

SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

POLICIES & PROCEDURES MANUAL

POLICY 31.110 - PERSONNEL RECORDS AND RELEASE OF INFORMATION

Date: August 24, 2021
Revision No.: 4
Supersedes: March 26, 2019
First Adopted: June 7, 1993

POLICY:

Official employee personnel files are maintained by Human Resources. Only under certain circumstances and via the procedures outlined herein, may information from such files be accessed. Any breach of confidentiality or of these procedures by any employee may result in disciplinary action.

PROCEDURE:

Human Resources is recognized as the "keeper of the files" for all Water Department employees' personnel files. Supervisors/Division Directors can maintain their own working file of copies (not originals) of performance-related information, certifications and licenses, and home address/telephone. All other employee information must be kept in original form in the Human Resources file.

The procedures below are to be followed by all employees for the release of information from an employee's personnel file.

1. Information is to be released only by Human Resources. The employee must request the information in writing. Employees may request a copy of their entire personnel file, review their personnel file in the Human Resources office, or review their personnel file via Zoom with a Human Resources representative.
2. The employee tags or clips the pages for which they want copies.
3. Human Resources will make the copies.
4. The file is never to leave the Human Resources area.
5. Under no circumstances may an employee (or agency representative) review a file in a location other than Human Resources or via Zoom with a Human Resources representative, nor may they make their own copies.

6. Any and all telephone calls or correspondence to check references of previous Water Department employees or requesting information regarding current employees are to be forwarded immediately to Human Resources

AUTHORIZATION:

Employee records may be accessed as follows:

1. An employee may review and receive copies of any information in his/her file, but may not add or remove information.
2. Any person may review and receive copies with written authorization of the employee.
3. Supervisors may access the file with clearance from Human Resources.
4. Division Directors may review information from the personnel file of any employee in their division. Division Directors may review the file of an employee in another Division with clearance from Human Resources.
5. The General Manager or the Deputy General Manager may receive information from any employee's personnel file working through Human Resources.
6. When the employee has placed his/her employment record at issue (e.g., Personnel Commission Appeal, or Workers Compensation, Unemployment or Disability Claim), the file may be reviewed by persons directly charged with presenting the Department's case or deciding the issue, with prior approval of Human Resources and the General Manager or Deputy General Manager.
7. In response to a legally sufficient subpoena from a court or administrative body. (This generally requires notice to the employee by the party requesting the subpoena. Human Resources will check with the City Attorney's office if there are any questions.)
8. By the City Attorney's office in connection with legal advice requested by the Department or for purposes of litigation or an administrative proceeding, where the employee is on notice of such litigation or proceeding.

Policy Review

No changes:	<u>7/2018</u>
Substantive changes Board approved:	<u>3/26/2019</u>
No changes:	<u>7/2020</u>
Substantive changes Board approved:	<u>8/24/2021</u>
No changes:	<u>7/2022</u>
No changes:	<u>7/2023</u>
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