/division letterhead.

*** It is recommended that division directors be aware of and give approval for all letters of recommendation being issued by division employees prior to any letters being filed with the department Human Resource office and prior to being issued to the requester.**