

Personnel Records

1020.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the maintenance of, retention of and access to personnel files in accordance with established law.

1020.1.1 PERSONNEL RECORDS DEFINED

Personnel records shall include any record maintained under an individual member's name relating to:

- (a) Personal data, including marital status, family members, educational and employment history or similar information.
- (b) Medical history, including medical leave-of-absence forms, fitness-for-duty examinations, workers' compensation records, medical releases and all other records that reveal a member's past, current or future medical conditions.
- (c) Election of employee benefits.
- (d) Member advancement, appraisal or discipline.
- (e) Complaints or investigations of complaints concerning an event or transaction in which the member participated that pertain to the manner in which the member performed official duties.
- (f) Any information that if disclosed would constitute an unwarranted invasion of personal privacy.

1020.1.2 EMPLOYEE RECORD LOCATIONS

Personnel records will generally be maintained in one of the following files:

District file - Any file maintained in the office of the District or the Administration as a permanent record of a member's employment with the District.

Supervisor's file - Any file maintained internally by a member's supervisor for the purpose of collecting information to prepare performance evaluations.

Training file - Any file containing the training records of a member.

Investigations file - Any file containing written comments regarding harassment or discrimination claims, misconduct claims, background investigations or reference check responses.

Medical file - Any separately maintained file that exclusively contains material relating to a member's medical history.

1020.2 POLICY

It is the policy of the District to maintain the confidentiality of its members' personnel records.

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1020.3 REQUESTS FOR DISCLOSURE

All records kept by California public agencies are considered public unless they are covered by specific disclosure statutes (Government Code § 6250 et seq.).

Only written requests for the disclosure of any information contained in a member's personnel record will be considered. Since the format of such requests may be strictly governed by law, with specific responses required, all such requests shall be promptly brought to the attention of the Custodian of Records.

Upon receipt of a request for disclosure of personnel records, the member's supervisor shall be notified and shall be responsible for notifying the affected member as soon as practicable that such a request has been made.

The Custodian of Records shall ensure that an appropriate response to the request is made in a timely manner, in accordance with applicable law. In many cases, this will require assistance of the District's legal counsel.

All requests for the disclosure of personnel records that result in access to a member's file shall be logged in the corresponding file.

Nothing in this section is intended to preclude review of personnel files by the Board President, District Counsel or attorneys or representatives of the District in connection with official business.

1020.4 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential personnel file shall be disclosed to any unauthorized person without the express prior consent of the involved member or the written authorization of the Fire Chief or the authorized designee.

Any person who maliciously and with the intent to obstruct justice or the due administration of the law, publishes, disseminates or otherwise discloses the residence address or telephone number of any member of this district will be subject to discipline and/or termination and the penalties of all applicable laws.

1020.5 MEMBER ACCESS TO OWN FILE

Any member may request access to his/her own personnel file during the normal business hours of the individual responsible for maintaining such files (Government Code § 3256.5; Labor Code § 1198.5).

Any adverse written comments shall be reviewed by the member and signed before they are placed in the personnel file. If the member refuses to sign the document, it may be placed into the personnel record without signature if it contains a notation that the member refused to sign with the member's initial or signature. If the member submits a response to the adverse comment within 30 days, the member's response must be attached to the adverse comment and included in the file (Government Code § 3255; Government Code § 3256).

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Any member seeking the removal of any item from his/her personnel file shall submit a written request to the Fire Chief via the chain of command. The District shall thereafter remove any such item, if appropriate, or within 30 days provide the member with a written explanation why the contested item will not be removed (Government Code § 3256.5).

The request and the District's written response shall be retained, with the contested item, in the personnel file. Nothing herein shall require the removal of any item from the file.

Members may be restricted from accessing files containing any of the following information:

- Ongoing investigations, to the extent the District, in its sole discretion, determines that disclosure could jeopardize or compromise the investigation, pending final disposition or notice to the member of the intent to discipline.
- Confidential portions of an investigation which have not been sustained against the member.