



City of Riverside, California
Human Resources Policy and Procedure Manual

Approved:

Human Resources Director

City Manager

Number: III-2 Effective Date: -07/06

SUBJECT: **PERSONNEL RECORDS AND GENERAL PERSONNEL FILES**

PURPOSE:

To establish guidelines for the collection, maintenance, confidentiality, disclosure of information, access to, and retention of the official personnel records of all current, and all-former employees and/or applicants and the general personnel files of the Human Resources Department in accordance with federal, state, and local laws and regulations.

DEFINITION:

The Official File in the Human Resources Department is the repository of personnel records concerning individual employees.

POLICY:

1. OFFICIAL PERSONNEL FILE - Contains those records and documents pertaining to an employee's work history with the City from date of hire to separation. The Human Resources Department shall maintain the Official Personnel File for each City employee with accuracy and confidentiality.
 - a. Disciplinary Action Records - Written documents relating to disciplinary actions taken for the purpose of correcting the conduct or performance of employees shall be filed in the Official Personnel File. This file shall contain copies of all written materials pertaining to formal notice of disciplinary action (written reprimands), and punitive disciplinary actions (suspension, demotion, termination, extension or reinstatement of probation, and denial of merit step-increase), except for Police Safety and certain Fire Safety employees designated as Peace Officers.

All disciplinary actions will remain part of an employee's permanent record unless removal of a specific item is requested by a ~~d~~Department ~~h~~Head in writing to the Human Resources Director.

- b. Access and/or disclosure of~~to~~ Personnel Files - Physical review of records and documents in the official files shall be limited to personnel where it is necessary for the performance of their duties, including but not limited to the following persons and shall be in conformance with state law:

- 1) The employee
- 2) An employee representative designated ~~in writing~~ by the employee with written consent
- 3) Human Resources Department ~~S~~staff
- 4) City Manager, Assistant City Manager
- 5) ~~Assistant City Manager/Chief Financial Officer and designated department staff~~
- 6) ~~Staff of the employee's~~ ~~d~~Department Liaisons designated by the ~~D~~department ~~H~~head
- 7) The City Attorney and designated ~~D~~department Sstaff

Employees may request to review their own personnel files in the presence of designated Human Resources ~~S~~staff ~~M~~member. Additionally, a manager may review an employee's personnel file if the employee has a current reporting relationship to that manager or has been interviewed and is being considered for a position reporting to that manager with written consent. Actual review of contents of the file by the employee or authorized employee representative shall be scheduled at the mutual convenience of the employee or authorized representative and authorized Human Resources Department staff; ~~and shall be accomplished in the presence of such authorized staff. As a normal practice, a~~ An employee may, at reasonable times and at reasonable intervals, during usual business hours, with no loss of compensation, inspect-review their personnel files, upon receiving approval (for scheduling purposes) from the division or ~~D~~department ~~H~~head, or designee.

- * NOTE: Because of provisions of state law concerning the personnel records of Police and certain Fire Safety employees designated as Peace Officers, the following sections of this policy concerned with copies of subpoenaed documents and release of information from and retention of personnel files, shall not apply, and questions on these three subjects are

referred to the Police and Fire Departments and the City Attorney's Office as applicable.

- c. Copies of Documents in Personnel Files - Copies of most records and documents signed by the employee and placed in the personnel files are routinely provided by the employee department. Copies of records and documents not routinely provided may be requested by the employee. Copies of documents of a negative nature shall be provided to an employee prior to placement in the Official Personnel files (examples: notices of disciplinary action, unsatisfactory performance evaluations and related records).

Copies of documents not addressed above, or additional copies may be obtained by payment of current reproduction charges.

Copies of records and documents subpoenaed by the courts or legally constituted Boards, or Commissions shall be provided and fees collected if applicable.

- d. Release of Information from Personnel Files - Information generally available without authorization from the employee, and provided by the Human Resources Department staff from the employee's Official Personnel file, shall include the following:

- 1) Verification data sufficient to ensure proper identification of the employee,
- 2) Employment verification data, including current status, hire date, termination date, position title and department, and current or final salary.
- 3) Information necessary to process claims for Workers' Compensation, Unemployment Compensation Insurance, City vehicle accident, City liability, and City retirement.
- 4) Requests for materials subpoenaed or otherwise, received in connection with some legal action or investigation must specify the items sought. The investigator's credentials must be checked/verified by the Human Resources Department, and a record of the investigator's name and date of access preserved.
- 5) Release of information not specified above, including reference

checks, which shall be the responsibility of the current/former employee's department, may only be considered when accompanied by ~~signed authorization~~ written consent from the employee ~~concerned~~.

- e. Retention of Personnel Files - The contents of the employee's Official Personnel Files shall be retained permanently on the Laser Fiche Document Imaging Software, originals ~~destroyed, and the compact disc microfilm~~ purged and placed in records storage.
2. GENERAL PERSONNEL FILES - These files are the repository for all matters (correspondence, statements, memos, reports and other data, information, materials, etc.) concerned with the administration of the City ~~personnel program~~ Human Resources Department including, but not limited to, the recruiting, examining, placement, classification, pay, Workers' Compensation, safety and benefits administration.

These files shall be confidential in accordance with the Public Records Act with access limited to Human Resources Department Staff and such other personnel and/or individuals determined appropriate by the Human Resources Director in accordance with California Government Code § 6254.

Retention of all materials in these files shall be governed by various legal requirements (Federal and State) and the City Records Retention Program.

The Standard Operating Procedures of the Riverside Police Department and Riverside Fire Department as it pertains to personnel files shall supersede this section.

3. GRIEVANCE FILES - These files shall be maintained in the Human Resources Department separate from the Official Personnel File. The affected employee, the Human Resources Department, the affected employee organization, the affected Department Head and/or their official designee, and any outside arbitrator responsible for determining the final disposition of the grievance shall be the only persons with access to these records, upon request to the Human Resources Department.
4. MEDICAL RECORDS - These files are considered highly confidential and shall be maintained in the Human Resources Department separate from the Official Personnel File with limited access available only to the affected employee and the Human Resources Department.

PROCEDURE:

Responsibility	Action
Employee	1. Notifies Human Resources Department or employing department, orally or in writing, that he/she wants to review contents of own personnel folder.
	If employee designates a representative for this review, prepares, dates and signs a written statement of authorization.
Human Resources/Department	2. Sets up mutually convenient time for the review during office hours, designates location and staff member for the review.
Employee	3. Arranges with immediate supervisor in accordance with City policy, for the review.
Staff Member	4. Checks identification of employee and/or employee representative, if necessary. Records name of representative.
	5. Provides Official or Departmental Personnel Folder for review and personally monitors review.
Employee and/or Representative	6. Reviews contents of personnel folder in presence of staff member.
	a. If copies wanted, identifies document and number of copies desired.
	b. If employee wants to rebut a particular document where provision for rebuttal was not

~~provided on the document, identifies document and prepares, signs and submits rebuttal to Human Resources Director with copy to department.~~

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| Human Resources Staff Member | 7. | Photocopies and, if applicable, collects the appropriate fee for copies of document issued. |
| | 8. | Receives and files signed rebuttals and appropriate documents after review by the Human Resources Director. |