

Texas Business Today

Joe Esparza
Commissioner Representing Employers

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Texas Employers,

Welcome to the September issue of *Texas Business Today*!

As students head back to school, we must find new, innovative ways to engage this future talent pool in career exploration and opportunities. Informing parents and students about all the pathways to obtain a career — certifications, two-year degrees, four-year degrees, internships, and apprenticeships — is critical. Ensuring that students have access to learn about all the different industries and the necessary credentials for high demand jobs is the key to their economic prosperity.

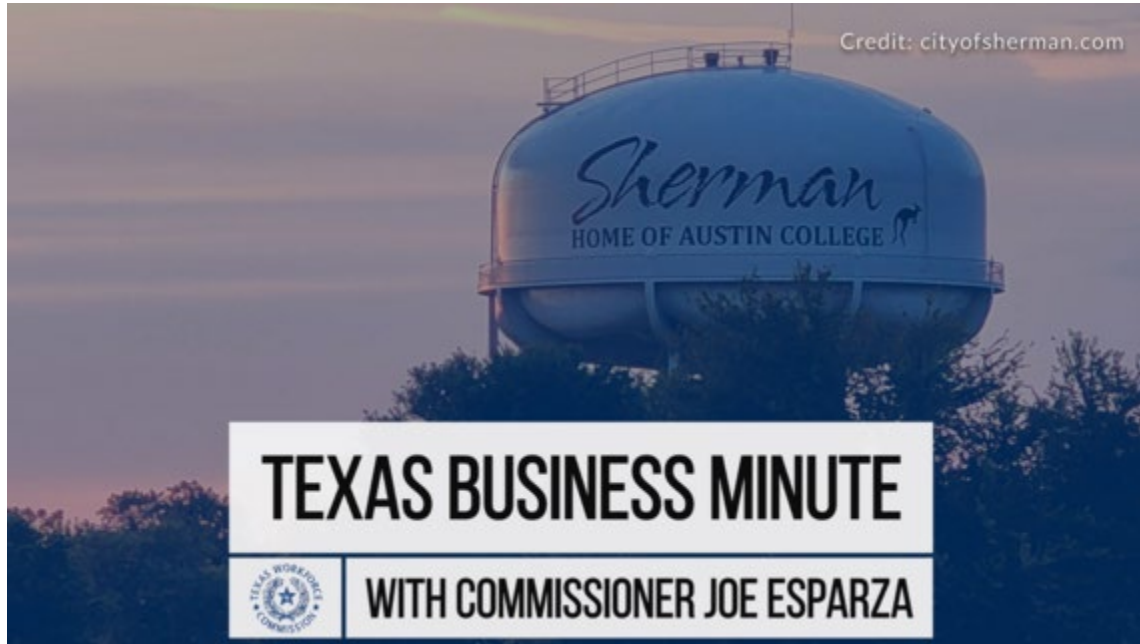
The Texas Workforce Commission (TWC) supports work-based learning through various programs and initiatives designed to connect education and training with real-world work experiences. These efforts aim to prepare individuals for the workforce and meet the needs of Texas employers. I encourage community leaders to continue their participation in conversations across the state to learn what is working best for our employers, and what we can do better to improve their interactions with our systems.



A handwritten signature in black ink, appearing to read 'Joe Esparza', with a long horizontal line extending to the right.

Joe Esparza
Commissioner Representing Employers
Texas Workforce Commission

Texas Business Minute



[Click here to watch the video](#)



Employment Verification and Job References

By: Jikku John

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Oftentimes, employers find themselves in situations where another employer or business is calling to ask questions about a former employee. This could lead the employer to think: What am I allowed to say? How much information am I allowed to give? Could there be consequences for the information that I divulge? This article seeks to provide insight into what is proper, and equally improper, to disclose in situations involving employment verifications and job references.

Be Careful Over the Phone

Today, the vast majority of employment verification and job reference requests take place over the phone. Generally, it is not a good idea to give job reference information over the phone if someone “cold calls” you. The reason being, you do not know who is calling, and more importantly, why they are calling. For instance, the call could be coming from an employer who is thinking about hiring a former employee, but just as easily, the call could be coming from another source like a private investigator, stalker, or an identity thief.

Unless the employer has absolute certainty about the identity of who is calling and for what purpose, it is best not to divulge the information. Even still, a good general practice is to respond to calls about employees with something like, “I’m sorry, but we do not release information about current or former employees over the phone. However, we will be glad to furnish any information that your applicant authorizes us in writing to release to you.” A sample release can be found here:

https://efte.twc.texas.gov/job_references.html#referencewaiver.

What About Consequences?

Although the employer may have strong feelings about a former employee who the employer feels may have wronged the company or who left the employer on bad terms, the employer must resist the temptation to badmouth the former employee. Employers can be held liable for defamation if they provide information “to injure a person’s character, fame, or reputation by false and malicious statements.” See:

<https://thelawdictionary.org/defamation>. Additionally, employers will need to expend money and resources to defend against these claims. As such, the employer should resist the urge to use inflammatory language if information is requested about a former employee. See: https://efte.twc.texas.gov/job_references.html.



Best Practices?

To avoid potential liability that could be tied to employment verification requests and job references, first, as mentioned above, it is not advisable to release information over the phone. Second, the employer should only provide truthful, non-inflammatory information to avoid a defamation lawsuit. Accordingly, the employer should stick only to facts. Third, only supply what is requested. Unless there is a compelling need to do so, try not to volunteer additional things that are not connected to the information requested by a prospective new employer. Finally, maintain good documentation. If someone calls with an employment verification or job reference request, make note of the person making the request, the entity they are associated with, their phone number, and the purpose for which the call was made. Good recordkeeping, in addition to being a good business practice, can also

go a long way when dealing with issues involving employment verifications and job references.

Conclusion

For questions about this issue, or any other employment-related matters, employers can call our employer hotline at: 1-800-832-9394, or email us at:

employerinfo@twc.texas.gov.



TEXAS EMPLOYER HOTLINE
1-800-832-9394

Hiring Issues · Medical Leave-Related Laws · Personnel Policies and Handbooks · Independent Contractors and Unemployment Tax Issues · The Unemployment Claims and Appeals Process · Texas and Federal Wage and Hour Laws



Employer Hotline Hours: M-F, 8am-5pm
Information provided by employment law attorneys in the Office of the Commissioner Representing Employers at the Texas Workforce Commission

Texas Business Today is provided to employers free of charge

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**Connect with the Office of the Commissioner Representing
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