

The Department of Justice Office of the Inspector General (OIG) released a report examining whether and how the Department of Justice (Department) contacts job applicants' references when making hiring decisions and whether sufficient policy guidance exists to guide hiring officials who conduct reference checks.

Although no government-wide requirements exist for reference checking as a part of the hiring process for federal applicants, the Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB) encourage agencies to check applicant references for every hiring action. The Department, however, requires hiring officials to conduct reference checks only for new attorney applicants. In all other respects, the Department has delegated to individual Department components the authority to set their own reference checking policies. The OIG review found that reference checking policies and practices vary significantly across the Department.

For law enforcement positions, the review found that components generally have no policies requiring reference checks for new applicants, and hiring managers said that they do not conduct reference checks when hiring most new law enforcement staff. Instead, the hiring managers assess the skills and aptitudes of new law enforcement applicants through other means, including background investigations, polygraph examinations, and logic, cognitive, and behavior tests. These methods, however, are not designed to gather the performance information that is available from reference checks with prior employers and others who have worked with the applicant.

For new attorney applicants, the OIG found that not all components are aware of, or are following, the Department requirement to conduct reference checks in addition to vouchering, which is a type of suitability determination that examines an applicant's honesty and loyalty to the United States. The OIG concluded that vouchering alone is not sufficient to verify an applicant's past duties or to evaluate past performance.

For other non-law enforcement positions, the OIG review found that hiring officials generally conduct reference checks and that they follow OPM and MSPB recommendations to contact additional references not provided by the applicant. However, the OIG also found that hiring officials generally do not conduct these reference checks at the optimal stage of the hiring process, do not obtain applicants' permission before contacting additional references, and do not document reference checks using a standard form, as recommended by OPM and MSPB.

Finally, the OIG found that only 3 of the 39 components have written policies providing hiring officials with clear reference checking guidance that includes position-specific questions and documentation requirements. Fourteen components have no written policies, guidance, or forms at all. As a result, the hiring officials surveyed by the OIG reported uncertainty as to whether reference checks are required for particular positions, what questions they can ask references, how reference checks are to be documented, and how those documents are to be retained.

The OIG made six recommendations to the Justice Management Division to enhance the Department's hiring process by improving the reference checking guidance and the training hiring managers receive. The Justice Management Division indicated its agreement with five of the six recommendations. The Justice Management Division disagreed with the OIG's recommendation to post on the Department's intranet both general reference checking guidance from other government sources as well as official Department guidance on reference checking.

The report released can be found at the following link:
<http://www.justice.gov/oig/reports/2013/e1302.pdf>