



Administrative Policy Manual

Policy No: A-2

Date: 12-1-10

Approved: Don Matting

SUBJECT: PERSONNEL FILES

PURPOSE: To define contents, access and employee responsibility.

GENERAL POLICY:

Each employee shall have a file maintained in the Human Resources Office. An employee's personnel file shall contain only material that is necessary and relevant to the administration of the City's personnel program. The City will not provide employee medical or personal information to others without the written consent of the employee.

PROVISIONS:

1. Each employee is responsible to promptly notify the Human Resources Office of any changes in relevant personal information regarding:
 - a. Mailing address;
 - b. Telephone number;
 - c. Persons to contact in case of emergency;
 - d. Number and names of dependents;
 - e. Marital Status.
2. Personnel files shall be maintained in the Human Resources Office and are the permanent record of the employee.
3. Medical information is kept separate from the employees' personnel file and maintained by the Human Resources Office:
 - a. Separate confidential files of all medical information about an employee or applicant is kept separately and is treated as confidential in accordance with the Americans with Disabilities Act (42 U.S.C. section 12112(d)(3)(b)) and the California Confidentiality of Medical Information Act (Cal. Civil Code Section 56 et seq.)
 - b. Information in medical files is information about an employee or applicant in compliance with the California Confidentiality of Medical Information Act. To enable the City to obtain certain medical information, the employee or applicant shall sign an Authorization For Release Of Employee Medical Information.

- c. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for city business reasons. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

4. Reference checks and release of information in personnel files.

- a. Upon request, the city will release information to the public about its employees as required by the California Public Records Act and case law.
- b. All requests from outside the city for reference checks or verification of employment concerning any current or former employee must be referred to the Human Resources Office. Information will be released only if the employee signs an Authorization for Release of Employment Information, normally provided by the requesting agency.
- c. Without such authorization, the following information will be provided:
 - i. Employee name;
 - ii. Employee title;
 - iii. Dates of employment.
- d. With authorization, any information that is being requested shall be provided.
- e. Department heads and supervisors should not provide information in response to requests for reference checks or verification of employment.

5. Employee Access to Personnel File.

- a. An employee may inspect his/her own personnel file (to the extent defined in California Labor Code section 1198.5 and Safety Officers Government Code Section 3306.5) at a reasonable time and reasonable intervals. An employee who wishes to review his/her file should contact the Human Resources Office to arrange for an appointment. The review must be done in the presence of Human Resources staff. Files are available to Human Resources staff, employee's supervisor and the City Manager.
- b. On request, an employee is entitled to receive a copy of his/her file on any employment-related document. An employee who wishes to receive such a copy should contact the Human Resources Office. Payroll staff will be supplied with specific payroll related information.

- c. Government Code section 3305 prohibits any adverse comment from being entered into the Peace Officer's personnel file, unless the Officer has first read and signed the document. If the Officer refuses to sign, a notation will be made to this effect.
6. Personnel files are organized in subject categories as follows:
 - a. *Employment Information.* Employee information form, original application, resume, cover letter, unsolicited letter of references, Oath of Allegiance, offer letter, CalPERS Membership Forms including enrollment, health, change in status, beneficiary, and separation forms; exit/termination information and retirement forms.
 - b. *Payroll Information.* Personnel Action Forms (PAF), W-4 forms, Credit Union, United Way, employee payroll deduction forms, tuition reimbursement, compensatory, vacation and administrative time buy back requests, and any other pertinent payroll information.
 - c. *Enrollment Forms.* Dental, vision, life insurance, deferred compensation, and any other pertinent enrollment information.
 - d. *Evaluations.* Probationary, annual, special review and performance improvement program.
 - e. *Commendation/Censures.* Commendation letters, disciplinary materials, written reprimands and complaints.
 - f. *Miscellaneous Section.* Training certificates, requests for outside employment, verifications of employment, marriage and birth certificates, DMV print out, drivers license, social security card or passport and any other information that does not fall within the above categories.
7. Confirmations of counseling or oral reprimands are not kept in the permanent file. These documents may be kept in the employee's file in his/her department and are not considered a part of the employee's permanent personnel file.
8. I-9 forms are required by federal government demonstrating a person's right to be legally employed in the United States. The form is provided to employees at the time of employment and are signed and verified by Human Resources staff for accuracy. These forms are separate from the employee's personnel file and maintained in the Human Resources Office.