

Business Services

**EXTERNAL PAYROLL AND FINANCE UPDATES**  
**DBUG MEETING: *January 23, 2025***

Miscellaneous items

**1099s will be mailed directly by SCOE on January 31, 2025**

- If you have state tax withheld for vendors, please let us know and we can pull certain 1099s if you have state reporting to send with the 1099.

**Accounts Payable Google Submission Form**

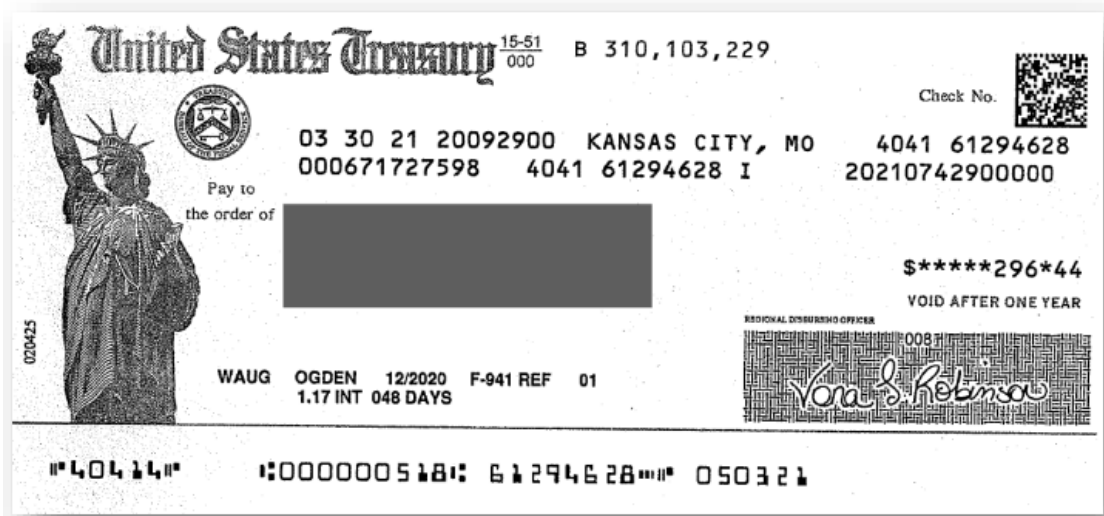
- There was a recent change to the way google sends out their forms. Some LEAs are not being notified when the form is sent out. Scott is sending the link in an email for now until we can figure out how to get the notifications to work again.

**Archived Payroll data housed at SCOE has been sent off to be digitized**

- Payroll items prior to 2005 will be unavailable for at least a few months

**Deposits Reminder**

- [SCOE County Deposit Criteria](#)
  - Personal and certain business checks must be deposited to the LEA's clearing bank account
  - Cash must be deposited to the LEA's clearing bank account
  - Checks guaranteed to not bounce can be sent to SCOE directly
    - These include checks from other school districts, SCOE, money orders, or Federal and State government agencies.
  - **Note:** United States Treasury Checks need to be sent to SCOE for reconciliation. SCOE is in charge of the Federal 941 Tax Reporting and needs to reconcile these checks. Please do not deposit these.
    - This does not apply to Charter Schools, RESIG or WCTA



### **LEA Mailboxes in SCOE Business Department**

- Reminder – when you visit SCOE to pick up checks or drop off items, please check your mailbox
- Each LEA has a mailbox located in SCOE Business that can be checked upon arrival

### **Assembly Bill 2534 – Mandatory Reference Checks for Certificated Employees Effective January 1, 2025**

- **Applicants** – must provide a complete list of every LEA in which they have worked
- **Hiring LEA** – must inquire of every former LEA employer whether the applicant was the subject of
  - Any creditable complaints, substantiated investigations into, or discipline for egregious misconduct
- **Former LEA Employers** – must provide a copy of any CTC report for egregious misconduct upon inquiry from hiring LEA
- **School and College Legal Services went over this at HR Round table**
  - See **attached** presentation for more information on this topic

### **Payroll**

#### **New Tax forms for 2025**

- Please make sure to include the below updated tax forms in the new hire packets for your LEA
  - [2025 W-4 Federal Taxes Form](#)
  - [12/2024 DE 4 Taxes Form](#)

#### **Payroll Rates updated January 2025**

- CalPERS Classic Member Wage Limit \$350,000
- CalPERS New Member Wage Limit \$155,081
- OASDI Limit \$176,100
- 403B and 457 maximum deferral \$23,500
- Flex 125 Medical – flexible spending \$3,300
- HSA Maximum contribution – single \$4,300
- HSA Maximum contribution – family \$8,550

#### **W-2s available for pickup starting January 27<sup>th</sup>**

- W-2s have to be signed out by each LEA. They are required to be given or mailed to employees by January 31<sup>st</sup>

Retirement

**CalSTRS Refunds**



➤ [Employment Termination Certification Requirements and Updates to the CalSTRS Refund Application](#)

- When a member requests a refund within 12 months of terminating employment, Education Code section 23102 requires employers to certify that the member's employment has been terminated
- To certify a bona fide employment termination, an employer cannot have an agreement with a member or an understanding that the member will return or plans to return to perform creditable service subject to coverage by CalSTRS. It is the employer's responsibility to ensure that the member's termination is bona fide to prevent an in-service distribution and a potential tax-qualification violation.
- Alli Britton is now in charge of signing the CalSTRS refund applications for employees
  - Due to these new requirements, when an employee refunds from CalSTRS, they must terminate all CalSTRS-covered employment, that includes leaving the substitute consortium fully or completely leaving a position.
- Please direct all questions to Alli Britton about this process, [ABritton@scoe.org](mailto:ABritton@scoe.org)

**CalSTRS Reduced Workload Program – 50% FTE requirement**

- Reminder – if an employee ends up being docked for overused leave and falls below the 50% threshold for Reduced Workload, they will be terminated from the Reduced Workload program

**SSFA – Social Security Fairness Act**

- Social Security Fairness Act (H.R. 82) was signed into law on January 5, 2025
- This eliminates the Government Pension Offset (GPO) and Windfall Elimination Provision
    - These two federal rules reduced Social Security payments for workers eligible for public pension based on work not covered by social security (CalSTRS included)
    - CalSTRS members do not pay into Social Security, but if they qualified for Social Security while working non-STRS jobs they are now eligible to receive a Social Security benefit without reductions.
    - In addition, members may now be eligible to receive spousal or survival Social Security benefits without being offset.
    - There is more information to come on this. It's unclear how quickly Social Security Administration will be able to recalculate benefit amounts and begin making payments that reflect the repeal of the WEP and GPO
    - Per SCLS – School and College Legal Services – it is still required to have employees fill out the windfall elimination provision (for now). [SSA 1945](#)

# Payroll Rates for 2024-25

Type	Employee Rate	Employer Rate	Effective From	Effective To	Wage Limit
<b>PERS</b>					
Classic Members	7.00%	27.05%	7/1/2024	6/30/2025	
New Members	8.00%	27.05%	7/1/2024	6/30/2025	
Classic Members			1/1/2025	12/31/2025	\$350,000
New Members			1/1/2024	12/31/2024	\$155,081
<i>PERS Retirement Hours Max</i>			7/1/2024	6/30/2025	960 Hours

<b>STRS</b>					
2% @ 60 Members	10.25%	19.10%	7/1/2024	6/30/2025	2% @ 60 \$345,000
2% @ 62 Members	10.205%	19.10%	7/1/2024	6/30/2025	2% @ 62 \$182,266
Reduced Workload	10.25%	19.10%	7/1/2024	6/30/2025	Retirement Base
<i>STRS Retirement Earnings Max</i>			7/1/2024	6/30/2025	\$74,733

<b>FICA</b>					
Social Security (OASDI)	6.20%	6.20%	1/1/2025	12/31/2025	\$176,100
Medicare	1.45%	1.45%	1/1/2025	12/31/2025	
Add'l Medicare Rate on earnings in excess of \$200,000	0.90%	none	1/1/2025	12/31/2025	

<b>State Unemployment Insurance (SUI)</b>	none	0.05%	7/1/2024	6/30/2025	
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<b>State Disability Insurance (SDI)</b>	1.20%	none	1/1/2025	12/31/2025	
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<b>Workers Comp Rates</b>	<i>Set by R.E.S.I.G.</i>		7/1/2024	6/30/2025	
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Other Limits	Annual Max				
Maximum Deferral Under 403(b) and 457 Plans	\$ 23,500		1/1/2025	12/31/2025	
Catch-up Contributions for Individuals Age 50 or Over	\$ 7,500		1/1/2025	12/31/2025	
Flex 125 Dependent Care contribution--flexible spending	\$ 5,000		1/1/2025	12/31/2025	
Flex 125 Medical contribution--flexible spending	\$ 3,300		1/1/2025	12/31/2025	
HSA maximum contribution -- single	\$ 4,300		1/1/2025	12/31/2025	
HSA maximum contribution -- family	\$ 8,550		1/1/2025	12/31/2025	
HSA maximum contribution -- Over age 55 single/family	\$ 1,000	additional	1/1/2024	12/31/2024	
Qualified Commuter/Parking Benefits	\$ 325		1/1/2025	12/31/2025	

Effective Dates for Retirement and Workers Comp refer to earning period dates; all other effective dates refer to actual pay date.

Updates to these rates are posted in **Frontline ERP in SCOE Resources - Payroll Rates**

Updated 1/2/2025

# Employer Information Circular

Volume 40; Issue 7

October 9, 2024

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## EMPLOYMENT TERMINATION CERTIFICATION REQUIREMENTS AND UPDATES TO THE REFUND APPLICATION (RF1360)

CalSTRS administers tax-qualified defined benefit plans under Section 401(a) of the Internal Revenue Code. In order to ensure continued compliance with those requirements, updates have been made to the *Refund Application* (RF1360) to clarify employer responsibilities for the certification of a bona fide termination of employment. The purpose of this circular is to inform you about the updates to the form and your responsibility to ensure that a termination is bona fide when certifying a member's termination of service on the *Refund Application* (RF1360).

When a member requests a refund within 12 months of terminating employment, Education Code section 23102 requires employers to certify that the member's employment has been terminated. The Internal Revenue Service considers a bona fide employment termination to be a good faith and complete closure of the employment relationship. Therefore, to certify a bona fide employment termination, an employer cannot have an agreement with a member or an understanding that the member will return or plans to return to perform creditable service subject to coverage by CalSTRS. It is the employer's responsibility to ensure that the member's termination is bona fide to prevent an in-service distribution and a potential tax-qualification violation.

The *Refund Application* (RF1360) has been updated to describe these requirements, as well as to include employer certification of more specific statements regarding the member's employment status, the member's bona fide termination, and the possibility of penalties if there is a violation of Education Code section 22010.

If you have any questions about the *Refund Application* or employment termination certification, please contact [Refunds@CalSTRS.com](mailto:Refunds@CalSTRS.com).

# Social Security Fairness Act signed into law



CalSTRS staff shared that President Biden signed the federal Social Security Fairness Act (H.R. 82) into law on Sunday, January 5, 2025.

H.R. 82 eliminates the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP), two federal rules that reduced Social Security payments for workers eligible for public pensions based on work not covered by Social Security, including CalSTRS members.

California public school educators do not pay into Social Security, so they do not receive Social Security benefits for their CalSTRS-covered employment.

While H.R. 82 does not impact CalSTRS retirement benefits, members who qualified for Social Security while working non-teaching jobs (or educator jobs not covered by CalSTRS) are now eligible to receive a Social Security benefit without being offset by the WEP.

In addition, members may now be eligible to receive spousal or survivor Social Security benefits without being offset by the GPO.

The changes in H.R. 82 are effective for benefits payable after December 2023. The next step is awaiting further information from the Social Security Administration. It's unclear how quickly Social Security Administration will be able to recalculate benefit amounts and begin making payments that reflect the repeal of the WEP and GPO.

For additional details about the WEP and GPO, please also see [CalSTRS' bill analysis](#) of H.R. 82, for which the Teachers' Retirement Board took a "support" position.

## FISCAL REPORT

PUBLIC EDUCATION'S POINT OF REFERENCE FOR MAKING EDUCATED DECISIONS

### Certain CalPERS Retirees Also Benefit from Social Security Fairness Act

 BY [DANYEL CONOLLEY](#)

 BY [MICHELLE MCKAY UNDERWOOD](#)

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posted January 8, 2025

While the overwhelming percentage of beneficiaries of the Social Security Fairness Act in the California education system are California State Teachers' Retirement System retirees (see "[Ask SSC . . . Social Security Fairness Act](#)" in the January 2025 *Fiscal Report*) California Public Employees' Retirement System (CalPERS) retirees may also be in line to benefit from the elimination of the Windfall Elimination Provision and the Government Pension Offset. These provisions negatively affected retirees in a public pension system who did not also pay into Social Security. We understand there is a subsection of CalPERS employees also in this situation who will consequently benefit from the repeal of these provisions.

If your local educational agency's classified employees do not participate in Social Security, our advice is the same as for your certificated employees: As an employer, the [Social Security Protection Act of 2004](#) requires you to disclose the effect of the Windfall Elimination Provision and the Government Pension Offset to employees hired on or after January 1, 2005, in jobs not covered by Social Security. This existing law requires newly hired public employees to sign a statement that they are aware of a possible reduction in their future Social Security benefit entitlement; your district may be utilizing the Social Security Administration [form SSA-1945](#) for this purpose. We do not see that this existing requirement has been eliminated through the Social Security Fairness Act.

In response to this change in law, human resources (HR) departments should review onboarding materials and prepare to update new hire paperwork for affected employees. Additionally, HR should inform existing employees who are CalPERS members and who are not paying into Social Security of this change, noting that specific questions regarding Social Security benefits should be directed to the Social Security Administration. We anticipate the form will be updated and/or guidance will be provided to discontinue its use. In the meantime, HR professionals should be aware that the Windfall Elimination Provision and the Government Pension Offset Provision are no longer effective as of January 1, 2024.



**SCHOOL & COLLEGE LEGAL SERVICES**  
**OF CALIFORNIA**

# Sonoma County HR Roundtable

October 16, 2024

**Presented by:**

**Kaitlyn Schwendeman, Senior Associate General Counsel  
School & College Legal Services of California**

# Agenda

1. New Legislation:
  - a. AB 2354 - Mandatory Reference Checks
  - b. SB 88 - Requirements for Drivers other than Bus Drivers
  - c. AB 938 - J-90 Reporting Expansion
  
2. Election Year Reminders

# AB 2534: Mandatory Reference Checks for Certificated Employees



# Existing Law on References

- ❖ Reference checks are not **required**
- ❖ LEAs are not **required** to respond to reference requests **EXCEPT** must disclose if CTC report was made for egregious misconduct
- ❖ LEAs are often **uncertain** about what to disclose

# Existing Law on References

Civil Code section 47 “privileges” an employment reference:

- ✓ Reference is made *without malice*
- ✓ Request is from a prospective or current employer
- ✓ Reference is based on *credible evidence*

## Existing Law on References - *Randi W. v. Muroc Joint Unified School Dist.* (1997)

“We conclude that these letters, essentially recommending Gadams for any position without reservation or qualification, constituted affirmative representations that strongly implied Gadams was fit to interact appropriately and safely with female students. These representations were false and misleading in light of defendants' alleged knowledge of charges of Gadams's repeated sexual improprieties.”

# Existing Requirements - CTC Reporting

Report a Change in Employment Status Upon:

- ✓ Dismissal or non-reelction
- ✓ Resignation
- ✓ Suspension (unpaid) for more than 10 days
- ✓ Retirement
- ✓ “Otherwise terminated” by decision not to re-employ

If the separation occurs *as a result of* an allegation of misconduct or *while* an allegation of misconduct is pending.

# Existing Requirements - CTC Reporting



- ✓ Applies to substitutes
- ✓ Agreements not to report are unenforceable (and a bad idea)
- ✓ Inform the employee the report is being made
- ✓ Failure to report jeopardizes Superintendent's credential

# Special Rules for “Egregious Misconduct”

“Egregious Misconduct” is defined as immoral conduct related to sex offenses, child abuse and neglect offenses and controlled substance offenses. (Educ. Code section 44932)

- ❖ Agreements preventing mandatory reports (CTC, law enforcement) of egregious misconduct are prohibited
- ❖ Agreements to expunge records of egregious misconduct are prohibited
- ❖ **REQUIRED** to disclose CTC reports on egregious misconduct to requesting LEA

# Assembly Bill (“AB”) 2534

- ❑ APPLICANTS - must provide a complete list of **every** LEA in which they have worked
- ❑ HIRING LEAs - **must inquire** of every former LEA employer whether the applicant was the subject of
  - ❑ *any credible complaints of*
  - ❑ *substantiated investigations into*
  - ❑ *discipline for*egregious misconduct

# AB 2534

- ❑ FORMER LEA EMPLOYERS - **must** provide a copy of any CTC report for egregious misconduct upon inquiry from hiring LEA

Effective January 1, 2025



## AB 2534 Checklist - Start Now

- Review and Update Personnel Practices
  - ✓ Train staff on obligation to report to CTC
  - ✓ Consider a cover page for personnel files
  - ✓ Train employees to respond to reference requests
  - ✓ Implement a system for documentation of reference responses

### [Best Practices for Implementation of AB 2534](#)



## AB 2534 Checklist - Start Now

### Review and Update **File Management Practices** for Personnel/Investigation Files

- ✓ Maintaining separate investigation and personnel files
- ✓ CTC reports should be filed in the personnel file
- ✓ Begin gathering recent year's CTC reports
- ✓ Consider format of your CTC reports

### [Best Practices for Implementation of AB 2534](#)



## AB 2534 Checklist - Start Now

- ❑ Update Your Hiring Practices and Application
  - ✓ Enhance applicant acknowledgements
  - ✓ Plan for your hiring process to take longer
  - ✓ Update your applications to include all LEAs for which applicant has previously worked
  - ✓ Summarize AB 2534 on the face of your application

### [Best Practices for Implementation of AB 2534](#)



## AB 2534 Checklist - Start Now

### Update Your Hiring Practices and Application

- ✓ Consider adding key questions to your application:

*Have you ever been dismissed, released or non-reelected from any position?*

*Have you ever resigned or otherwise separated from employment in lieu of non-reelection from any position?*

*Have you ever been the subject of any substantiated complaint of misconduct?*

*Have you ever been disciplined for misconduct?*



## AB 2534 Checklist - Start Now

- Update Your Hiring Practices and Application
  - ✓ Ensure that your applications include standard language for an applicant to acknowledge they are required to answer truthfully.
  - ✓ Include a waiver and general release.

### [Best Practices for Implementation of AB 2534](#)



## AB 2534 Checklist - Start Now

- ❑ Update your Reference Process
    - ✓ Require written records of reference checks
    - ✓ KEEP THESE RECORDS INDEFINITELY
    - ✓ Consider including summary of section 44939.5 for responding LEAs
    - ✓ Consider expanding the scope of your request beyond egregious misconduct
    - ✓ Consider informing responding LEA of hiring timeline
- [Best Practices for Implementation of AB 2534](#)



## AB 2534 Checklist - Start Now

- ❑ Develop Process for Reviewing Reference Information
  - ✓ Designate an employee to review reference information and make decisions
  - ✓ Give applicant an opportunity to respond
  - ✓ Review the applicant's answers against the reference information

### [Best Practices for Implementation of AB 2534](#)

# Senate Bill (“SB”) 88: Safety Standards for Drivers of Vehicles other than School Buses



# SB 88

New standards for drivers who transport students - even if not a “bus driver” or employed directly by the LEA.

Requirements (11 total):

- ❑ Valid California driver’s license for the class of vehicle
- ❑ Pass a criminal background check
- ❑ Have a satisfactory driving record\*
- ❑ Have not demonstrated irrational behavior that may indicate the driver’s ability to perform their duties may be impaired.\*

## SB 88 - Cont'd

- ❑ Not have been convicted of certain vehicle code offenses
- ❑ Provide a report showing current public driving record
- ❑ Be subject to drug and alcohol testing consistent with cannabis discrimination limitations
- ❑ Complete a medical examination
- ❑ Submit a clear TB risk assessment
- ❑ Complete first aid training
- ❑ Not drive more than 19 hours within a work period

**LEAs that contract with private entities must obtain written attestation that they are compliant with these requirements.**

## SB 88 - Cont'd

Drivers must also:

- ❖ Undergo training
- ❖ Complete log sheets
- ❖ Ensure vehicle maintenance similar to that required of school bus drivers.

### EXCEPTION:

Any LEA employee who provides transportation for students for a field trip, extracurricular activity, athletic program, or other activities, **so long as they do not exceed 40 hours of drive time per school year per employee.**

# SB 88 - Cont'd

## Other Exceptions:

- ❖ Family members
- ❖ Emergencies or an immediate threat to student's physical safety
- ❖ Transportation provided through a Foster Youth Services Coordinating Program, while transportation plan is being finalized
- ❖ Transportation for a field trip when the destination is more than 200 miles from campus.

# AB 938: Mandatory J-90 Reporting for Certificated and Classified



# Assembly Bill (“AB”) 938

**Current:** J-90 is an *optional* report to CDE, and only applies to certificated staff on a district-wide basis.

**Use:** Bargaining groups use this annual reporting to CDE to assist with bargaining.

**Timing:** CDE must update the J-90 by July 1, 2025; LEAs must report no later than January 31, 2026, and then annually thereafter.

# AB 938 - Cont'd

New requirement that LEAs submit the J-90 annually.

CDE will update the reporting form to include the following information:

- Site-based reporting (for certificated and classified staff assigned to a school site)
- Classified staff reporting for select classifications: Secretaries/Administrative Assistants, Custodians, Bus Drivers, Food Service Workers, Instructional Aides
- Salary rate of change information

# Employee First Amendment Rights

Public Employees have limited first amendment rights while performing their duties.

Critical inflection points:

- Advocacy vs. Education
- Work time vs. Non-work time

# Election Year Reminders



# Employee First Amendment Rights

## Permitted

- Wearing union buttons/shirts to work
- Advocating to colleagues for a certain candidate or position during lunch or rest periods.
- As curriculum permits, instructing students on political process, elections, etc.
- Unions collecting funds or contributions towards supporting/defeating a ballot measure during non-work time.

## Not Permitted

- Advocating for a certain candidate or position during work hours.
- Making copies of flyers on District copy machines.
- Sending emails to parents using their school email, advocating for a specific position or candidate

# Employee First Amendment Rights

Tricky question:

- ★ *What about employees wearing clothing advocating for a political candidate, or displaying a candidate's flag or other symbol from their personal vehicle on campus?*
- ★ *What about employees engaging in off-duty advocacy but prominently discussing or displaying their connection to the District?*

It depends...



# Questions?



Information in this presentation, including but not limited to PowerPoint handouts and presenters' comments, is summary only and not legal advice. We advise you consult with legal counsel to determine how this information may apply to your specific facts and circumstances.

Kaitlyn Schwendeman,  
Senior Associate General Counsel

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## **BEST PRACTICES FOR IMPLEMENTATION OF AB2534**

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### Review and Update **Personnel Practices**

- Ensure responsible staff understand obligation to make CTC reports
- Consider adopting a cover page for personnel files to be completed upon an employee's separation with the following:
  - final position / positions held
  - final salary
  - reason for separation
  - whether report to CTC was made
  - eligible for rehire

*Ensure personnel completing the cover page are trained and understand permissible reasons not to rehire, etc.*

- Train employees who will respond to reference requests
- Identify one employee or limit the number of employees who are authorized to respond to reference requests
- Implement a system for documentation of reference responses - keep a written copy of the response and file it either in a central file or in the former employee's personnel file

### Review and Update File Management Practices for **Personnel / Investigation Files**

- Implement a practice of maintaining separate investigation and personnel files
  - Investigation files should contain *all* documents related to the investigation
  - Retain investigation files indefinitely in a *central location, not a school site*
  - Personnel files contain the outcome (return to work with no finding of responsibility; letter of reprimand/statement of charges, etc.)
  - CTC reports should be filed in the personnel file
- Begin gathering CTC reports made in recent years and file in the personnel file
- Consider making your CTC reports with anonymized witness / student information and providing a separate confidential witness/student key to CTC (this will save you from redacting information when producing to requesting LEAs)

### Update Your Hiring Practices and Application

- Read and review your application to ensure it contains applicant acknowledgements and answers as set forth below.

- Plan for your hiring process to take longer
- Update your applications to include space for applicant to identify all LEAs for which they have previously worked
- Consider including the text of AB 2534 or summarizing it on the face of your application:

*Pursuant to Education Code section 44939.5, you are required to provide [name of your LEA] with a complete list of every school district, county office of education, charter school, and state special school that you have previously been an employee of.*

- Consider adding key questions to your application:
  - Have you ever been dismissed, released or non-reelected from any position?
  - Have you ever resigned or otherwise separated from employment in lieu of non-reelection from any position?
  - Have you ever been the subject of any substantiated complaint of misconduct?
  - Have you ever been disciplined for misconduct?

If you answered yes to any of the above questions, provide a full and complete explanation.

- Ensure that your applications include standard language for an applicant to acknowledge such as:

*In submitting this application, I certify that my answers are true, correct, and complete to the best of my knowledge. I understand that any omission or false statement made by me on this application, or any supplement to it, will be sufficient grounds for failure to employ or for my discharge.*

- Update your reference process
  - Require LEAs to respond in writing or otherwise document the response in writing and KEEP THESE RECORDS INDEFINITELY
  - Consider including the following on the face of your request:

*[Your LEA name] is considering [applicant name] for a certificated position. Pursuant to Education section 44939.5, local educational agencies are required to provide requesting agencies with a copy of any report made to the California Commission on Teacher Credentialing for egregious misconduct.*

- Consider expanding the scope of your request beyond section 44939.5, to include the following questions:

During [applicant name's] employment with your LEA:  
Was [applicant name] dismissed, released or non-reelected from any position?

Did [applicant name] resign or otherwise separate from employment in lieu of non-reelection from any position?

Was [applicant name] the subject of any substantiated complaint of misconduct?

Was [applicant name] ever disciplined for misconduct?

- Consider informing the responding LEA of hiring timeline

*I.e. We intend to make a hiring decision on \_\_\_\_\_, kindly respond before that date to [insert an email address dedicated to reference responses].*

Develop Process for Reviewing Reference Information

- Decide who in HR (or elsewhere) is authorized to review reference information and make decisions
- Ensure that the applicant is given an opportunity to respond to the information
- Review the applicant's answers against the reference information