

PATIENT RESTRICTED

Coalinga State Hospital

OPERATING MANUAL

SECTION – HUMAN RESOURCES
ADMINISTRATIVE DIRECTIVE NO. 904
(Replaces AD 904 dated 10/6/2005)

Effective Date: September 7, 2006

**SUBJECT: PERSONNEL RECORDS - USE, ACCESS, CONFIDENTIALITY,
REFERRALS, RECOMMENDATIONS**

I. PURPOSE

It is the purpose of the Administrative Directive to ensure all Personnel Records are accessed in accordance with the Information Practices Act of 1977, applicable Government codes and Departmental policies.

II. AUTHORITY

Government Code 6257, California Public Records Act; Title 8, Section 3204(e)(2)(B) 5, California Code of Regulations; Department of Mental Health Special Order 407.03, Initial Review and Subsequent Arrest Notification.

III. POLICY

The Personnel Officer is the official custodian of all employee records regarding conditions of employment, performance, status, time balances, insurance, payroll, employee health, workers' compensation, and other records of employees maintained at this hospital. This designation of responsibility is for the purpose of maintaining the standards, confidentiality, accuracy, and proper destruction of records.

IV. METHOD

All requests to review employee personnel records shall be reviewed and approved/denied by the Personnel Officer or his/her designee. Reasons for review must meet the criteria set forth in this Administrative Directive. Requests regarding unusual circumstances will be reviewed by both the Executive Director and the Personnel Officer before approving/denying such requests.

V. USE OF AND ACCESS TO PERSONNEL FILE AND TIME RECORDS

- A. Removal of material from the Official Personnel File (OPF) by any one other than authorized Personnel staff is prohibited.
- B. Whenever an OPF is reviewed by anyone (including the employee), it shall be documented on the Information Disclosure Log located in the front of each file. Personnel Office staff and control agency auditing staff are not required to document on the log.

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- C. Any employee may inspect the contents of their own OPF and time records. Employees are requested to do this by scheduling an appointment in advance. Such review shall be done in the presence of a Personnel Office staff person. A copy may be requested and will be provided within a reasonable period of time. Requests for 11 or more pages shall require a charge of 25 cents per page. Payment of these funds will be made to the Accounting Office, and copies will be released with proof of payment.
- D. Persons designated by an employee by means of a written, dated, and signed statement may inspect the employee's records. This includes all review of records as part of employment reference checks. Copies requested by a designee must also be supported by a written authorization and will be provided under the guidelines specified in (III) C above.
- E. Supervisors responsible for rating or reviewing reports of performance may have access to the OPF of only employees under their supervision.
- F. Auditors employed by the various control agencies of the State of California such as the State Personnel Board, Auditor General, Department of Health Services, or Department of Finance, have unrestricted access to all records appropriate to the purpose of the audit. These control agencies must have authorized, identified representatives subject to identification review prior to file access.
- G. Specific information is available and routinely submitted to the State Controller's Office, Public Employees Retirement System, and State Compensation Insurance Fund; as well as, but on a less-frequent basis to, the Auditor General's Office, Department of Finance, Attorney General's Office, CalOSHA, and to other agencies that may be authorized to receive information, such as law enforcement, District Attorney's Office, etc.
- H. The Executive Director, Medical Director, Hospital Administrator, Clinical Administrator, Coordinator of Nursing Services and the staff of the Personnel Office will have access to all records on a need-to-know basis. No other employee will have access unless specifically authorized by the Executive Director.
- I. The social security number of an employee is included on Personnel documents and is available and/or transmitted to the Franchise Tax Board, Federal Internal Revenue Service, CalOSHA, State Compensation Insurance Fund, and the State Controller's Office.
- J. Employees have access to files maintained by the State Personnel Board and Public Employees Retirement System. For the procedure on how to request such information, write: State Controller's Office, Personnel Services Division, P.O. Box 942850, Sacramento, CA 95814; or Chief, Administrative Division, Public Employees Retirement System, 400 P Street, P.O. Box 942714, Sacramento, CA 94229-2714.

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VI. REFERRALS AND RECOMMENDATIONS

- A. Communication with prospective employers of current or past employees shall be based on official hospital records. Requests for communications of this type shall be referred to the Personnel Officer.
- B. Verification of employment information will be provided upon request but shall be limited to the information specified in the California Public Information Act (see Section VIII). Requests for additional information require a signed and dated authorization prior to release of the information.
- C. The State of California is considered one employer. The Personnel Officer may provide employment information to the Personnel Officer at other State agencies, such as another State hospital.

VII. NOTES AND REPORTS

- A. Supervisors wishing to file anecdotal notes, summaries of counseling, or any item bearing upon the behavior or performance of an employee which are not a part of the annual report of performance must obtain the approval of their Program Director/Department Manager. Upon approval, the item will be forwarded to the Personnel Officer for review prior to inclusion in the employee's OPF. Employees shall receive a copy of this type of material, and the material must have a purge date (subject to bargaining unit agreements) and review date (within the following twelve months or until it can be reviewed and/or included in the next annual performance report).
- B. Supervisors who wish may keep "Supervisory files". These shall be of an informal nature and are to be maintained in a secure location by the Program/Department. This information shall be accessible (with reasonable notice) by the employee. Appropriate information would include data to be used in preparing annual performance reports, counseling reports, adverse actions and commendations. Information relating to work performance, both positive and negative, should be incorporated in the OPF through such devices as the annual performance appraisal and shall therefore be purged annually from the supervisor's file.
- C. The Program Director/Department Manager will assure that the employee involved has knowledge of the content of the documents to be filed in the OPF. The employee shall receive a copy of any material placed in the OPF. Signature of the employee on such documents does not mean agreement with the content but rather acknowledgment of being aware of the material. Employees may submit documents expanding and/or refuting the supervisor's report. Employees shall also send a copy of their documentation to their Program Director/Department Manager.
- D. Material of an investigative nature shall not be placed in any OPF.

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- E. Any employee may review their Occupational Health Clinic (OHC) medical records. Employees should contact the OHC to schedule a time to review the records. The OHC Director or designee will review the medical record prior to employee review and may withhold any portion of the medical record which is deemed to be detrimental to the employee. These records can only be released to a designated representative of the employee having specific written consent. A copy of the medical records may be requested in writing from the OHC Director and shall be provided to the employee within a reasonable period of time.

VIII. PUBLIC INFORMATION

The State of California Public Records Act requires that public records be open to inspection at all times during normal office hours. The State of California Information Practices Act of 1977 governs the information to be released. Access to the following types of information is appropriate:

- 1) Appointment dates
- 2) Class title
- 3) Class salary range
- 4) Employee's salary rate (only to verify)
- 5) Work location
- 6) Assignment
- 7) County of employment
- 8) Appointment tenure
- 9) Time base

IX. PURGING OF OFFICIAL PERSONNEL FILES

- A. Only Personnel Office staff shall remove documents from the OPF.
- B. On established review dates, Personnel Office staff shall return corrective counseling documents and related materials to the employee's Program Director/ Department Manager.

The Program Director/Department Manager may return it to the employee through the supervisor or provide supplemental information and return it to the OPF with a new review date. The employee shall receive notice of the supplemental information.

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- C. Material relating to formal adverse actions (except official reprimands), payroll related data, information regarding Workers' Compensation payments, appointment and related documents, current and annual performance appraisals are a permanent part of the file and must be retained. Retention time frames are subject to bargaining unit contracts and state laws and rules.

X. ACCESS TO PERSONNEL FILES BY EX-EMPLOYEES

- A. Files of employees who transfer or promote to another state agency are forwarded to that agency. Duplicate files are not maintained at Coalinga State Hospital with the exception of a roster card of employment dates, transfer data sheet, hiring agreement, and copies of leave record cards.
- B. Files of employees who terminate through resignation or retirement are maintained until audited by the State Personnel Board or five years. After this period, they are destroyed. Files of employees who terminate by disability retirement or by action of the hospital are retained until the person reaches age 70.
- C. Access to an ex-employee's OPF may be made by the ex-employee by contacting the Personnel Officer or designee to schedule a time to review their records during the normal workweek except on pay days and days proceeding paydays when such inspection may not be permitted. Unusually frequent requests may not be honored if it creates disruption to the normal operation of the Personnel Office. Storage of records where the separation has been longer than one year are in an area separate from the Personnel Office.
- D. No material may be removed by the ex-employee. Copies of any material requested by ex-employees will be made at the rate of 25 cents per page for 11 pages or more. No copies of material will be given to others except law enforcement officials or representatives of the State of California who have a need to know. Release of material to others requires a release of information in writing, which has been signed by the ex-employee. Records may be subpoenaed.
- E. Reports of counseling sessions that may have been in preparation at the time of separation of an employee may be placed in the file by request of the supervisor. The employee shall receive a copy of the report before or after departure. The employee may submit a rebuttal statement at any time for placement in the file.

XI. APPLICANT AND EMPLOYEE CRIMINAL HISTORY INFORMATION

- A. Criminal history information shall be obtained through a California Department of Justice (DOJ) background search on all prospective employees in accordance with Department of Mental Health Special Order 407.02. Once employed, subsequent criminal history information shall be received from DOJ.

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- B. Only designated Personnel Office staff and designated management staff may review this information. Reviews are used strictly for suitability of employment purposes pursuant to Special Order 407.02 and shall not otherwise be considered.
- C. All fingerprint cards and criminal history information shall be kept in a secure location separate from the OPF.
- D. Employees' criminal history information is maintained until such time as the employee separates or transfers from the facility. At that time, all information on that employee is returned to DOJ with a letter stating the individual's information is no longer required.
- E. All personnel with access to criminal offender record information shall sign a statement acknowledging an understanding of laws prohibiting its misuse. These signed statements will be maintained with DOJ information and updated as needed.

XII. CONFIDENTIALITY AND SECURITY

- A. All Personnel records are confidential, and access shall be limited as specified in this directive.
- B. Physical files are maintained in filing units within locked offices with restricted access.
- C. Electronic files and equipment are located in restricted areas that are monitored during working hours and locked during unattended periods.
- D. Computers dedicated to State Controllers' Office, State Personnel Board, and Department of Personnel Administration applications are restricted to authorized users only. Access is acquired through passwords known only to the user, and passwords are routinely changed.
- E. Violations and/or compromise of these security measures are reported to the Personnel Officer for immediate action.



W. T. VOSS
Executive Director

Cross References:

A.D. No. 991 – Subpoenas, Court Appearances and Lawsuits