

**CITYWIDE
EMPLOYEE PERSONNEL RECORDS
GUIDELINES**



Adopted by the Civil Service Commission April 6, 1992
Effective May 1, 1992
Updated May 7, 2007

Citywide Employee Personnel Records Guidelines**Table of Contents**

- I. Authority for and Effective Date of Guidelines
 - II. Purpose, Administration and Application of Guidelines
 - III. Glossary and Abbreviations
 - IV. Collective Bargaining Agreement
 - V. Official Employee Personnel File and Employee Personnel Records Forms Prescribed
 - VI. Contents of Employee Personnel Files
 - VII. Access to Employee Personnel Records and Disclosure of Information
 - VIII. Maintenance of Employee Personnel Records
 - IX. Transmittal, Retention and Destruction of Employee Personnel Records
 - X. Other Employee Records – Maintenance, Access, Transmittal, Retention, and Destruction
-
- Appendix A: Text of Collective Bargaining Agreement Provisions Relating to Employee Personnel Records
 - Appendix B: Graphic Depiction of the Official Employee Personnel File
 - Appendix C: Official Employee Personnel File Cover Label (OEPF 1-88)
 - Appendix D: Tab Label Information, Sample Labels, Positioning of Tab Label
 - Appendix E: Employment History Summary (OEPF 1-80)
 - Appendix F: Employee Personnel Records Register of Access and Copies Provided (OEPF 1-82)
 - Appendix G: Employee Personnel Records Transmittal Receipt (OEPF 1-84)
 - Appendix H: Disclosure and Access Authorization and Release (OEPF 1-86)
 - Appendix I: Employment Verification Guidelines

I. AUTHORITY FOR AND EFFECTIVE DATE OF GUIDELINES

These Guidelines, adopted by the Civil Service Commission at its meeting of April 6, 1992, and effective on May 1, 1992 are reissued to reflect the role of the Civil Service Commission as a Rules and policy making appeals body approved by the voters (Prop L; 11/93) and the delegation to the Human Resources Director and for Service-Critical classes at the Municipal Transportation Agency (MTA), the Director of Transportation/designee, the authority to establish procedures on the implementation of the Civil Service Commission Policy and Guidelines on Employee Personnel Records and Employment Verification. They are adopted and prescribed pursuant to the authority of the Civil Service Commission under the Charter following:

- A. Charter Section 10.100 and 10.101– General Powers and Duties.
- B. City Attorney’s Opinion.

II. PURPOSE, ADMINISTRATION AND APPLICATION OF GUIDELINES

- A. The purpose of these Guidelines is to prescribe a uniform, standardized system for the access, maintenance, retention, and destruction of all records related to the work history of employees of the City and County of San Francisco and to provide a procedure to facilitate the movement of personnel files and other personnel records of employees between departments.
- B. These Guidelines shall apply to the personnel records of all employees regardless of employment status in all departments of the City and County and to classified (non-certificated) civil service employees of the School Districts, both civil service appointees and those exempt from civil service examination and removal procedures. Use of the term “employee” in these Guidelines shall include appointees to positions of the City and County of San Francisco and the classified civil service employees of both School Districts.
- C. The Human Resources Director and the Director of Transportation/designee for Service-Critical classes at the MTA shall implement and administer these Guidelines and may conduct any audits deemed necessary to ensure that departments conform to them.
- D. Employee personnel records shall also be maintained in such a manner as to be readily available for audit by representatives of the Civil Service Commission.
- E. These Guidelines provide for the administration of existing employee personnel records and those records established for new employees appointed on or after the effective date. All employee personnel records, the Official Employee Personnel Files (OEPF) provided herein and other employment-related documents, shall be administered, accessed, maintained, retained, and disposed of in the manner prescribed in these Guidelines.
- F. Except as provided in these Guidelines, there shall be one employee personnel file, either the OEPF as prescribed in these Guidelines, for each employee of the City and County of San Francisco. Separate “personnel files” within a department shall not be maintained.
- G. The OEPF shall be maintained in one location within each department; however, in large departments with geographically distinct locations, the OEPF may be maintained at a designated location at the employee’s work site. Each department may determine and designate the location of the personnel records of each of its employees.
- H. All employee personnel records are the property of the City and County of San Francisco and not of the individual departments.

- I. As provided in these Guidelines, an employee's personnel file shall follow an employee as the employee moves from one department to another department within City and County employment.

III. GLOSSARY AND ABBREVIATIONS

A. GLOSSARY

1. **ACCESS** The provisions governing the inspection of employee personnel records (see Section VII C).
2. **ADMINISTRATIVE FILES** A set of files containing personnel-related records of an employee which for a variety of reasons are not maintained in the OEPPF but in separate, secondary files. Examples of records maintained in Administrative Files are medical records, grievances, conflict of interest statements, workers' compensation records, etc. (see Section X).
3. **CITY AND COUNTY** When the term "City and County" is used in these Guidelines it shall also include records of classified civil service employees in the San Francisco Unified School District and the San Francisco Community College District.
4. **COLLECTIVE BARGAINING AGREEMENT** A contractual agreement between the City and County of San Francisco and an employee organization. (see Section IV and Appendix A)
5. **CONFIDENTIAL** Records about an employee which may not be released to the public without the consent of the employee or by legal process.
6. **CONSOLIDATION** The combining of multiple employee personnel files either within a department or from two or more departments into one OEPPF.
7. **CONVERSION** The process of changing existing personnel files into the official system (OEPPF) established under these Guidelines.
8. **CONTENTS** Items described in these Guidelines which may be placed in an employee's personnel file.
9. **CUSTODIAN OF THE PERSONNEL RECORDS** A person designated by an appointing officer in each department or at each location where employee personnel records are maintained who is responsible for maintaining the security and confidentiality of the employee personnel records and conformity with these Guidelines (see Section VII A).

10. **DEPARTMENT** When the term “department” is used in these Guidelines, it shall include the various subdivisions of the City and County of San Francisco, i.e., department, commission, board, etc. under an appointing officer, and the San Francisco Unified School District and the San Francisco Community College District.
11. **EMPLOYEE** When the term “employee” is used in these Guidelines it shall include all civil service and exempt appointees and officers of the City and County of San Francisco and all classified employees of the San Francisco Unified School District and the San Francisco Community College District.
12. **EMPLOYEE PERSONNEL RECORDS** All employee personnel-related records maintained both before and after the effective date of these Guidelines. “Employee Personnel Records” includes both those documents maintained in existing personnel files and in the Official Employee Personnel File and includes other records maintained in separate Administrative Files.
13. **EXISTING PERSONNEL FILE** Those employee personnel records maintained until effective date of these Guidelines. An existing personnel file may continue to be maintained subject to conversion to an Official Employee Personnel File in the manner and on the occasions prescribed in these Guidelines.
14. **FORMER EMPLOYEES FILE** A file containing a department’s record of previous employees. The basic document in the Former Employees File is a copy of the Employment History Summary (EHS) (see Section VI B, VIII D and Appendix E).
15. **OFFICIAL EMPLOYEE PERSONNEL FILE (OEPF)** A file which contains the official records of an employee’s work history with the City and County of San Francisco and which is established and administered in accordance with these Guidelines.
16. **MAINTENANCE** The manner in which employee personnel records are filed and secured during and after an individual’s employment with the City and County of San Francisco (see Section VIII).
17. **RELEASING DEPARTMENT** The “releasing department” is the department in which an employee was previously employed and

which is now forwarding or transmitting employee personnel records to another department (see Section IX A).

18. **RECEIVING DEPARTMENT** The “receiving department” is the department to which an employee is being appointed and to which employee personnel records are being sent by the “releasing department” (see Section IX B).
19. **SUPERVISOR’S FILE** Documentation about the work performance of an employee kept in a separate file by a supervisor on a short-term basis (see Section X B).
20. **RETENTION** The length of time employee personnel records are kept after an employee leaves the service of the City and County (see Section IX C).
21. **TRANSMITTAL** The transfer of employee personnel records from one department to another department following an employee’s move (see Section IX).

B. ABBREVIATIONS

- | | | |
|-----|----------------|---|
| 1. | DOB | Date of Birth. |
| 2. | CBA | Collective Bargaining Agreement. |
| 3. | CSC | Civil Service Commission. |
| 4. | DHR | Department of Human Resources. |
| 5. | EHS | Employment History Summary. |
| 6. | EPR | Employee Personnel Records. |
| 7. | ERD | Employee Relations Division. |
| 8. | INS | Immigration and Naturalization Service (Federal). |
| 9. | OEPF | Official Employee Personnel File. |
| 10. | PAR | Personnel Action Request. |
| 11. | SDI | State Disability Insurance. |
| 12. | SW DATE | Start Work Date. |
| 13. | SSN | Social Security Number. |

IV. COLLECTIVE BARGAINING AGREEMENT

Collective Bargaining Agreements (CBA) between the City and County of San Francisco and various employee organizations contain provisions which relate to the contents of employee personnel files, employee rights of access and the disposition of material about disciplinary actions. Departments must administer employee personnel records in their possession in a manner consistent with the requirements of the applicable CBA, if any. Departments may call the Employee Relations Division (ERD) or the Civil Service Commission (CSC) to determine which classes are represented by the various employee organizations. Call the ERD, if there are questions related to administration or application of the provisions of the CBAs.

V. OFFICIAL EMPLOYEE PERSONNEL FILE AND EMPLOYEE PERSONNEL RECORDS FORMS PRESCRIBED GUIDELINES

A. DESCRIPTION OF THE OEPF

See Appendix B for a graphic depiction of the OEPF.

1. Format of file: Three Sections: A, B, and C.
 - Six Sides: 1, 2, 3, 4, 5, and 6.
 - 1 ½ inch clamp-on style prong fasteners at top of each side
 - 2 inch cloth gusset (spine)
2. Tab: Two styles: top tab – for filing in file cabinets.
side tab – for shelf filing.
3. Size: Top Tab: letter size, 10” x 11 ¾”
Side Tab: letter size, 9 ½” x 12 ¼”
4. Color: Top Tab: Dark Red
Side Tab: Gray

B. TAB LABEL

See Appendix D for detailed information regarding the content of the tab label, format, sample labels, and positioning of the tab label on the OEPF tab.

1. Tab Label Description
 - 1/16” x 3 ½”; self-adhesive.

2. Alternate Tab Labels

A department that wishes to color code the tab label or use alphabetical designators on the tab may do so and make such adjustments to the tab and tab label as is required to fit the department’s requirements and preferences.

C. OPTIONAL ACCESSORIES

1. Self Adhesive Vinyl Pockets: For those departments using photo IDs, a vinyl, self-adhesive pocket is available in various sizes. This pocket with the department’s copy of the employee photo may be placed on the lower part of Section A, Side 1, of the OEPF. The following sizes are available:

1" x 3"

2" x 3"

3" x 3"

4" x 6"

5" x 8"

2. Label Protectors: Clear mylar laminate for use on the tab label. (Eliminates labels that fall off as they age and stops ink from smearing on the label).

D. SOURCE

The prescribed OEPPF and accessories may be purchased through normal materials and supplies procedures. City departments may order through contracts authorized through the Office of Contract Administration. Questions regarding ordering may be directed to the Office of Contract Administration. Each department will pay the cost of the OEPPFs and accessories. The San Francisco Unified School District and San Francisco Community College District have separate procedures for ordering the necessary materials and supplies.

E. PRESCRIBED FORMS

1. EMPLOYMENT HISTORY SUMMARY (EHS)
Form Number OEPPF 1-80
 - a. Sample: See Appendix E
 - b. Usage: See Section VI D and VIII J
2. EMPLOYEE PERSONNEL RECORDS REGISTER OF ACCESS AND COPIES PROVIDED
Form Number OEPPF 1-82
 - a. Sample: See Appendix F
 - b. Usage: See Section VII B
3. EMPLOYEE PERSONNEL RECORDS TRANSMITTAL RECEIPT
Form Number OEPPF 1-84
 - a. Sample: See Appendix G
 - b. Usage: See Section IX B and Appendix G
4. DISCLOSURE AND ACCESS AUTHORIZATION AND RELEASE
Form Number OEPPF 1-86
 - a. Sample: See Appendix H
 - b. Usage: See Section VII
5. OFFICIAL EMPLOYEE PERSONNEL FILE COVER LABEL
Form Number OEPPF 1-88
 - a. Sample: See Appendix C
 - b. Usage: See Appendix C

Forms prescribed above are available on the Intranet and the Civil Service Commission website.

VI. CONTENTS OF EMPLOYEE PERSONNEL FILES

A. GENERAL REQUIREMENTS

Except as provided in these Guidelines (see Section X), the OEPF shall contain all records pertaining to an employee's work history with the City and County of San Francisco. These records shall be placed in the OEPF in the section and side of the OEPF indicated. Except for the placement of documents within the employee personnel file and the specifications of the file itself, the employee personnel file currently existing in departments shall conform to the contents and other requirements specified in these Guidelines.

B. CONTENTS AND ORGANIZATION OF THE OEPF

See Appendix B for a graphic depiction of the OEPF

Section A.

- | | |
|---------|-------------------------------------|
| Side 1. | Employee Information. |
| Side 2. | Performance and Training Documents. |

Section B.

- | | |
|---------|-------------------------------------|
| Side 3. | General Employment History Records. |
| Side 4. | General Employment History Records. |

Section C.

- | | |
|---------|---|
| Side 5. | Records of Corrective Action. |
| Side 6. | Payroll records.
For those departments with a combined payroll and personnel office that maintain payroll and personnel records together. If not applicable to the department, Side 6 may be used to expand Side 5, if needed. |

C. INSERTION OF DOCUMENTS IN THE OEPF

A document shall be placed into the OEPF by punching two (2) holes at the top of the document using a 2-hole punch and inserting it on the prong fasteners at the top of each side of the OEPF.

D. DOCUMENTS IN THE OEPF

The following is a listing of the type of documents included in each of the six sides of the OEPF:

1. SECTION A, SIDE 1. EMPLOYEE INFORMATION

Documents are to be maintained in the following standardized order from top to bottom of Section A, Side 1:

1. Employment History Summary (OEPF 1-80, Appendix B)
2. Employee Personnel Records Register of Access and Copies Provided (OEPF 1-82, Appendix C)
3. Disclosure and Access Authorization and Release (OEPF 1-86, Appendix H)
4. Copy B of Employee Personnel Records Transmittal Receipt (OEPF 1-84, Appendix G)
5. Subpoena for personnel records
6. Employee photo (if applicable to the department) shall be placed in a plastic cover and affixed to the lower edge of Section A, Side 1 (see Section V).

2. SECTION A, SIDE 2. PERFORMANCE AND TRAINING DOCUMENTS

Documents may be grouped by type or may be maintained in chronological order:

1. Performance evaluations and attachments
2. Commendations and awards
3. Records of information or standard training and instructions
4. Department incident reports
5. Letters of complaint or commendation, subject to supervisor's approval
6. Reports from the California Department of Motor Vehicles (DMV)
7. Attendance tallies
8. Other relevant documents related to the employee's performance and training (tuition reimbursement requests, etc.)

3. SECTION B, SIDES 3 AND 4. GENERAL EMPLOYMENT HISTORY RECORDS

Documents may be grouped by type or may be maintained in chronological order. The following are examples of the type of documents to be placed in Section B, Sides 3 and 4. Not every document may be found in a specific employee's file nor may every document be relevant to a specific department. Departments may utilize Section B, Sides 3 and 4 in the manner most useful to the department, i.e., place documents on one side or the other based on type or due to volume.

1. Personal information sheet (if the department does not use an employment application)
2. City and County of San Francisco Employment Application
3. Resume

4. School transcripts
5. Verifications of employment
6. Verification of military service
7. Copies of required licenses, certificates or credentials
8. Receipt for Employee Handbook
9. Receipts for other departmental material
10. Original copy of Employment Eligibility Verification (INS Form I-9) (see Section X C)
11. Appointment Processing forms (DHR 6-12c)
12. Notice to Provisional Appointee (DHR 6-19)
13. Notice to employees designated as confidential or management
14. Notice to Exempt Appointee (DHR 6-20)
15. Notice of Probationary Status (DHR 6-38)
16. Report of Probationary Status (DHR 6-37)
17. In-service letters and forms to DHR and responses, for example:
 - a. Appointment above the entrance step
 - b. Temporary Exempt Appointment
 - c. Suspension of "Z" symbol
 - d. Supervisory pay
 - e. Reduced work week
 - f. License reimbursement
 - g. Assault pay
 - h. Damaged/Stolen tools or uniform claims
 - i. Key assignments
 - j. Tool/Equipment assignments
18. Requests for Leave
19. Separation reports
20. Miscellaneous correspondence to and from employee
21. Copies of verifications provided to employee or agent and copies of employee release of information. NOTE: If confidential employee references are contained in the verifications, then the copy may NOT be included in the OEPF (see Section X)
22. EEO Self-Identification form
23. Out-of-Class assignment forms
24. Records of accidents involving a City and County vehicle

4. SECTION C, SIDE 5. RECORDS OF CORRECTIVE ACTION

Documents may be grouped by type or may be maintained in chronological order.

Only completed or resolved disciplinary actions shall be included in the OEPF. Pending matters may be kept in a separate Supervisor's File until completed (see Section X B). How long a disciplinary action remains in the OEPF and what is removed from the OEPF will vary depending on departmental policy and CBA provisions (Section IV and Appendix A).

1. Written instructions (e.g., documentation of training, retraining and counseling)
2. Written warnings (reprimand)
3. Notice of intent to recommend discipline – disciplinary conference notice
4. Notice of decision to recommend discipline – recommendation of suspension, termination or dismissal
5. Notice of Suspension and supporting documentation
6. Termination or dismissal records
7. Documents pertaining to demotion or reduction in salary (if applicable).

5. SECTION C, SIDE 6. PAYROLL – OPTIONAL USE

Payroll documents may be grouped by type or may be maintained in chronological order. Some departments operate a separate payroll section; these departments will probably wish to keep payroll records separately from the OEPF. In these cases, some or all of the following may be kept in a separate file (see Section X D – Employee Pay Records). In departments with a combined payroll and personnel function, it may be convenient to keep the payroll records in this section of the OEPF. Departments retain these documents when the employee separates from the department. In this case, the records are treated separately as payroll records for storage and retention purposes.

1. Personnel Action Request (PAR)
2. State Disability Insurance (SDI) calculations
3. Worker’s Compensation calculations
4. Payroll Problem Description Report
5. Step increase records
6. Vacation requests
7. Compensatory time records
8. Form W-4

VII. ACCESS TO EMPLOYEE PERSONNEL RECORDS AND DISCLOSURE OF INFORMATION**A. SECURITY OF PERSONNEL RECORDS**

Personnel records shall be stored in a secured area with controlled access. Each appointing officer shall designate a custodian of the personnel records for each location where employee personnel records are maintained. This individual is responsible for maintaining the security and confidentiality of the official personnel records.

B. ACCESS BY AN EMPLOYEE OR AN EMPLOYEE'S REPRESENTATIVE

1. An employee with proper identification and/or an employee's representative with written authorization from the employee may have access to the employee's OEPPF at reasonable times provided that a departmental representative must be present to insure that the contents of the employee personnel records are not disturbed.
2. Departments may establish reasonable rules or procedures governing employee or representative access to the employee's personnel records. Departments may require that an employee give reasonable notice before inspecting his/her own employee personnel records; limit the location of inspections of files; set hours of inspection; require inspection by appointment; require inspection by written request (letter); or limit frequency of inspections.
3. An employee or representative may be charged a reasonable fee (e.g., \$.15 per page) for a copy of the OEPPF or copies of items from the OEPPF. The OEPPF may be sent to an outside copy service for duplication. In this case, the person requesting that employee personnel records be copied shall bear the entire cost of the duplication service including handling and delivery charges, if any.
4. A record of access of requests for copies of documents from the OEPPF shall be maintained in the form of a log maintained in the OEPPF. However, departmental staff responsible for filing or retrieving documents in the OEPPF are not required to record each incident of entering a personnel file to file or retrieve a document.

C. PARAMETERS FOR ACCESS TO EMPLOYEE PERSONNEL RECORDS BY OTHERS

In their normal course of business relating to the employee, City and County personnel whose duties require them to have access to or to inspect employee personnel records may be granted unlimited access to the OEPPF. These persons include but are not limited to:

1. Designated departmental personnel staff
2. Designated departmental payroll staff
3. Department supervisors
4. Department managers
5. Other City and County personnel representatives in the conduct of official business of the City and County
6. Civil Service Commission staff for such purposes as auditing the employee personnel records, conducting an official investigation or review (e.g., Department of Human Resources EEO staff investigating a discrimination complaint)
7. Auditors assigned by the Controller to conduct an audit of departmental operations

D. DISCLOSURE OF INFORMATION

1. See Appendix I for detailed guidelines on verification of employment.
2. Except as provided in Appendix I, in the event a request for information about a current or former employee is received, only the following information may be provided:
 - a. Employee's name
 - b. Employee's classification number
 - c. Salary range
 - d. Dates of service
 - e. Employment status (i.e., permanent, probationary, temporary)
 - f. Eligibility for rehire
3. Responses to written requests for information from employee personnel records (other than that provided above) may be made:
 - a. when the employee submits a signed statement authorizing release of the information and releasing the City and County or School Districts from any liability arising from supplying the use of such information; or
 - b. in accordance with applicable state, federal and local laws (consult with the City Attorney's Office prior to releasing documents pursuant to statutory request).
4. As required by law, authorized representatives of the following regulatory and law enforcement agencies and local City and County officials shall, with proper identification, have access to employee personnel records in the course of conducting an investigation or in the course of the conduct of official business on behalf of the United States of America, the State of California or the City and County of San Francisco:
 - a. United States Immigration and Naturalization Service (INS)
 - b. United States Federal Bureau of Investigation (FBI)

- c. San Francisco Police Department (SFPD)
 - d. San Francisco District Attorney's Office (SFDA)
 - e. San Francisco Sheriff's Department
 - f. San Francisco City Attorney's Office
 - g. San Francisco Retirement System
 - h. Department of Human Resources Workers' Compensation Division Staff
 - i. Other regulatory agencies with a subpoena unless instructed otherwise by the City Attorney
5. Subpoena: Consult with the City Attorney's Office prior to releasing employee records pursuant to a subpoena.

VIII. MAINTENANCE OF EMPLOYEE PERSONNEL RECORDS**A. ESTABLISHMENT OF AN OEPF**

An OEPF as prescribed in these Guidelines shall be established for each employee by the designated departmental personnel official on the first day a new employee reports for service (see Sections V, VI and IX).

B. CONVERSION OF EXISTING EMPLOYEE PERSONNEL RECORDS

Except as otherwise required in these Guidelines, departments may at their option and at their expense convert existing personnel files to the OEPF system provided in these Guidelines (see Section V).

C. CONSOLIDATION OF MULTIPLE EMPLOYEE PERSONNEL RECORDS

As soon as administratively possible following the effective date of these Guidelines, multiple personnel files within one department shall be consolidated into an OEPF and shall be maintained at one designated location within each department (see Section II G and H).

A receiving department is encouraged to request all personnel files from former departments for consolidation and conversion into an OEPF. All former departments shall cooperate and shall immediately transmit the existing employee personnel files to the requesting department.

D. PERSONNEL RECORDS – FORMER EMPLOYEES BEING REEMPLOYED**1. Appointment to the Same Department**

Whenever a former employee is reemployed in the same department and the employee's file is being retained by the department, the file shall be reactivated.

2. Appointment to a Different Department

Whenever a former employee is reemployed in a different department, and the employee's file is being retained by a former department, the current department shall request that the file from the former department be transmitted (see Section IX) and the file shall be reactivated.

E. SIMULTANEOUS APPOINTMENT IN TWO OR MORE DEPARTMENTS

When an employee is simultaneously employed by two different departments, e.g., two part-time appointments, each department shall maintain a separate OEPF. In the event that the employee is later employed in only one department, then that department shall promptly request that the employee's OEPF(s) be transmitted from the other department(s) and the two files shall be consolidated.

F. PERSONNEL FILES – AS-NEEDED EMPLOYEES

The preparation and maintenance of personnel files for employees who are hired on an as-needed basis is optional and shall be done at the department's discretion. The department may establish an OEPF for each employee or may elect to maintain one personnel file for all as-needed employees. In all cases, an Employment History Summary (OEPF 1-80, Appendix E) shall be prepared and maintained (see Section J below, Section VI D).

G. OEPF – ADDITIONAL FILES

For various reasons, the OEPF or sections of the OEPF may fill to capacity. In these cases, the department may utilize a second OEPF. This OEPF shall be labeled "File Two" on the Tab Label.

H. CONVERSION OF UNUSABLE FILES

An existing personnel file shall be converted to an OEPF when the existing file becomes unusable and needs replacement.

I. MAINTENANCE AND SECURITY RESPONSIBILITY

Each department is responsible for the maintenance and security of the employee personnel records of each employee during his/her term of service with that department.

J. THE EMPLOYMENT HISTORY SUMMARY (OEPF 1-80)

1. See Appendix E for a sample of the Employment History Summary (EHS)
2. The Employment History Summary (EHS) is a permanent record of each employee compiled on a form prescribed by the Civil Service Commission. The EHS shall be maintained in each OEPF and may be maintained in each existing employee personnel file on the occasions prescribed in these Guidelines. The EHS contains the following information (see Employment History Summary, Appendix E):
 - a. Employee name
 - b. Social Security Number
 - c. California Driver License Number (only if driving is required)

- d. Date of Birth (DOB)
 - e. Bilingual Skills
 - f. Gender
 - i. Female: F
 - ii. Male: M
 - g. Ethnicity (voluntary self-disclosure)
 - i. White
 - ii. Black
 - iii. Hispanic/Latino
 - iv. Asian or Pacific Islander
 - v. Filipino
 - vi. American Indian/Alaskan Native
 - h. Address
 - i. Telephone number – home
 - j. Start Work Date (SW Date)
 - k. Class number/Job Code
 - l. Status
 - m. List/Rank
 - n. DHR Requisition number
 - o. Certification Date
 - p. Department Number
 - q. Division or worksite
 - r. Remarks
 - s. Separation dates/type
 - t. Emergency contact information
 - u. Record of commendations and awards (on reverse side of form)
 - v. Record of training (on reverse side of form)
 - w. Disciplinary record (on reverse side of form)
3. When space on the EHS is exhausted, the department shall begin a second form to continue the employee's history; however, old forms shall not be discarded since they are a permanent record of the employee, and shall be attached to the existing document. When preparing a new form, the information on the EHS (upper right hand corner) "page __ of __" is completed.
 4. A photocopy of the EHS is retained by each department at the time an employee moves to another department. The photocopy of the EHS becomes the former department's permanent record of the employee. The EHS is to be attached to Copy B of the Employee Personnel Records Transmittal Receipt when this copy of this form is returned from the new department (see Section IX). These documents are maintained in a permanent file of former employees ("Former Employees File", see Section X).
 5. Departments converting from the existing employee personnel records system to the system prescribed in these Guidelines shall prepare an EHS as detailed above for each OEPPF.

6. Departments consolidating multiple existing employee personnel files into one OEPP shall prepare an EHS and place it in Section A, Side 1 of the OEPP established as a result of the consolidation.
7. Departments not converting existing personnel records to the OEPP system shall prepare an EHS at the time an employee moves to another department. The releasing department shall retain a copy of the EHS and send the original copy in the existing personnel file to the receiving department. The receiving department will convert the transmitted existing personnel file to an OEPP and may request the existing personnel files from all former departments in order to consolidate them into the OEPP.
8. It is anticipated that the manually-prepared EHS will eventually be replaced by a computer-generated or computer-based record which will be prepared centrally by the Department of Human Resources. Until such time as citywide records are completely mechanized and DHR has the capability of providing or transmitting such a document or such an electronic record, departments are required to prepare and maintain the EHS manually under the conditions specified in these Guidelines. However, a department that has the capacity to establish a computer-based record may do so subject to the access and maintenance provisions of these Guidelines and provided that a hard copy of the electronic record is maintained in the employee personnel file.

IX. TRANSMITTAL, RETENTION AND DESTRUCTION OF EMPLOYEE PERSONNEL RECORDS**A. APPOINTMENT TO A DIFFERENT DEPARTMENT**

1. As of the effective date of these Guidelines, whenever an employee moves from one department to another, his or her OEPP shall be forwarded to the receiving department no later than five (5) working days from the effective date of the employee's separation from the releasing department. This transmittal shall take place regardless of the type of appointment. The releasing department shall retain a photocopy of the EHS in the Former Employee File (see Section VIII and X).
2. If the transmitted employee personnel file does not meet the specifications provided in these Guidelines (i.e., is not an OEPP), an OEPP shall be established by the receiving department and the records in the existing employee personnel file shall be converted by the receiving department into an OEPP. The releasing department shall prepare an EHS and shall forward the original copy of the EHS with the existing employee personnel file to the new department. The releasing department shall retain a photocopy of the EHS as its record of the former employee (see Former Employee File – Section VIII and X). When returned from the receiving department, Copy B of the Employee Personnel Records Transmittal Receipt (OEPP 1-84) shall be attached to the releasing department's photocopy of the EHS.

B. TRANSMITTAL OF EMPLOYEE PERSONNEL RECORDS TO A RECEIVING DEPARTMENT

1. The following items are placed in an envelope, sealed, marked "confidential", and addressed to the designated department personnel official in the receiving department:
 - Copies A and B of the Employee Personnel Records (EPR) Transmittal Receipt (see Appendix G)
 - Existing Personnel File or OEPP
 - Employment History Summary (EHS) (see Section V and Appendix E)
 - Employee's PAR
2. To insure secure transmittal, use of one of the following methods is required:
 - the releasing department sends the records via messenger;
 - the receiving department sends a messenger to the former department to pick up the records;
 - the releasing department sends the records by registered mail.

C. RETENTION OF PERSONNEL RECORDS OF INACTIVE EMPLOYEES

Except as otherwise required by the department's Records Retention and Destruction Policy, the employee's department at the time of final separation shall retain the OEPF for a minimum period of seven (7) calendar years after the employee's final separation date from the City and County of San Francisco, if there is no litigation or review by a regulatory agency pending.

D. DESTRUCTION OF PERSONNEL RECORDS OF INACTIVE EMPLOYEES**1. Destruction**

No sooner than seven (7) years after the final separation, the OEPF shall be destroyed in accordance with the destruction schedule and method described in this section, except if there is outstanding litigation or action is pending with a regulatory agency and as otherwise required by the department's Records Retention and Destruction Policy. Prior to the destruction of an OEPF, a department shall prepare an Employment History Summary (EHS). The EHS shall be removed from an Official Employee Personnel File prior to the destruction of an OEPF. The EHS shall be retained by the department in the Former Employee's File (see Section VIII). Notation shall be made on the EHS of the date and method of destruction of the employee personnel records. The EHS shall be kept in perpetuity.

2. Method of Destruction

Departments will dispose of an OEPF by a method of destruction that preserves confidentiality, e.g., shredding. The department may determine the destruction schedule which may be monthly, quarterly, semi-annually or annually according to the needs of the department.

X. OTHER EMPLOYEE RECORDS – MAINTENANCE, ACCESS TRANSMITTAL, RETENTION, AND DESTRUCTION

A. ADMINISTRATIVE FILES

1. Definition of Administrative Files

Administrative Files are a set of files separate from the OEPF, organized according to the needs of the department, containing employment-related records of an employee which are not maintained in the OEPF.

2. Guidelines on Access, Maintenance, Retention, Transmittal, and Destruction of Administrative Files

a. Any document currently in the OEPF that is required to be maintained in an Administrative File shall be removed from the OEPF and placed in secondary Administrative Files as specified above.

b. The OEPF shall be established consistent with these Guidelines.

c. Administrative files are regulated according to the following guidelines:

i. ACCESS

CONFIDENTIAL: Employee employment records access restrictions apply.

PUBLIC RECORD: Must be provided upon request for public inspection.

ii. TRANSMITTAL

TRANSMITTED: Information in file related to a particular employee transmitted to new department when employee transfers.

NOT TRANSMITTED: Not forwarded to successor department - maintained by current department after employee transfers.

iii. RETENTION AND DESTRUCTION

DESTROYED: Documents in file related to a particular employee held for duration of employment with the City and County

plus seven (7) years after final separation and then destroyed except as otherwise required by departmental Records Retention and Destruction Policy.

PERMANENT:

Documents in file maintained perpetually.

3. Types of Administrative Files

a. Discrimination Complaints, Investigations and Resolutions

Access: Confidential. Always consult with the City Attorney before allowing access to this information.

Transmittal: Not transmitted.

Retention/Destruction: Destroyed seven (7) years after final separation from the City and County if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Records Retention and Destruction Policy.

b. Grievances

Access: Confidential.

Transmittal: Not transmitted.

Retention/Destruction: Destroyed seven (7) years after final separation from the City and County if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Records Retention and Destruction Policy.

c. Background investigation reports and results of polygraph examinations (including confidential statements by previous employers)

Access: Confidential. Access is allowed to management with valid business reason only. Access is not available to an employee or representative.

Transmittal: Transmitted confidentially to the Departmental Personnel Officer, except in the event of a peace officer transferring to a non-peace officer position.

Retention/Destruction: Destroyed seven (7) years after final separation from the City and County if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Records Retention and Destruction Policy.

d. Criminal records (other than those provided voluntarily through an employment application)

Access: Confidential.

Transmittal: Transmitted confidentially to the Departmental Personnel Officer, except in the event of a peace officer transferring to a non-peace officer position.

Retention/Destruction: Destroyed seven (7) years after final separation from the City and County if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Records Retention and Destruction Policy.

e. Medical records, including:

- Pre-employment medical examination records;
- Fitness for duty medical records (if an employee is terminated/dismissed as a result of a fitness for duty medical examination, the termination/dismissal action would be entered in the file, but the medical report would not);
- Catastrophic illness documents;
- Results of Psychological Testing;
- Requests for reasonable accommodation pursuant to ADA or Fair Employment Housing Act medical records;

- Other medical records associated with leave requests under the Family and Medical Leave Act (FMLA) of 1993 and/or California Family Rights Act (CFRA) and other applicable law.

Access: Confidential.

Transmittal: Transmitted confidentially to the Departmental Personnel Officer.

Retention/Destruction: Destroyed seven (7) years after final separation from the City and County if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Records Retention and Destruction Policy.

f. Recruitment files, including applications and resumes of applicants

Access: Confidential.

Transmittal: Not transmitted.

Retention/Destruction: Destroyed after three (3) years if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Record Retention and Destruction Policy.

g. Conflict of Interest statements

Access: Public Record.

Transmittal: Not transmitted.

Retention/Destruction: Destroyed seven (7) years after date of filing if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Records Retention and Destruction Policy. Pursuant to State law. Form 700 to be kept for seven (7) years.

h. Unfair Labor Practice Complaints or contract disputes

Access: Confidential.

Transmittal: Not transmitted.

Retention/Destruction: Destroyed ten (10) years after date of resolution if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Records Retention and Destruction Policy.

i. Sealed documents (e.g., record sealed by CBA)

Access: Confidential. Access provided where required by subpoena or in response to an administrative or judicial request.

Transmittal: Transmitted in sealed form to the Departmental Personnel Officer.

Retention/Destruction: Destroyed seven (7) years after final separation from the City and County if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Records Retention and Destruction Policy.

j. Workers' Compensation records

Access: Confidential.

Transmittal: Transmitted.

Retention/Destruction: Destroyed after duration of employment plus seven (7) years after final separation if there is no litigation or review by regulatory agency pending except as otherwise required by departmental Records Retention and Destruction Policy. Accident and injury reports retained and destroyed after five (5) years.

B. SUPERVISOR'S FILE

There are situations when a separate, unofficial supervisor's file is appropriate. These situations occur when a supervisor needs to make notations or anecdotal observations about the employees he/she supervises.

Pending or unresolved disciplinary matters are to be kept in a Supervisor's File.

Written material which is in the secondary Supervisor's File should not be retained any longer than necessary. Generally, such documentation should be incorporated into the employee's next performance evaluation.

Supervisor's Files are confidential and are treated like personnel records. They are not transmitted to a receiving department.

C. INS FORM I-9 FILE

The original copy of the Immigration and Naturalization Service (INS) Form I-9 Employment Eligibility Verification, together with a photocopy of the verification documents is placed in the OEPF. A photocopy of the Form I-9 is to be maintained in a separate file ("I-9"). The copies of the Form I-9s are to be filed alphabetically in this file. This file will facilitate review of documentation should it be required by the INS at a later date. The individual Form I-9s in the I-9 File are retained for three (3) years or one (1) year after the employee's separation date whichever is longer. A receiving department shall photocopy the Form I-9 from the personnel records transmitted and place the photocopy in its I-9 File. See Department of Human Resources Personnel Policy and Procedures Manual, Appointments, for a thorough discussion of the Form I-9.

D. EMPLOYEE PAY RECORDS FILE

See Section VI for a discussion of the Employee Pay Records File. The Employee Pay Records File is retained in the department for the period and subject to the requirements prescribed by the San Francisco Administrative Code. Employee Pay Records are not transmitted to another department. Generally, employee pay records are public record; however, always consult with the City Attorney before allowing access to an employee's pay record except for the employee himself or herself.

E. FILE OF FORMER EMPLOYEES

This is a file or files containing either the original or a photocopy of the Employment History Form (EHS) of employees who have either moved to another department or have left the City and County service and whose OEPF has been destroyed. In the case of former employees who have transferred to another department, Copy B of the Employee Personnel Records Transmittal Receipt is attached to the EHS. This file is the department's permanent, perpetual record of former employees. This file of a former employee is confidential and is subject to the access and other restrictions which apply to employee personnel records.

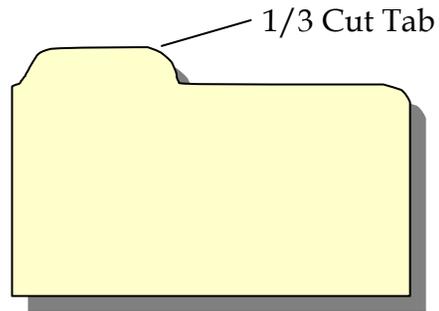
**TEXT OF CBA PROVISIONS RELATING TO
EMPLOYEE PERSONNEL RECORDS**

Collective Bargaining Agreement (CBA) between the City and County of San Francisco and various employee organizations contain provisions which relate to the contents of employee personnel files, employee rights of access and the disposition of material about disciplinary actions. Departments must administer employee personnel records in their possession in a manner consistent with the requirements of the applicable CBA, if any. Departments may call the Employee Relations Division (ERD) or the Civil Service Commission (CSC) to determine which classes are represented by the various employee organizations. Call ERD, if there are questions related to administration or application of the provisions of the CBAs.

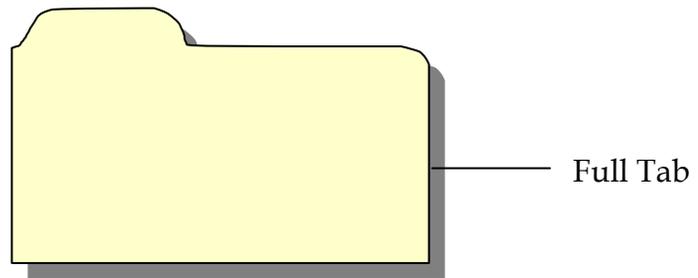
GRAPHIC DEPICTION OF THE OFFICIAL EMPLOYEE PERSONNEL FILE

CLOSED FILE:

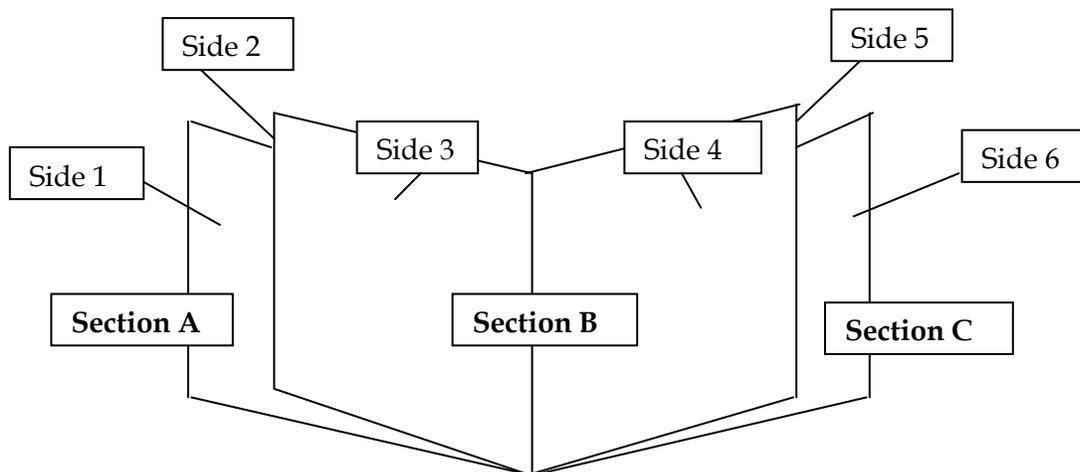
TOP TAB:



SIDE TAB:



OPEN FILE:



OFFICIAL EMPLOYEE PERSONNEL FILE COVER LABEL

1. Cover Label Description

The Official Employee Personnel File Cover Label is self-adhesive, approximately 3 ½" x 5" in size and imprinted as follows "City and County of San Francisco Official Employee Personnel File" superimposed on a seal of the City and County of San Francisco and marked "Confidential".

2. Sample Cover Label:



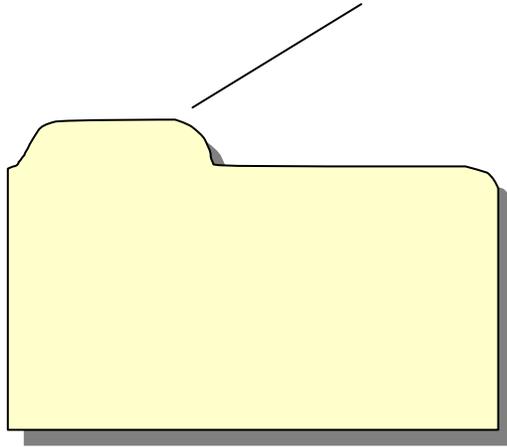
3. Positioning of the Label:

The cover label shall be placed on the front cover of the Official Employee Personnel File Folder in the center of the top two thirds of the front cover.

CLOSED FILE:

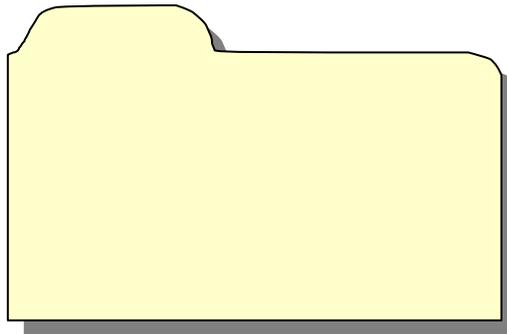
TOP TAB:
#OEPP-1

1/3 Cut Tab



SIDE TAB:
#OEPP-2

Full Tab



FILE FOLDER TAB LABELS

1. Tab Label Information

The information on the Tab Label shall be typewritten as follows:

- a. First Line: Last name and suffix (Jr., Sr., M.D., Ph.D., etc.), comma, space, first name, space, middle initial followed by a period.
- b. Second Line: The employee's Social Security Number (SSN).

2. Sample Labels:

a.

Geary, M.D., Arguello J.
SSN 999-99-9999

b.

Valencia, Octavia C.
SSN 999-99-9999

c.

Funston, Jr., Palou
SSN 999-99-9999

d.

Van Ness, Pacheco Z.
SSN 999-99-9999

e.

De Haro-Jones, Yukon
SSN 999-99-9999

Date	Awarded by	Reason

RECORD OF TRAINING

Date	Provided by	Title of Coursework/Workshop

DISCIPLINARY RECORD

Date(s)	Action	Reason



**EMPLOYEE PERSONNEL RECORDS
TRANSMITTAL RECEIPT**

SECTION I	
To: Receiving Department	From: Releasing Department
Name	Name
Title	Title
Department	Department
Address	Address
	Contact Phone No.
<p>Enclosed for consolidation into one Official Employee Personnel File (OPEF) is the existing employee personnel file of the OPEF of the following employee who recently separated from this department for employment in your department.</p>	
Date of Transmittal	Method of Transmittal
Name of Employee	Class No. & Title in Former Department

SECTION II	
Record of Receipt of Employee Personnel Records	
<p>The employee personnel records of the employee listed above were received by:</p> <p>_____</p> <p>Signature</p> <p>_____</p> <p>Name (Print)</p> <p>_____</p> <p>Department</p> <p>_____</p> <p>Date</p>	<p>Releasing Department:</p> <ol style="list-style-type: none"> 1. Prepare in triplicate. 2. Complete Section I. 3. Specify whether copy A, B or C below. 4. Send copies A & B to new department. 5. Hold copy C in suspense folder. 6. When copy B returned, file in "Former Employee File" attached to departmental copy of the "Employment History Summary." 7. Discard copy C <p>Receiving Department:</p> <ol style="list-style-type: none"> 1. Complete Section II of copies A & B. 2. Return copy B to former department. 3. File copy A in OEPF, Section A, Side 1. <p>Indicate copy by marking.</p> <p><input type="checkbox"/> Copy A <input type="checkbox"/> Copy B <input type="checkbox"/> Copy C</p>

OEPF 1-84 (5/07)



DISCLOSURE AND ACCESS AUTHORIZATION AND RELEASE

I. DISCLOSURE AUTHORIZATION AND RELEASE

I hereby authorize any former employer, its employees and representatives, or any person listed as a reference to provide any and all information they deem appropriate regarding my employment and job performance to the City and County of San Francisco, and any of its employees, representatives, and agents. This information may be provided either verbally or in writing. In addition to authorizing the release of any information regarding my employment, I hereby fully waive any rights or claims I have or may have against any former employer, its employees and representatives, or any person listed as a reference, and release any former employer, its employees and representatives, former educational institution, or any person listed as a reference from any and all liability, claims, or damages that may directly or indirectly result from the use, disclosure, or release of such information by any person or party, whether such information is favorable or unfavorable to me.

Applicant/Employee's Signature

Date

(Print or Type individual's name)

II. ACCESS AUTHORIZATION

I hereby authorize _____ to have access and to inspect any of my employee personnel records in the _____ (department)

Employee's Signature

Date

(Print or type individual's name)

EMPLOYMENT VERIFICATION GUIDELINES

Employment decisions often require that managers obtain information regarding past job performance. In an effort to have a more consistent citywide practice regarding employment verifications, the following guidelines are suggested for use in obtaining or providing information regarding employment of prospective, current or former employees.

These guidelines have been reviewed by the City Attorney's Office and are provided for the departments as a model only. Sections of the California Labor Code are included on page I3 (Appendix I) for your information.

A. OBTAINING EMPLOYMENT INFORMATION ABOUT A PERSON WHO IS NOT CURRENTLY EMPLOYED BY THE CITY AND COUNTY OF SAN FRANCISCO:

1. Must obtain the individual's permission in writing before contacting his/her current employer. The candidate's authorization must specifically release the City and County of San Francisco from any and all liability. (See Appendix H).
2. Use a standard format, have the questions in writing, and ask the same basic questions about each person. Document the response you receive. Do NOT include this information in the personnel file of the candidate selected. It is suggested that this information be kept in a Recruitment File along with:
 - a. the position examination announcements,
 - b. applications received,
 - c. reference check materials, and
 - d. other related recruitment documents.
3. Ask questions pertaining to experience, skill, knowledge, ability and work performance – not personality, character traits or personal habits, unless they are related to job requirements.
4. Do reference checks on candidate(s) being considered before making your selection.

B. PROVIDING EMPLOYMENT INFORMATION ABOUT A CURRENT OR FORMER CITY EMPLOYEE TO NON-CITY AND COUNTY OF SAN FRANCISCO AGENCIES:

1. Except in instances when an employee authorizes in writing the release of information and releases the City department and its employees from any and all liability, provide only the following information in response to inquiries concerning current or former employees:
 - a. Employee job class/code and title.
 - b. Dates of employment.

- c. Salary/Wage Range of the employee's classification.
 - d. Employment Status, i.e., permanent, temporary.
2. Require that all employment reference requests be submitted in writing, with an authorization from the employee that releases information and the City department and its employees from any and all liability (See Appendix H). In cases where the employee has worked for more than one City department, a separate request must be sent by the inquiring agency to each department.

C. OBTAINING EMPLOYMENT INFORMATION ABOUT CURRENT CITY EMPLOYEES FROM CITY AND COUNTY AGENCIES

For the purpose of employment verification, the City and County of San Francisco is one employer. Information about the employee's employment history and job performance may be communicated between departments for valid business reasons to personnel representatives, department heads and supervisors.

INFORMATION FROM THE CALIFORNIA STATE LABOR CODE

The following sections of the California Labor Code describe penalties that may be incurred if violated.

§ 1050. Attempt to Prevent Reemployment – Misdemeanor

Any person, or agent or officer thereof, who, after having discharged an employee from the service of such person or after an employee has voluntarily left such service, by any misrepresentation prevents or attempts to prevent the former employee from obtaining employment, is guilty of misdemeanor.

§ 1052. Violations – Misdemeanor

Any person, who knowingly causes, suffers, or permits an agent, superintendent, manager, or employee in his employ to commit a violation of Sections 1050 and 1051, or who fails to take all reasonable steps within his power to prevent such violation is guilty of a misdemeanor.

§ 1054. Civil Liability

In addition to and apart from the criminal penalty provided, any person or agent or officer thereof, who violates any provisions of Sections 1050 to 1052, inclusive, is liable to the party aggrieved, in a civil action, for treble damages. Such civil action may be brought by such aggrieved person or his assigns, or successors in interest, without first establishing any criminal liability under this article.