

**PERSONNEL DEPARTMENT POLICY**  
**San Luis Obispo County**

---

---

| <b>Topic: Disclosure of Records for Employment Verification, Credit Checks, Reference Checks, Pre-Employment Checks, Etc.</b>  |  |
|--|--|
| <b>Subject:</b> Personnel Records  | <b>Revised:</b> October 2006                                       |
| <b>CSC Rule:</b> 8.07, 10.07, 13.07, 15.02, 15.03  | <b>Approval:</b> _____   |
| <b>Location:</b> P:\PERSONNEL DEPT. POLICIES\Final Policies 2004\PERSONNEL RECORDS\Disclosure of Records for Employment Verification Credit Checks Reference Checks Pre employment checks final 10-30-06.doc | <b>Date:</b> _____   |
|  | <b>Note:</b> Original signed copy on file in Personnel Department. |

In order to forestall any confusion regarding the kinds of information we may release regarding eligible lists, employees, their salary and employment status, the following policy shall be put into effect immediately.

**GENERALLY:**

In general, it is correct to say that all information pertaining to an eligible list or an employee of San Luis Obispo County **is confidential**. Release of information about an employee, salary information or personnel information on his/her application, etc., cannot be given without his/her express consent, except as otherwise specified in this policy. Performance ratings shall be considered confidential, only subject to review by persons appropriately authorized by the Personnel Director and the Commission, or as requested by the employee.

It is the Personnel Department policy, upon the advice of the Office of County Counsel, to avoid the risk that any information could be sent to an individual or entity other than is authorized by the release, the information will not be **distributed or returned via facsimile machine**.

It is recommended that requests for release of employee information be made in written form and accompanied by the employee signed authorization form. However, if the entity somehow sends the request and authorization form via facsimile machine, the Personnel Department staff is responsible that the information appears clear and legible and the employee signature is verifiable before acting upon the request. Again, the return of the information will not be distributed or returned via facsimile machine.

**APPLICATIONS, EXAMINATIONS, ELIGIBLE LISTS:**

Release of information about an eligible list shall be limited to:

1. Informing a person of the expiration date of that list.
2. The total number of eligibles on the list.
3. His/her standing on the list.

**PERSONNEL DEPARTMENT POLICY**  
**San Luis Obispo County**

---

---

A copy of the applications of only those candidates certified for final appointment consideration may be made available to the appointing authority or his/her designated (in writing only) representative. All copies must be returned to the Personnel Office with the exception of the person(s) selected. Original applications shall not be allowed to leave the Personnel Office at any time. (These restrictions, except for that relating to original applications, shall not apply to those positions which require a complete background investigation prior to final appointment.)

Whenever a department wishes to utilize an eligible list for hiring a temporary employee, only the names and phone numbers or applications of those applicants who have indicated a willingness to accept temporary employment will be available to the appointing authority or his/her designated representative.

**RELEASE OF INFORMATION TO EMPLOYEE:**

Every County employee shall have a right to inspect and review any official record relating to his/her performance as an employee or to a grievance concerning the employee, which is kept or maintained by the County; provided, however, that the Board of Supervisors may exempt letters of reference from the provisions of this section.

The contents of such records shall be made available to the employee for inspection and review at reasonable intervals during the regular business hours of the County.

This section does not apply to the records of an employee relating to the investigation of a possible criminal offense.

An employee or his/her representative cannot remove materials, but may review materials under an analyst's supervision, make notes on the contents, and request that copies be made.

**MEDICAL INFORMATION:**

The report of a medical examination shall be confidential and released only with the consent of the applicant concerned, except that such reports shall always be available to the Personnel Director; the Director's authorized representative which can include appropriately designated or approved physician(s); and the Commission. Any claim by the employee against the County shall constitute a waiver of the confidential nature of such reports and consent to the use of such reports insofar as material to such claim.

Pension Trust staff shall be allowed limited access to Personnel Office files only when it is necessary for them to obtain information necessary for their operation. When investigating a disability claim, they have absolute right of access.

**EMPLOYMENT VERIFICATION:**

Employment verification can be given to a credit bureau or business establishment after a written or telephone request and may only cover the following information:

**PERSONNEL DEPARTMENT POLICY**  
**San Luis Obispo County**

---

---

1. Length of employment, including actual start date.
2. Employee status: permanent, probationary, temporary.
3. Job title.
4. Salary range.
5. Salary steps. (Attorney General Opinion No. 84-1204 April 18, 1985)

**LAW ENFORCEMENT CHECKS:**

Information may be available to federal, state or local law enforcement agencies conducting background checks on current or former employees. The information may only be given out by the Personnel Director or one of the Personnel Analysts and in no event shall the investigating agency be allowed access to the person's personnel file. The information shall be limited to:

1. Job title.
2. Salary.
3. Length of employment, including actual start date.
4. Employee status.
5. Employing department.
6. Type of termination: resignation, retirement, and dismissal.
7. Performance evaluations.

**SUBPOENAS:**

Whenever a subpoena is presented demanding specific information and/or records or files, immediately contact the Personnel Director and the County Counsel's Office and advise them of the subpoena and the information, records or files demanded. DO NOT, under any circumstances, supply the information or turn over the files or records until such time as you have been authorized.

**PUBLIC RECORDS:**

Anyone (other employees, members of the public, newspaper reporters, etc.) coming to the office shall not be permitted to review or receive any specific information about employees. General information permitted in response to specific questions:

1. Employing department.
2. Specific job title.
3. Salary range for the classification only.

In no way are the above guidelines an attempt to deny the general public access to public documents that are always available to them: budgets, salary resolutions and position allocation resolutions.

**RESPONDING TO PROSPECTIVE EMPLOYERS CONDUCTING BACKGROUND OR REFERENCE CHECKS:**

For responding to prospective employers conducting background or reference checks on present or former employees, this policy provides guidance.

P:\PERSONNEL DEPT. POLICIES\Final Policies 2004\PERSONNEL RECORDS\Disclosure of Records for Employment Verification Credit Checks Reference Checks Pre employment checks final 10-30-06.doc

**PERSONNEL DEPARTMENT POLICY**  
**San Luis Obispo County**

---

---

In general, employers can, upon a special request from a prospective employer, furnish statements concerning the reason for discharge or resignation of a former employee or provide information concerning present employees. Upon the advice of the Office of County Counsel, the Personnel Department recommends that release of information be made only after receipt of a signed authorization document to release relative information from the former or present employee. Because inaccurate or false statements may be grounds for a libel or slander action, the following guidelines should be followed:

1. Be sure information is first requested; do not volunteer it.
2. If you doubt its truthfulness, do not supply it. This means it is best to use only information contained in the employee's official personnel records. Be sure that any information can be supported by correspondence verifiable on past situations known to the employee.
3. Only give information about someone who is or was your employee.
4. Give information only to someone interested in employing the person.

**ASSISTANCE IN CONDUCTING CHECKS ON PROSPECTIVE EMPLOYEES:**

**The Pre-Appointment Background Investigation Policy requires that the County conduct at least one background check for every candidate under consideration for a conditional job offer.**

Should a department decide not to utilize the County's background investigation vendor and conduct the reference check themselves, the following provides guidance on conducting checks by telephone. Reference checks are an important part of the overall process used in hiring a new employee. The information gained through telephone interviews can be very helpful in evaluating the overall potential of applicants. Please note, however, that questions regarding age, race, religion, medical condition, physical handicap, or marital status cannot be asked. In addition, each question should be phrased so it is clear that it is job related. Departments are required to permanently keep a record of the reference check they elect to conduct if they will not be utilizing the services of the county's vendor.

To assist you in conducting checks on prospective employees, we have developed a list of questions you may wish to use.

1. In what capacity have you known the applicant?
2. What are the applicant's major strengths? or major weakness?
3. Please comment on the applicant's honesty, reliability and reputation in the working environment.

**PERSONNEL DEPARTMENT POLICY**  
**San Luis Obispo County**

---

---

4. Could you comment on the applicant's ability to accept responsibility and his/her attitude towards work?
5. Can you rate the applicant's effectiveness in your organization?
6. What did the applicant accomplish/add to your organization?
7. Is there any reason why you would not recommend this person for the position applied for.
8. Who is someone you are aware of that the applicant has had work-related problems with?
9. If you were to hire this person again, what would your reasons be?
10. Describe your vacant position and ask the current/past employer to evaluate the success of the prospective employee in your vacant position.

**IF IN DOUBT, CHECK!!!**

REFERENCES: Gov. Code: 31011

Government code 31011. Right to inspect and review official records relating to performance or grievance.

Every County employee shall have the right to inspect and review any official record relating to his or her performance as an employee or to a grievance concerning the employee, which is kept or maintained by the county; provided, however, that the board of supervisors of any county may exempt letters of reference from the provisions of this section.

The contents of such records shall be made available to the employee for inspection and review at reasonable intervals during the regular business hours of the county.

The county shall provide the opportunity for the employee to respond in writing, or personal interview, to any information about which he or she disagrees. Such response shall become a permanent part of the employee's personnel record. The employee shall be responsible for providing the written responses to be included as part of the employee's permanent personnel record.

This section does not apply to the records of any employee relating to the investigation of a possible criminal offense.