

# City of Mission Viejo Personnel Policy

**Subject:** PERSONNEL FILES

**Statement of Intent:**

To define access privileges to personnel files and to establish guidelines for the content of personnel files. In accordance with Municipal Code Chapter 2.60 "Personnel System", the City Manager delegates the administration of the procedures within this policy to the Human Resources Manager and/or Human Resources Division staff.

**Policy:**

1. The City maintains a personnel file on each employee. Files are kept for at least three (3) years after separation of employment. (Labor Code § 1198.5(c)(1).) A personnel file will contain only material that the City deems necessary and relevant or that is required by law. Personnel files are the property of the City, and access to the information they contain is restricted to protect employee privacy interests.
2. Personnel files may not be removed from the Human Resources Division except by specific court order or subpoena.
3. Personnel files are considered confidential. Controlling access to personnel files is the responsibility of the Human Resources Manager, or a designee. The immediate supervisor and managers in the chain of command above the employee may review an employee's personnel file.
4. A current employee may inspect their own personnel file, at reasonable times and at reasonable intervals, within 30 calendar days of a written request. A former employee is entitled to inspect their personnel records one time per year.
5. A current or former employee and/or their representative, who wishes to review their personnel file should make a written request to the Human Resources Division. The inspection must occur in the presence of a Human Resources employee or designee and occur:
  - a. at a location where the employee works and at a time other than the employee's work time; or
  - b. at another agreed upon location without loss of compensation to the employee.
6. A current or former employee is entitled to receive a copy of their personnel records within 30 calendar days after the employer receives a written request. A current or former employee who wishes to receive such a copy should contact the Human Resources Division in writing. The City may charge a fee for the actual cost of copying.
7. Under no circumstances may an individual authorized to review a personnel file remove any documents from the file. If the employee or a supervisor believes a document should be removed from a personnel file, the employee or supervisor shall make a request to the Human Resources Manager, or a designee. The Human Resources Manager, or a designee, shall determine if the document is to be removed.
8. Only documents relevant to the employee's service with the City or the Community Services

District shall be placed in an employee's personnel file. The Human Resources Manager, or a designee, shall determine the relevance of documents to be placed in personnel files.

9. Personnel files shall be maintained, at a minimum, in accordance with state and federal law.
10. Documents related to the Problem-Solving Personnel Policy shall be maintained in a confidential problem-solving information personnel file, separate from the employee's general personnel file.
11. All medical information about an employee or applicant is kept in separate medical files and is treated as confidential. Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for City business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

**Administration:**

In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed not to have a direct financial impact on the City. The City Manager may implement and amend this policy subject to prior City Attorney legal review and approval, and City Council review.

- Implemented: September 11, 1989. (Reviewed by City Council – September 11, 1989 – Resolution No. 89-92.)
- Amended: November 2, 2009. (Reviewed by City Council – November 2, 2009 – Resolution No. 09-52.)
- Amended: February 23, 2021. (Reviewed by City Council – February 23, 2021 – Resolution No. 21-04.)