

Happy Holiday Season!

Need more staff or long-term vacation coverage? Updating personnel background records? Medical Match is a Colorado medical staffing service, providing direct hire, contract personnel, and background searching services. www.medicalmatch.net 303-980-1000 Welcome to our monthly business and human resource articles.

Colorado is an “At Will” Employment State

The Colorado Dept. of Labor says, “The employer or the employee may end the employment relationship without any legal requirements to provide an explanation or advanced notice.” Unless the termination violates Federal or State law, company policies, or an implied contract, the separation between employee and employer can be quietly dissolved.

Filing Unemployment

Colorado employers are required to have unemployment insurance. If let go by the employer, an ex-employee can file for unemployment by calling 1-800-388-5515 or going on-line at www.coworkforce.com. then to “File A Claim.”

References: What Can We Do In Colorado?

Employers use references as a vital part of their hiring decision-making process. Lawsuits regarding defamation, discrimination, omission, misrepresentation, and negligence cause confusion about references. Let’s look at employer liability, employer immunity law, and human resource suggestions for Colorado employers.

EMPLOYER LIABILITY

In general, courts use the following criteria to determine employer liability about references: the employer must respond in good faith, to not speak with a reckless disregard of truth, to not purposely try to injure the employee, or to not publish to others excessively.

COLORADO EMPLOYERS HAVE SOME “IMMUNITY” FROM CIVIL LIABILITY AND DAMAGES

Colorado is one of 23 states with statutes providing a degree of employer immunity from civil liability and damages when giving references. **Employers may “disclose the suitability for reemployment, the employee’s work-related skills, abilities, and habits as they may relate to suitability for future employment, and the reason for a former employee’s separation.”** To see more details refer to: 8-2-114 Colorado Revised Statutes.

Recent articles agree that references should include *true, non-misleading, job-related statements* and avoid statements which are malicious or negligent. Using the First Amendment as protection, another article suggested to write reference letters, *carefully worded with your “impressions, beliefs, and opinions” about the person.*

PREPARE REFERENCE PROCEDURES

1. Work with a consultant, your professional organization, or an employment attorney to **design and complete your reference policies** and a *reference consent form* for job applicants. To protect your company from a negligent hiring suit, set up a reference procedure *to handle adverse information* (like violence, theft, etc.) of ex-employees.
2. **Inform your staff of your reference procedures.**
3. **Have one person responsible for reference checks.** Call the author of written references to confirm authenticity. If a telephone reference, keep accurate notes – dated and timed. Limit the results to a privileged audience only.
4. **Keep all personnel records regularly documented, objective, confidential, and orderly.**
5. For business and personal financial safety, **carry liability insurance.**

Happy Quotes

Laughter is the shortest distance between two people. **Victor Borge**
If you can find humor in anything, even poverty, you can survive it. **Bill Cosby**
Laughter is an instant vacation. **Milton Berle**
A smile is a curve that sets everything straight. **Phyllis Diller**
Let the holidays begin!