



ADMINISTRATIVE REGULATION

Office of the City Manager

Number	902
Responsible Department	Human Resources
Established/Effective Date	8/1/1982
Latest Revision Date	6/30/23
Next Review & Reauthorization Date	6/30/25

SUBJECT: Access to Personnel Records

1. **Purpose:** To provide guidance to staff responsible for producing and maintaining personnel records and the appropriate confidentiality of those records. To inform employees about the access rights to their personnel file and records.
2. **Authority:** By the authority of the powers granted to the City Manager under Section 401 of the City Charter and Huntington Beach Personnel Rule 15-4.
3. **Application:** The regulation applies to all employees of the City of Huntington Beach.
4. **Definitions:**
 - 4.1 **Personnel Files and Records** – Employment related information maintained by the Human Resources Department.
 - 4.2 **Personnel Files Medical/Benefits** – Personal employee information related to medical and benefit designations.
 - 4.3 **Pre-Employment Files** – Records of background and fingerprint clearances.
 - 4.4 **Employees** - Full-time and part-time employees, and elected officials of the City of Huntington Beach.
5. **Policy:** Current and former employees, or their representative have the right to inspect and receive a copy of the personnel files and records that relate to the employee's performance or to any grievance concerning the employee. HR, in consultation with the City of Huntington Beach City Attorney when appropriate, reviews requests for access to or disclosure of personnel records and releases this information in compliance with State law regulations.
6. **Responsibility:** Access to personnel files shall be the responsibility of the Director of Human Resources or designee.
7. **Procedure:** An employee wishing to inspect and/or receive a copy of their personnel file must submit a written request to HR. The written request must be from the employee or their representative. Upon written request, HR will make the personnel file available for inspection within 30 calendar days from the date of receipt or in accordance with current state law. HR will notify in writing the date and time of the inspection, and if requested, HR will provide a copy of the personnel records, at a charge not to exceed the actual cost of production.

7.1 Access

- 7.1.1 The HR Department shall have an official monitor for the employee's and/or the employee's representative's inspection of the employee's personnel file while it is being reviewed.
- 7.1.2 Managers and supervisors, and/or designated representative, may only have access to personnel file information on a need-to-know basis determined by the Director of Human Resources or designee.
- 7.1.3 Under no circumstances shall the employee and/or the employee's representative remove the personnel file or any of its contents from the area designated by HR during the inspection.
- 7.1.4 An employee wishing to inspect his/her personnel file may only do so between the hours of 9:00 a.m. and 5:00 p.m. Monday through Thursday (holidays excluded).
- 7.1.5 Representatives of government or law enforcement agencies, in the course of their duties, may be allowed access to information in the file with a valid subpoena or court order.
- 7.1.6 Credentialed employment investigators may have access to personnel files in the Human Resources Department if they present written authorization signed by the employee. A copy of the signed release shall be placed in the personnel file.
- 7.1.7 The right to inspect records does not apply to records relating to the investigation of a possible criminal offense, letters of reference and/or ratings, reports or records that were: (1) obtained prior to the employee's employment with City; (2) were prepared by identifiable examination committee members and (3) obtained in connection with a promotional exam.

8. Retention of Terminated Employee Files: Employee files shall be retained per the City's Records Retention Schedule except as superseded by federal or state law, whichever is longer.

9. Employment Verification/Reference Requests:

9.1 All employment verification requests should be directed to the Finance Department/Payroll Division. Responses will be limited to the following:

(a) Verbal Requests - Payroll will verify information provided by the inquirer (name, start date, term date, position). Beyond verification of information quoted by the inquirer, the staff shall not provide any additional information pertaining to an employee over the telephone unless authorized to do so by the Director of Human Resources.

(b) Written Requests - If the employee has provided written consent, Payroll will provide salary information, dates of employment and position title. Inquiries on employment performance or employment suitability should be left blank or referred to the Director of Human Resources.

9.2 Employment reference requests should be directed to Human Resources, Supervisors and/or Managers. Responses will be limited to the following:

- (a) Verbal Requests – If the employee has provided written consent, current/former supervisors or managers may respond to inquiries on employment performance or employment suitability of a current or former employee.
- (b) Written Requests – If the employee has provided written consent, current/former supervisors or managers may respond to inquiries on employment performance or employment suitability of a current or former employee.
- (c) Human Resources may respond to inquiries pertaining to eligibility for rehire.


Distribution:

All employees may access the Administrative Regulations via the Intranet at:

<https://surfnet.cohb.net/policiesprocedures/SitePages/Home.aspx>



Director of Human Resources



Approved as to Form
Michael Gates, City Attorney



Al Zelinka, City Manager

Review Schedule

REVIEW DATE	DEPT. HEAD INITIAL	CITY MANAGER SIGNATURE