



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council

Date: January 22, 2012

From: Nikki Salas, Director of Human Resources Item No: 6
Human Resources

Subject: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING THE PERSONNEL POLICIES AND PROCEDURES MANUAL

T.M. Approval: _____

Budgeted Item: ☐ Yes ☐ No ☒ N/A

RECOMMENDED ACTION:

That the Town Council adopt the attached resolution No. 2013-06, A Resolution of the Town Council of The Town of Apple Valley Amending the Personnel Policies and Procedures, Section 16.6 for the Town of Apple Valley.

SUMMARY:

On January 1, 2013, AB 2674 which made significant changes to Labor Code Section 1198.5 went into effect. These changes to the law govern the right of a current or former employee to inspect certain personnel records relating to them. This new law defines that employees (current and former) have the right to request to inspect their personnel file or receive a copy. It also defines which documents to disclose. In addition, AB2674 specifies how often an employee may request to inspect their personnel file and how long does an employer have to comply with a request to inspect/receive a copy.

Town Human Resources staff amended Section 16.6 of the Personnel Policy and Procedure Manual to incorporate these changes.

BACKGROUND:

Effective January 1, 2013, AB2674 made changes to Labor Code Section 1198.5 requiring the Town to amend the Personnel Policy and Procedure Manual.

FISCAL IMPACT: This item does not have a financial impact.

RESOLUTION NO. 2013-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY AMENDING THE PERSONNEL POLICIES AND PROCEDURES FOR THE TOWN OF APPLE VALLEY

WHEREAS, the Town Council of the Town of Apple Valley has established Personnel Policies and Procedures for the Town of Apple Valley employees; and

WHEREAS, the Town Council of the Town of Apple Valley wishes to modify the Personnel Policies and Procedures for the Town of Apple Valley employees; and

WHEREAS, the Town Council of the Town of Apple Valley wishes to modify Rule 16, Section 16.6 of the Personnel Policies and Procedures.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Rule 16, Section 16.6 shall be amended in its entirety as provided in Exhibit A.

Unless otherwise noted, the effective date of this Resolution shall be January 22, 2013.

APPROVED and ADOPTED by the Town Council of the Town of Apple Valley this 22nd day of January, 2013.

Curt Emick, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Section 16.6 Employee Access

An employee may examine his or her personnel records at reasonable intervals and at reasonable times. An employee has the right to ask for a correction or a deletion, and write a statement of disagreement with any item in the file in the presence of a Personnel representative. The employee may not, however, remove any item from the file.

Current and former employees have the right not only to view the contents of the personnel file, but also to receive a copy of the contents on request, provided they pay the actual cost of copying. An employee can designate a representative to conduct the inspection of, or to receive a copy of, the employee's personnel file. The representative must be authorized, in writing, by the employee to inspect, or receive a copy of, his or her personnel records.

With respect to requests by a former employee, former employees are entitled to one request per year to inspect or receive a copy of their former personnel record. If a current or former employee files a lawsuit in a personnel matter against an employer, the right to inspect and copy personnel records ceases during the pendency of the lawsuit.

All requests must be submitted the request in writing (see attached - Request to Review/Copy Personnel Record. Once the form is submitted an employee will be notified within 30 calendar days of their scheduled appointment to view the file or to receive a copy. All personnel file records will be maintained for a period of three years following the termination of an employee's employment.

The new statute allows current and former employees to view (and copy) all contents of the personnel file with the exception of the following contents:

- Redaction of names of non-supervisory employees
- Documents related to a criminal investigation
- Letter of recommendation
- Promotional exam documents



Town of Apple Valley
Request to Review/Copy Personnel Record

Notice: This form may be used to view and/or receive copies of information from your personnel file. Please review the instructions below, complete the form and return to your department head or the Human Resources department. An employee has the option of designating a representative to review or obtain a copy of the Personnel Record (please reference below).

Instructions for use:

1. Provide your employee information requested below.
2. Designate a representative (if applicable).
3. Sign and date.
4. Return form to department head or the Human Resources department.

Name:		Submittal Date:	
SSN:			
Position/Title & Employee Number:		Department	
Name of Designated Representative:			
Please choose (x) method of format: I would like to obtain a COPY ____ If you want only specific records and not a complete copy of the personnel file please specify those documents: _____ _____			
I would like to schedule an appointment to ACCESS my file ____.			
I understand if this request is to obtain a copy of my personnel I am responsible to pay the actual cost of copying. In addition, my signature below authorizes a designated representative (if applicable) to act on my behalf.			
Employee Signature: _____ Date: _____			
Human Resources Use Only			
Date for Access or Copy: _____ (within 30 days of initiated request)			
Human Resources Director _____ Date: _____			
Date Closed: _____			