

<b>HUMAN RESOURCES MEMORANDUM 07-031</b>		DATE ISSUED: 05/01/2008
SUBJECT: <b>SUPERVISORS' EMPLOYEE WORKING FILES</b>		REFERENCE: None
TO: EXECUTIVE TEAM, OFFICE CHIEFS, PERSONNEL LIAISONS, MANAGERS, SUPERVISORS, including CLIENT AGENCIES		SUPERCEDES: HR 06-015

**PLEASE ENSURE THAT THIS INFORMATION IS SHARED WITH YOUR EMPLOYEES**

**Purpose**

The purpose of this memorandum is to reiterate the Department's policy on the appropriate content of the supervisors and managers' employee working files.

**Policy**

Employee personal information shall be maintained no longer than the period of time required by law and in accordance with the approved departmental retention period established for the document. The supervisors' and managers' employee working file shall include only information directly related to an employee's work performance on the job, and of which the employee has knowledge.

**Compliance and Penalty**

Failure to comply with the above policy and directive may result in further investigation and/or actions taken based on the laws and regulations. Appropriate disciplinary action may be taken against parties found in violation of applicable laws and regulations.

OHR will conduct random and continuous audits of supervisors' and managers' working files in all DGS offices to ensure compliance and identify any needed modifications.

**Effective Date**

Effective immediately, all supervisors and managers are to purge all inappropriate documents in their supervisor or manager employee working files. The following is a list of documents that may be retained in the supervisor's or manager's employee working files, which must be in a locked location. If you have any question regarding a specific document, contact your Classification and Pay (C&P) Analyst.

**Appropriate Employee Job-related Information for Retention**

Below are examples of appropriate materials:

- Employee's name
- Department
- Reporting unit
- Reporting location and telephone number
- Classification and specifications for the position
- Assignment (essential functions duty statement)
- Salary range (gross salary rate)
- Tenure
- Time base

- Date appointed and/or separated
- Rehire information
- Copy of training received
- Copy of employee's job application (with home address and social security number removed)
- Copy of report of performance
- Copy of Emergency Information/Physician Designation
- Copy of Individual Development Plan (IDP)
- Leave balances and related information, i.e., alternate work schedule calendar, vacation/annual leave requests, sick leave requests
- Copy of work performance and conduct documentation, such as formal and informal counseling memorandums
- Copy of FMLA request/approval while currently utilizing appropriate leave usage
- Copy of Subject to Proper Placement (STPP) approval
- Copy of reasonable accommodation approval
- Copy of temporary limited duty approval (purged when TLD ended)
- DMV printout IF a drivers' license or commercial drivers' license is required for the position
- Copy of out-of-class assignment (OOC) documentation
- Copy of training and development assignment (T&D) form
- Commendations

### **Electronic Employee Files/Records**

A supervisor can only retain electronic employee records as defined above under "Appropriate employee job-related information for retention."

### **Inappropriate Employee Job-related Information**

Inappropriate employee job-related information for a supervisor's or manager's employee working file is defined as "information of a personal nature unrelated to the employee's job or work performance," which includes information such as:

- A physical description of the employee
- Employee's home address (a telephone number to be used in case of emergency, to "call back" or to cancel pre-authorized overtime prior reporting to work, may be retained)
- Financial information (i.e., garnishments; child support; SDI; disability payments; credit reports; bankruptcy; workers' compensation settlement; etc.)
- Medical history information (i.e., FMLA or TLD, except as noted above; medical reports [STD 910, STD 610 & 2066]; workers' compensation information)
- State Controller's employment history information

Below are examples of inappropriate material that must be purged from the supervisor's or manager's employee working file:

- Health insurance forms
- Dental insurance forms
- Direct deposit form
- Flex-elect form
- Health questionnaire/medical (STD 910, STD 610, SPB 2066) forms
- Employment verifications
- State Controller's Office employment history information
- Workers' compensation documents (send to the Return-to-Work Coordinator in the Office of Risk and Insurance Management)

- A copy of the doctors' notes can be retained by the supervisor or manager during the period of illness or injury (i.e., any and all doctors' notes should be sent either to the Return To Work Coordinator, or OHR Medical Files, or destroyed)

NOTE: Be aware that the above list identifies a small sample of documents inappropriate for a supervisor or manager working file and should not be considered all inclusive.

### **Law and Regulation**

There are various laws and regulations that define employee personal information, retention of employee personal information, storage of employee personal information, and who may have access to employee personal information. Listed below are pertinent government codes and regulation.

- Government Code: 6254(c), 18573, 1101.5, 11019.9, 14740-14768, 6220-6201, 19589
- Civil Code: 1798 et seq. and 56 et seq.
- Health and Safety Code 123100-123149.5
- Penal Code: 832.7
- State Administrative Manual: 4841-4847, 1600 et seq.
- Information Practices Act of 1977: Article 10 "Penalties" 1798.55, 1798.56 and 1798.57
- Public Records Act
- Personnel Operations Manual: Official Personnel Folder
- DGS website
- Memorandum of Understanding

### **Questions**

If you have questions regarding the retention of a specific document, contact your Classification and Pay (C&P) Analyst for guidance.

/s/

MARIA J. LOPEZ, Manager  
Personnel Operations Section

cc: Personnel Specialists/Supervisors  
C&P Analysts/Managers/Labor Relations/  
Constructive Intervention Unit