

CHAPTER 30
PERSONNEL AND MEDICAL FILES
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CHAPTER 30

PERSONNEL AND MEDICAL FILES

1. POLICY.

a. Requirements. Only those records which are necessary, relevant, timely, or required by law shall be collected and maintained in departmental personnel and medical files. While medical files are considered to be personnel files, the Americans with Disabilities Act (ADA) requires that all medical files be maintained in a locked file, completely separate from the existing personnel files. Accordingly, the terms “personnel files” and “personnel records” do not include medical files and medical records for the purposes of this chapter. However, the requirements for maintaining and accessing both personnel and medical files are addressed.

(1) A personnel file and a separate medical file shall be maintained for every departmental employee and shall be housed in the Human Resources Section (HRS), Personnel Files Services (PFS). The headquarters’ personnel file is the “official” departmental personnel file.

(2) A field personnel file and a separate medical file shall be maintained for every employee at the command in which the employee is currently assigned. Field folders should contain only those records required to evaluate and assist the employee in personal development, and to protect the employee and family members in case of injury or death.

b. Responsibilities. The responsibilities for the contents, security, and housing of personnel and medical files are as follows:

(1) The Custodian of Records, Office of Legal Affairs (OLA), shall answer questions regarding who can access the files, ensure only those individuals officially authorized can access the files, determine what records can or cannot be accessed and/or released, and establish criteria for retention of the records and the manner in which they are filed.

(2) Personnel and Training Division shall provide input to OLA, as to the criteria for who can access personnel files and medical files, and the establishment of retention criteria for the records and the manner in which they are filed.

(3) The commander of HRS shall oversee the housing, physical security, and access of the personnel and medical files with input from OLA.

2. DEFINITIONS.

a. Personnel Files. Personnel files contain employment records maintained by an employer for the purpose of administering those functions required by the employing agency (e.g., various types of employee benefit documentation, training provided, employment history of the employee).

b. Personnel Records. For peace officers, personnel records means any file maintained under that individual's name by their employing agency and containing records relating to any of the following:

- (1) Personal data, including marital status, family members, educational and employment history, home addresses, or similar information.
- (2) Medical history.
- (3) Election of employee benefits.
- (4) Employee advancement, appraisal, or discipline.
- (5) Complaints, or investigations of complaints, concerning an event or transaction in which they participated, or which they perceived, and pertaining to the manner in which they performed their duties.
- (6) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

c. Medical Files. Medical files contain medical records maintained by an employer concerning the condition or state of mental and/or physical health of an employee (e.g., medical examination reports, health questionnaires, on-the-job injury reports, absence requests for illness or injury).

3. CONFIDENTIALITY. Penal Code (PC) Section 832.7, Government Code (GC) Section 6254(c), and Civil Code Section 1798, et seq., protect the confidentiality of personnel records and strictly limit their disclosure. The ADA places additional restrictions on medical records. Employees authorized to access files shall be limited to those whose official duties require they process or review such records. Unauthorized disclosure of confidential information contained in personnel and medical files by employees who have access to such records through job-related duties shall constitute a cause for disciplinary action, including the termination of employment. In addition, willful disclosure of peace officer personnel records is a violation of PC Section 832.7 and may constitute a crime under GC Section 1222.

4. MAINTENANCE. Locked files and appropriate physical safeguards shall be established by commanders to ensure the security and confidentiality of personnel records. Additionally, medical files shall be kept in a separate, locked file, apart from the location of the personnel files.

5. PURGING. File material shall be maintained no longer than the period of time required by law and in accordance with the approved departmental retention period established for the material. Outdated personnel records scheduled for destruction may be given to the employee to whom they pertain if the employee is authorized to see the records.

NOTE: An exception to the above rule is, in the event of a “line of duty” death, the deceased employee’s headquarters’ personnel file shall be sealed and archived by PFS. For field personnel files disposition, refer to paragraph 14. of this chapter.

6. LEGAL ACTIONS. Anyone with questions relating to service of legal documents (e.g., subpoenas, discovery motions, court orders) for the disclosure of personnel or medical records shall be referred to OLA. If the legality of disclosure is in question, OLA will seek advice from the Office of the Attorney General.

7. ADVERSE COMMENTS.

a. File Contents. Government Code Section 3305 provides that no comment adverse to a public safety officer’s interest shall be entered in any file used for personnel purposes without the employee having first read and signed the document. The Commissioner has extended the application of this code to all uniformed and nonuniformed, permanent and probationary employees, except cadets. If an employee refuses to sign, that fact is noted on the document, and it is then signed by an employee witness (usually a supervisor) prior to being placed in the file. Per GC Section 3306, employees represented by Bargaining Unit (BU) 5 have 30 days to file a written response to any adverse comment. Supervisors and managers should refer to the employee’s specific BU contract if not represented by BU 5 for the allowed time frame to respond. If a response is made, it shall be attached to the document which contains the adverse comment. The individual submitting a document with an adverse comment for filing shall be responsible for compliance with GC Sections 3305 and 3306, and the individual employee’s BU contract or Memorandum of Understanding (MOU).

8. WORK PERFORMANCE INQUIRIES. Under Civil Code Section 1798.50, supervisors are not subject to civil liability when giving opinions as to the work performance of a subordinate, including whether or not an employee would be

considered for rehire, when requested by a potential employer. Personal or confidential information shall not be disclosed unless a written authorization is obtained from the individual to whom the information pertains. Care should be taken that factual information disclosed is supported by documentation. Pursuant to Labor Code Section 1050, it is a misdemeanor for supervisors to misrepresent a former employee's performance. Paragraph 16.a. of this chapter contains a list of information pertaining to state employees which can be released under the Public Records Act.

a. Work Performance Inquiries–Uniformed Personnel. All requests for personnel records of a peace officer currently or formerly employed by the Department shall be in writing, shall be accompanied by a notarized authorization by the current or former peace officer for release of information, and shall include a statement releasing the Department of liability.

(1) Request Made by Another Law Enforcement Agency. When a request is made by another law enforcement agency, the request shall be in writing, accompanied by a notarized authorization by the current or former peace officer releasing the Department of liability.

(a) The request and notarized authorization shall be presented by a sworn officer or authorized representative of the employing law enforcement agency.

1 When the request is made by an authorized representative of the employing law enforcement agency, the authorization granted by the employing law enforcement agency to the representative shall also be presented on the agency's letterhead.

b. Work Performance Inquiries–Nonuniformed Personnel. All requests for personnel records of a nonuniformed employee currently or formerly employed by the Department shall be in writing, shall be accompanied by a notarized authorization by the current or former nonuniformed employee for release of information, and shall include a statement releasing the Department of liability.

9. AUTHORIZED ACCESS–HEADQUARTERS AND FIELD PERSONNEL FILES.

a. Personnel Files (Does Not Include Medical Records). Employees with authorized access should contact PFS, which requires at least 24 hours advance notice, for personnel file requests. Only PFS employees are authorized to retrieve actual files.

(1) Employee Access. In accordance with GC Section 18573 and Civil Code Section 1798, et seq., and with the exception of paragraph 9.a.(2), employees may access and review any records maintained in their personnel file including

adverse action and civilian complaint investigations. **This does not include medical records, which are addressed in paragraph 9.b.**

(2) Background Information Access. Confidential California Department of Motor Vehicles (DMV) and Department of Justice information contained in applicant background investigation files shall not be released. The investigator's narrative will be summarized before release as to protect confidential sources. Annex A contains policy and procedures for accessing applicant background investigation files.

(3) Designated Access. Personnel files may also be reviewed and accessed by an individual designated by, and with written permission of, the employee, dated within the past 30 days unless a longer period of time is so designated on the written authorization, and upon presentation of proper identification. Authorizations must contain an original signature unless it is stated on the written authorization that a copy is as valid as an original.

(4) Division Access. All Chiefs and Assistant Chiefs are authorized access to personnel files for individuals assigned to their Division only. On a case-by-case basis, Division Chiefs or their respective Assistant Chiefs may grant authorization to management or supervisory personnel to access personnel files for employees within their respective Divisions.

(5) Executive Management Access. Employees assigned to the Office of the Commissioner and Offices of the Assistant Commissioners have access to personnel files.

(6) Specialized Command Access. Office of Internal Affairs; Office of Equal Employment Opportunity; Office of Employee Relations; Office of Risk Management, Injury and Illness Case Management Unit; and HRS, Personnel Transactions Unit, may submit names to OLA (to be updated on a semiannual basis) of those employees who are to be granted access to personnel files for specific job-related functions.

(7) Reference Check Access. If a current employee is a potential selection for a position within the Department, the hiring supervisor may review the selected candidate's personnel file as part of a reference check. Personnel Files Services shall make the personnel file available for review by the hiring supervisor. Personnel Files Services shall not provide the Original Personnel File (OPF) or copies of documents from the OPF to the prospective hiring supervisor.

(8) Custodial Access. Those employees whose duties require they process, purge, and maintain personnel files shall have access to the files in order to perform their assigned responsibilities.

(9) Access by Exception. Individuals requesting access to personnel files who are not included in the foregoing provisions must obtain written approval on a case-by-case basis from OLA.

(10) State Attorneys. Relevant information may be provided to the Office of the Attorney General, as necessary, to represent the Department.

(11) Federal Government Official Access. Federal government officials investigating compliance with federal equal employment opportunity statutes shall be provided relevant information upon receipt of a written request that includes the statutory authority for obtaining the information.

b. Medical Files (Does Not Include Personnel Records).

(1) Employee Access. In accordance with GC Section 18573 and Civil Code Section 1798, et seq., employees may access and review their medical records maintained by the Department with the exception of paragraphs 9.b.(1)(a) and 9.b.(1)(b).

(a) Information with medical, psychiatric, or psychological information may not be disclosed if it would and/or might be medically or psychologically detrimental to the employee.

(b) The employee can authorize disclosure of this information to a physician pursuant to Civil Code Section 1798.40(f).

(2) Designated Access. An employee may designate access to medical files to an individual by a signed waiver, dated within the past 30 days unless a longer period of time is so designated on the waiver. The waiver must specify that access is for medical records in addition to any other records to be accessed. Authorizations must contain an original signature unless it is stated on the written waiver that a copy is as valid as an original.

(3) Division Access. All Chiefs and Assistant Chiefs are authorized access to medical files for individuals assigned to their Division if there is a true need to know in order to perform their statutory duties, and a need to be aware of the necessary restrictions on the work or duties of an employee and/or necessary accommodations required. On a case-by-case basis, Division Chiefs or their respective Assistant Chiefs may have their access restricted to such files. Such determination will be made by OLA with the approval of the appropriate Commissioner.

(4) Executive Management Access. Employees assigned to the Office of the Commissioner and Offices of the Assistant Commissioners have access to medical files if there is a true need to know in order to perform their statutory

duties, and a need to be aware of the necessary restrictions on the work or duties of an employee and/or necessary accommodations required.

(5) Custodial Access. Those employees whose duties require they process, purge, and maintain medical files shall have access to the files in order to perform their assigned responsibilities.

(6) Access by Exception. Individuals requesting access to medical files who are not included in the foregoing provisions must obtain written approval on a case-by-case basis from OLA.

(7) Emergency Responder Access. First aid and safety personnel may be informed of a medical condition if it might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations.

(8) Government Official Access. Government officials investigating compliance with the ADA and other federal and state laws prohibiting discrimination on the basis of disability or handicap shall be provided relevant information upon request. Other federal laws and regulations also may require disclosure of relevant medical information. Requests must be in writing and include statutory authority for obtaining the information.

(9) State Attorneys. Relevant information may be provided to the Office of the Attorney General or State Fund attorneys, as necessary, to represent the Department.

10. EMPLOYEE REVIEW.

a. Headquarters Files.

(1) Employees requesting to review their personnel and/or medical files must make an appointment with PFS, at (916) 843-3700; at least 24 hours advance notice is required. A state telephone may be used to call for an appointment. Calls made from private telephones shall not be charged to the state. Collect calls shall not be accepted.

(2) Failure to make an appointment with PFS will preclude the employee's review of the medical and background investigation files. These files require careful screening to ensure legal compliance.

(3) Personnel and/or medical files may be reviewed by an employee's representative with written permission of the employee, dated within the past 30 days unless a longer period of time is so designated on the written form, and upon presentation of proper identification. Authorizations must contain an

original signature unless it is stated on the written form that a copy is as valid as an original.

(4) Information regarding headquarters personnel and medical files will not be available by telephone. The files will not be removed from PFS. File contents may be reviewed only in the presence of an authorized PFS employee. Regular copies may be purchased for 10 cents per page. The charge for computer paper copies or microfilm is 20 cents per page.

(5) Travel expenses to headquarters and the time required to review the files will be at the employee's expense. In lieu of personal attendance, an employee may request copies of their personnel and medical files, which the employee has a right to access, be mailed to the employee's work location to the attention of the employee's direct supervisor, marked "**Personal and Confidential.**" If the employee requests copies, pursuant to Civil Code Section 1798.33, a charge of 10 cents per page for regular copies and 20 cents per page for computer paper copies or copies of microfilm must be collected prior to releasing the records to the employee.

(6) All file reviews will be tracked and logged in the File Review Tracking Log binder located in the PFS room. The PFS staff will complete the File Review Tracking Log entry providing the name, review date, ID, and the purpose of the file review.

b. Field Personnel Files (Field Folder).

(1) Requests from employees to review their field personnel and/or medical files must be in accordance with the local control procedures.

(2) Field personnel and/or medical files may be reviewed by an employee's representative with written permission of the employee, dated within the past 30 days unless a longer period of time is so designated on the written form, and upon presentation of proper identification. Authorizations must contain an original signature unless it is stated on the written form that a copy is as valid as an original.

(3) When annual performance appraisals are conducted, employees shall be informed of their opportunity to review and discuss all of their field personnel and/or medical files, except for files designated exempt from disclosure to employees.

(4) Supervisors shall stress the importance of updating any information which the employee has the responsibility to keep current. Such information would include material contained in a sealed envelope to be opened in the event of death.

11. PERSONNEL FILE CONTENT (DOES NOT INCLUDE MEDICAL FILES).

a. Headquarters Personnel File Content. The following list of documents will be scanned into the personnel file system and maintained in an electronic format. Hard copies of documents will be maintained for one year following scanning and will be available in the event of a computer system failure.

(1) CHP 102, Address and Emergency Information, completed in its entirety. All other copies will be destroyed.

(2) CHP 445, Investigation Transmittal, uniformed only.

(3) CHP 446, Personal History Statement Cadet, California Highway Patrol, uniformed only.

(4) STD. 678, Examination / Employment Application.

(5) STD. 243, Designation of Person(s) Authorized to Receive Warrants, (GC § 12479).

(6) STD. 634, Absence and Additional Time Worked Report. The California Family Rights Act (CFRA) and the federal Family and Medical Leave Act (FMLA) allow paid leaves of absence for the placement of children with employees in connection with adoption by employees.

(7) Leave of absence correspondence not related to injury or illness.

(8) STD. 689, Oath of Allegiance and Declaration of Permission to Work for Persons Employed by the State of California.

(9) PERS-HBD-12, Health Benefits Plan Enrollment for Active Employees, and related forms and correspondence.

(10) CalHR 781, Dependent Eligibility Verification Checklist (retention: life of file).

(11) CalHR 782, Affordable Care Act (ACA) Notification Checklist.

(12) All documents used in the dependent eligibility verification process (retention: life of file).

(13) Adverse Action, official notice served on employee, and investigation file (retention: five years), except those that result in written reprimand only (retention: three years).

(14) Criminal History Record and Federal Bureau of Investigation Record.

- (15) Code of Honor, uniformed only.
- (16) General correspondence regarding employment verification for credit, insurance, prospective employer, etc.
- (17) INF 254, Government Agency Request for Driver License/Identification Record Information, and DMV driving record.
- (18) Merit Salary Adjustment Denial, Notice to Employee.
- (19) Meritorious awards from distinguished persons.
- (20) Miscellaneous investigations.
- (21) Officer-involved discharge of firearms investigation.
- (22) Performance reports-probationary and annual evaluations (retention: latest three full reports, regardless of age).
- (23) Total State Service Verification.
- (24) Veterans Status Form.
- (25) Wage Earner Plan, Chapter 13 of Bankruptcy Act.
- (26) Wage Garnishment-writ of execution, federal or state tax levy (retention: until garnishment satisfied).

b. Field Personnel File Content (Field Folder). Materials filed in the CHP 137, Personnel Folder, shall include the following items, if applicable, and shall be filed in conformity with the labeled indexes contained within the folder. Material that is too bulky may be filed in a separate (locked) file or in a separate folder adjacent to the field folder.

c. CHP 137C, Field Personnel Folder Annual Review (Uniformed).

(1) The CHP 137C is a checklist for reviewing and updating field folder documents at the time of the annual performance evaluation. In the Reviewed column, enter X on each item as it is reviewed with the employee. If the item is not applicable, enter N/A.

(2) Section A – Field Service Record.

(a) The CHP 270, Service Record, shall be maintained on a current basis for all personnel and shall be reviewed annually when the performance

appraisal is conducted. The annual review of this information shall be noted in the space provided on the CHP 270 and/or the CHP 137C.

1 Current photograph of employee: one affixed to the CHP 270, and one placed in a separate envelope within the folder. The photograph affixed to the CHP 270 shall be replaced with an updated photograph every five years.

2 Upon promotion of a uniformed employee, it is the responsibility of the Division, Area, or section to have photographs taken of the promoted employee. One photograph shall be forwarded within 30 days of the promotion announcement to the Academy, Television Unit, 1 to HRS for use on the employee's ID card, and 1 shall be affixed to the CHP 270.

3 A duplicate of each employee's CHP 270 and CHP 102 will be maintained at the employee's command office in order to provide necessary information in the event of a personal or family emergency.

(b) CHP 102, completed in its entirety. All previous copies will be destroyed.

(c) CHP 611A, Instructions for Completing the Form CHP 611B (Instructions in the Event of Death).

(d) CHP 611B, Instructions in the Event of Death, may be used to record much of the nonlegal information. Upon separation or retirement, this material shall be removed and returned to the employee before the folder is forwarded to headquarters.

(e) CHP 369, Authorization to Release Medical Information for Public Disclosure.

(f) CHP 242, Employee Predesignation of Treating Physician.

(g) CalPERS 0772, Pre-Retirement Lump-Sum Beneficiary Designation, (only if beneficiary is other than spouse, and provided by the employee).

(h) STD. 243.

(i) STD. 686, Employee Action Request.

(j) Copies of health, dental, vision, life, and other insurance enrollments; California Public Employees Retirement System (CalPERS) elections.

- (3) Section B – Commendations, Evaluations, Incident Reports.
- (a) CHP 137C.
 - (b) CHP 118 (includes all applicable forms in the CHP 118 series, and all reports of performance; e.g., probationary reports, annual evaluations, and interim reports.)
 - (c) CHP 115, Trainee Checklist.
 - (d) Personal Career Development Plan (refer to Highway Patrol Manual [HPM] 70.13, Departmental Training Manual, Chapter 9, Career Development Program).
 - (e) CHP 14, Leadership Development Plan, (refer to HPM 10.10, Performance Appraisal Manual, Chapter 2, Leadership Development Plan).
 - (f) Copies of commendations for the past 3 years. Original copies of commendations of a routine nature for appearances before groups or services to the public that are not extraordinarily above the call of duty shall be kept in the field personnel folder for a period of 3 years; **copies should not be forwarded to headquarters for inclusion in an employee’s official headquarters personnel file.**
 - (g) CHP 2, Incident Report.
 - (h) Memorandums of Findings – Firearms Discharge, Miscellaneous Investigations, and Memorandums of Direction and/or Correction for the past three years. At the expiration of retention, destroy at the local level. **Do not forward to headquarters unless separating prior to expiration date.**
 - (i) Closing documents of complaint investigations (unintentional error or sustained only).
- (4) Section C – Injury/Illness Prevention, Emergency Action Plan.
- (a) CHP 712, Employee Emergency Action Plan Review (retention: length of employment).
 - (b) CHP 712A, Injury and Illness Prevention Program Orientation and Review.
- (5) Section D – Miscellaneous Documentation.

- (a) CHP 220, Request for Uniformed Transfer.
- (b) CHP 18, Annual Internal Investigation Policy Review.
- (c) CHP 228, Pursuit Policy Training Attestation.
- (d) CHP 318, Notice of Intent to Engage in Secondary Employment.
- (e) STD. 261, Authorization to Use Privately Owned Vehicles on State Business.
- (f) CHP 101, Appropriate Use of Automated Information & Systems Statement.
- (g) CHP 109, Information Technology Request.
- (h) CHP 197, Receipt for Notice to Employees of Rights under FMLA.
- (i) CHP 237, Sexual Harassment Prevention Training Log.
- (j) CHP 237A, Sexual Harassment Prevention and Discrimination Policy Admonition.
- (k) Acknowledgement of Substance Abuse Testing Notification (for classifications identified as “sensitive positions” as defined in the California Code of Regulations, Sections 599.960–599.966, Article 29, Title 2, Substance Abuse). Refer to HPM 9.2, Substance Testing Manual, Chapter 4, Sensitive Positions.
- (l) CHP 192, Receipt of Requirement to Report Child Abuse.
- (m) CHP 81, Receipt of State Property. This form may be printed from the Electronic Training Records System (ETRS) once property information is entered and assigned to the employee.
- (n) CHP 95, Receipt of General Order 100.95 Policy Review.
- (o) CHP 379, Vehicle Home Storage Request/Permit. Refer to HPM 31.1, Fleet Operations Manual, Chapter 1, Administration.
- (p) Ethics Orientation for State Officials. California law requires state officials to complete an ethics training course within six months of hiring and every two years thereafter. The Office of the Attorney General and the Fair Political Practices Commission have developed an online Ethics Training Course. Additional information can be obtained from either Selection Standards and Examinations Section (SSES), or the Office of

the Attorney General, Fair Political Practices Commission Internet Web page at <http://oag.ca.gov/ethics/>.

- (q) California Form 700, Statement of Economic Interests.
 - (r) General Order (GO) 0.8, Professional Values.
 - (s) CHP 211A, Request for Spousal Military Leave.
- (6) Training File (Maintained Separately from Field Folder).
- (a) CHP 199, Officer Safety Certification.
 - (b) CHP 126, Course Record, (Emergency Medical Responder and/or Cardiopulmonary Resuscitation recertification).
 - (c) CHP 330E, Annual EMT/EMR Equipment Inspection.
 - (d) CHP 4, Secondary Firearms Report.
 - (e) CHP 311, Annual Safety/Protective Equipment Inspection. This form may be printed from the ETRS once property information is entered and assigned to the employee.
 - (f) Radar certification.
 - (g) Forensic Alcohol Training Record (retention: length of employment).
 - (h) 091-26, Report of Completion–Motorcycle Training.
 - (i) 091-044, Motorcycle Enforcement Training Evaluation Report.
 - (j) CHP 200, Motorcycle Performance Evaluation, (Category II riders only).
 - (k) Information Security and Privacy Protection Training certification.
 - (l) Annual Firearms Qualification Records.
 - 1 CHP 243P, Task Oriented Qualification Course - Pistol.
 - 2 CHP 243R, Task Oriented Qualification Course - Rifle.
 - 3 CHP 243S, Task Oriented Qualification Course - Shotgun.
 - 4 CHP 243W, Secondary Weapon Qualification Course - Pistol.

d. CHP 137CN, Field Personnel Folder Annual Review (Nonuniformed).

(1) The CHP 137CN is a checklist for reviewing and updating field folder documents at the time of the annual performance evaluation. In the Reviewed column, enter X on each item as it is reviewed with the employee. If the item is not applicable, enter N/A.

(2) Section A – Field Service Record.

(a) The CHP 270 shall be maintained on a current basis for all personnel and shall be reviewed annually when the performance appraisal is conducted. The annual review of the information shall be noted in the space provided on the CHP 270.

1 A current photograph of the employee shall be affixed to the CHP 270, and one placed in a separate envelope within the folder. The photograph affixed to the CHP 270 shall be replaced with an updated photograph every five years.

2 It is the responsibility of the Division, Area, or section to have photographs taken of a newly promoted employee. One photograph shall be forwarded within 30 days of the promotion to HRS for use on the employee's ID card.

3 A duplicate of each employee's CHP 270 and CHP 102 will be maintained with the command office in order to provide necessary information in the event of a personal or family emergency.

(b) CHP 102, completed in its entirety. All other copies will be destroyed.

(c) CHP 611A.

(d) CHP 611B may be used to record much of the nonlegal information. Upon separation or retirement, this material shall be removed and returned to the employee before the folder is forwarded to headquarters.

(e) CHP 369.

(f) CHP 242.

(g) CalPERS 0772 (only if beneficiary is other than spouse).

(h) STD. 243.

(i) STD. 686.

(j) Copies of health, dental, vision, life, and other insurance enrollments; CalPERS elections.

(3) Section B – Commendations, Evaluations, Incident Reports.

(a) CHP 137CN.

(b) CHP 118 (includes all applicable forms in the CHP 118 series).

(c) STD. 636, Report of Performance for Probationary Employee. (Includes first, second, and third reports of performance.)

(d) STD. 637, Individual Development Plan, for Future Job Performance of Permanent Employee.

(e) CHP 50B, Upward Mobility Career Plan, (refer to CHP 120, Individual Development Plan for Future Job Performance of Permanent Employee) and/or approved Personal Career Development Plan (refer to HPM 70.13, Chapter 9).

(f) CHP 14 (refer to HPM 10.10, Chapter 2).

(g) Copies of commendations for the past three years. Original copies of commendations of a routine nature for appearances before groups or services to the public that are not extraordinarily above the call of duty shall be kept in the field personnel folder for a period of three years; **copies should not be forwarded to headquarters for inclusion in an employee's official headquarters personnel file.**

(h) CHP 2.

(i) Closing documents of complaint investigations (unintentional error or sustained only).

(j) Memorandums of Findings (miscellaneous investigations).

NOTE: Some employee BU contracts or MOUs allow for removal of adverse comments after one year at the request of the employee. Refer to individual BU contracts or MOUs to ensure compliance.

(4) Section C – Injury/Illness Prevention, Emergency Action Plan.

(a) CHP 712.

(b) CHP 712A.

(5) Section D – Miscellaneous Documentation.

- (a) CHP 220N, Request for Transfer–Nonuniformed.
- (b) CHP 18.
- (c) CHP 318.
- (d) STD. 261.
- (e) Copy of Defensive Driving Card/Defensive Driver Training Certificate. (Obtained after successful completion of Defensive Driving Course available online through the Department of General Services.)
- (f) CHP 101.
- (g) CHP 109 (previously CHP 101B).
- (h) CHP 197.
- (i) CHP 237.
- (j) CHP 237A.
- (k) Acknowledgement of Substance Abuse Testing Notification (for classifications identified as “sensitive positions” as defined in the California Code of Regulations, Sections 599.960–599.966, Article 29, Title 2, Substance Abuse). Refer to HPM 9.2, Chapter 4.
- (l) CHP 81. This form may be printed from the ETRS once property information is entered and assigned to the employee.
- (m) CHP 95.
- (n) CHP 379.
- (o) Ethics Orientation for State Officials. California law requires state officials to complete an ethics training course within six months of hiring and every two years thereafter. The Office of the Attorney General and the Fair Political Practices Commission have developed an online Ethics Training Course. Additional information can be obtained from either SSES or the Office of the Attorney General, Fair Political Practices Commission Internet Web page at <https://oag.ca.gov/ethics/>.
- (p) California Form 700.

(q) General Order 0.8.

(r) General Order 10.23, Weapons Policy for Nonuniformed Employees, policy review. Each year during the employee's annual appraisal or evaluation, GO 10.23 shall be printed and reviewed by the employee. After the employee has reviewed and initialed GO 10.23, a copy shall be placed in the employee's personnel file.

(s) CHP 67, Receipt of General Order 60.7 Policy Review. Each year during the employee's annual appraisal or evaluation, GO 60.7, On-Duty Use of Cellular Telephones and Personal Electronic Devices – Communications Centers, shall be reviewed and the CHP 67 signed by the employee and placed in the employee's personnel file for annual review and signature.

(t) CHP 211A.

(6) Training File (Maintained Separately from Field Folder).

(a) Cardiopulmonary Resuscitation Certification (if applicable).

(b) Copies of training certificates.

12. MEDICAL FILE CONTENT (DOES NOT INCLUDE PERSONNEL RECORDS).

a. Headquarters Medical File Content.

(1) CHP 121, Employer's Report of Occupational Injury or Illness.

(2) CHP 121A, Supervisory Review of Occupational Injury, Illness or Exposure.

(3) CHP 73 series, Applicant Health Questionnaire, Medical Examination, and Physical Fitness Evaluation, uniformed only.

(4) CHP 150, Reference Inquiry, information relating to the applicant's suitability for employment.

(5) CHP 208, Collision Prevention Report.

(6) CHP 442, Individual Accident, Injury and Safety Recognition Record.

(7) CHP 555/556, Traffic Collision Report.

(8) Nonindustrial Disability Insurance leave of absence correspondence.

- (9) STD. 270, Vehicle Accident Report.
- (10) STD. 634, when associated with a CFRA and/or FMLA claim.
- (11) Any documents associated with a CFRA and/or FMLA claim.
- (12) STD. 610, Health Questionnaire (And Physician's Report), nonuniformed only.
- (13) Medical records or information related to exposure to toxic substances or harmful physical agents.
- (14) Records containing medical investigations and reports of any departmental employee.
- (15) Any medical evaluations, doctors' reports, reports of medical laboratories' findings, etc., which contain information concerning the condition of the state of mental and/or physical health of an employee.

b. Field Medical File Content.

- (1) CHP 121.
- (2) CHP 121A.
- (3) CHP 208.
- (4) CHP 442.
- (5) CHP 555/556.
- (6) STD. 270.
- (7) STD. 634, when associated with a CFRA and/or FMLA claim.
- (8) Any documents associated with a CFRA and/or FMLA claim.
- (9) Request for catastrophic leave credits documentation:
 - (a) Official request by employee.
 - (b) Copies of the Communications Network message and/or e-mail message requesting donations.

(10) Any medical evaluations, doctors' reports, reports of medical laboratories' findings, etc., which contain information concerning the condition of the state of mental and/or physical health of an employee.

c. Life of File Definition. Life of the file indicates the maximum length of time the folder is maintained as follows:

(1) Service retired or separated employees: six years after the retirement or separation date, except injury records.

(2) Death (while a California Highway Patrol [CHP] employee), other than deaths in the line of duty: 6 years or until the youngest child reaches age 26, whichever occurs last.

(3) Disability retirement, injury record, termination by disciplinary action, resignation with fault, or absent without leave (AWOL) separation:

(a) Uniformed—at least 6 years after separation or until age 70 or would have been age 70, whichever is the longest period of time.

(b) Nonuniformed—at least 6 years after separation or until age 70 or would have been age 70, whichever is the longest period of time.

(4) Deaths in the line of duty: All files will be archived. Retention length will be determined by OLA.

13. FIELD SUBJECT FILES.

a. Field Subject Files Definitions. The following documents are considered personnel files, with the exception of grievances, but are maintained outside the field personnel file in separate subject files.

(1) Complaints. Complaint investigation files shall be maintained in a separate subject file. Pursuant to PC Section 832.5, the retention for complaint investigation files is five years.

(2) Adverse Actions. File copies shall be maintained in a separate subject file (retention: five years), except those that result in a written reprimand only (retention: three years).

(3) Miscellaneous Investigations. File copies shall be maintained in a separate subject file (retention: three years).

(4) Officer-Involved Discharge of Firearms Investigations. File copies shall be maintained in a separate subject file (retention: five years).

(5) CHP 100 (Includes all Applicable Forms in the CHP 100 Series). The files of CHP 100s shall be maintained, distributed, and retained in accordance with HPM 10.10, Chapter 3, Performance Appraisal Process for Officer, California Highway Patrol.

(6) CHP 112, Management Summary. File copies shall be maintained in a separate subject file (retention: three years).

b. Grievances. Grievance records shall be filed in separate confidential grievance files as active or inactive. They shall be filed apart from field personnel and medical files and shall be retained at the affected command level for three years subsequent to the date of the final action. Policy and procedures for handling grievance records shall be in accordance with HPM 9.1, Employee Relations Manual, and HPM 11.1, Administrative Procedures Manual, Chapter 13, Information Disclosures – Public Records and Rights of Privacy.

14. DISPOSITION OF FIELD PERSONNEL AND FIELD MEDICAL FILES UPON EMPLOYEE'S TRANSFER OR SEPARATION.

a. Transfer. When an employee is transferred between geographical locations or from a Division or Area to headquarters, their field personnel file, medical files, subject files, and training records shall be forwarded to the new command. The files should be forwarded in enough time to arrive at the new command at least one week before the employee's reporting date.

(1) The CHP 137A, Personnel Transfer Checklist, shall be completed. Only one copy is to be prepared. To ensure that scheduled training is not overlooked, any pending training should be noted on the reverse side of the CHP 137A.

(2) CHP 71, Attendance Report, and information contained on the Monthly Attendance Report and the Leave Balance Report, for employees on the Management Information System, shall be forwarded to the new command.

(3) Any material pertaining to the employee maintained in separate subject files shall be transferred with the employee's folder with the exception of grievance records, which shall be processed in accordance with HPM 9.1.

(4) The employee's CHP 100 shall be handled in accordance with instructions in HPM 10.10, Chapter 3.

(5) CHP 215A, Assignment of Notice to Appear, shall be handled in accordance with HPM 100.9, Enforcement Documents Manual.

(6) Copies of complaint files shall not be sent to the Division of transfer unless the employee is transferring to that specific Division office.

b. Separation. When an employee separates from the Department (except for deaths in the line of duty), the field personnel folder, medical files, subject files, and training records shall be forwarded to PFS for filing, after material has passed the retention period and has been purged by field personnel. Only the following documents will be kept and scanned by PFS:

- (1) CHP 270.
- (2) CHP 442.
- (3) CHP 444, Summary Sheet of Absence Requests.
- (4) CHP 4.
- (5) CHP 311.
- (6) CHP 81.
- (7) CHP 2 (retention: three years).
- (8) CHP 369 (uniformed personnel only).
- (9) CHP 118.
- (10) CHP 318.
- (11) California Form 700.
- (12) All letters from the Governor or President of the United States.
- (13) All letters, memorandums of recognition, or MOU (retention: three years).
- (14) All certificates.
- (15) All training records.
- (16) Exit interviews.
- (17) Civilian complaint investigation files of separated employees that have not passed the retention period shall be marked **confidential** and sent directly to OLA. The OLA will maintain the files for the remaining retention period.

(18) The commander may retain in the local file the latest CHP photograph of a retiring employee and a brief synopsis of the employee's service. It may be used to respond to inquiries about the employee and will be retained for two years after retirement unless the employee requests a shorter period of time.

(19) Upon separation (except retirement), the employee's INV 32, Request for Confidentiality of Home Address, shall be completed and the DMV shall be notified using the following procedures. The yellow copy of the INV 32 shall be amended by completing the appropriate box in Section 2.

(a) The command shall indicate whether the employee is: "No longer qualified" (resignation or dismissal) and the date of separation from the Department.

(b) The command shall then forward this form to DMV at the address shown in the upper right-hand corner of the INV 32. This form is not to be forwarded to PFS.

c. Employee Death in the Line of Duty. In the event of an employee death in the line of duty, all personnel, medical, subject, and training records shall be immediately forwarded (as is) to PFS for maintenance and retention in a designated area within PFS.

d. Leave of Absence. The field personnel and medical files of an employee on leave of absence shall be retained by their commander during the period of leave.

e. Mailing of Field Personnel and Field Medical Files. Field personnel and field medical records are confidential and when mailed they shall be transmitted according to instructions contained in HPM 11.1, Chapter 26, Classified Materials, utilizing a CHP 26, Classified Document Notice.

15. APPLICANT FILES—PERSONS NOT HIRED.

a. Maintenance of all Applications and Files of Applicants not Selected for Hire. All applications and files of applicants not selected for hire must be retained by the command. Files must be retained for a minimum of five years from the date of creation of the record.

b. Correspondence or Forms from Applicants. Correspondence or forms submitted by applicants for employment shall be maintained for a minimum of five years by the command. Applicants include all persons who apply for employment in any position (new hire, reinstatement, transfer, or promotion). Such forms or correspondence include:

- (1) STD. 678.
- (2) Résumés.
- (3) Letters of request for reinstatement or transfer.
- (4) Any other correspondence or form submitted for the intention of obtaining employment.

c. Application Subject Files. A subject file is to be established to maintain all records of employment practices including, but not limited to, applications and interview notes of applicants who are not hired and materials used in the selection of the appointee, for a five-year period of time. This five-year period is from the initial creation of receipt of these records. Refer to HPM 10.3, Chapter 2, Nonuniformed Hiring and Appointments.

16. REQUESTS FOR INFORMATION ABOUT EMPLOYEES.

a. Public Information. The following information, barring special circumstances such as those of undercover officers or employees subject to threats or reprisals, is subject to release, upon request, as the items are considered public under the Public Records Act.

- (1) Name.
- (2) Department.
- (3) Reporting unit/location/telephone number.
- (4) Classification and specifications for the position.
- (5) Assignment (description of duties).
- (6) Salary range (gross salary rate).
- (7) Tenure (years on the job).
- (8) Time base (full- or part-time employee).
- (9) Date appointed or separated.
- (10) Rehire information.
- (11) Training received at state expense.

NOTE: The only information that is for public release is the name, dates, and type of training received.

b. California Public Records Act Request. Any requests for personnel records pursuant to PC Section 832.7(b) (discharge of a firearm at a person, use of force that results in death or great bodily injury, sustained findings of sexual assault, or sustained findings of dishonesty) or GC Section 6254(f)(4) (video and audio recordings that relate to the discharge of a firearm at a person or a use of force incident that results in death or great bodily injury) shall be directed to the Office of Risk Management for response.

c. Requests for Addresses. Attorneys occasionally attempt to contact former employees for testimony in civil or criminal cases relating to their official CHP duties. When an inquiry is made about the address of a former employee, the attorney shall be referred to OLA. The following actions will be taken:

(1) Letters written to the Department may be forwarded to the last known address of the former employee. The person who inquired shall be notified of the action taken, but not provided the address where the letter was forwarded.

(2) When a former employee's telephone number is available, the employee can be contacted by telephone and advised that the party is attempting to contact them.

(3) The courtesy of trying to locate a former employee should be limited to matters involving CHP business.

(4) The last known address or telephone number can be disclosed to a district attorney for a criminal case or the Office of the Attorney General for a civil case involving the Department. This should be done with positive identification of the requester. Such verification could be accomplished by a written request form or a telephone call to the agency to verify the authenticity of the telephone call.

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ANNEX A

RELEASE OF APPLICANT BACKGROUND INFORMATION

1. POLICY.

a. Individuals requesting copies of their applicant background investigation files shall be granted access in accordance with Civil Code Section 1798.38.

(1) Copies of background investigations may also be released to an individual designated by the subject of the background investigation with written permission of the employee, dated within the past 30 days unless a longer period of time is so designated on the written form, and upon presentation of proper identification.

(2) Authorizations must contain an original signature unless it is written that a copy is as valid as an original.

b. When necessary to mail the records, they will be sent as follows:

(1) In-state: to the California Highway Patrol office nearest the individual's residence where they will be released to the individual upon proper identification and payment in full.

(2) Out-of-state: upon payment in full, by certified mail delivered to the addressee only.

2. PROCEDURES.

a. Written Requests. Requests for copies of applicant background investigations shall be on the CHP 371, Request for Records Access, or in the form of a letter from the individual who is the subject of the investigation.

b. Release Approval. The Custodian of Records, the Office of Legal Affairs, will process requests and be responsible for the release of copies of any background investigation files of current and former employees. Professional Training Section (PTS), Cadet Hiring Unit, will process the release of copies of background investigations of those individuals who were not hired (withholds).

c. Response Time. Sufficient time, up to 30 days (60 days for stored records), shall be utilized to screen material appropriate for release. See paragraph 4. for release of final interview tapes. Tapes for those individuals hired are not normally retained by the Department.

ANNEX A

RELEASE OF APPLICANT BACKGROUND INFORMATION (*continued*)

d. Copy Charges. Pursuant to Civil Code Section 1798, et seq., the charge for regular copies is 10 cents per page and 20 cents per page for copies of microfilm or computer records. The charge for a copy of an interview recording is \$5 (refer to Highway Patrol Manual [HPM] 11.1, Administrative Procedures Manual, Chapter 4, Miscellaneous Sales–Transmittal of Collections).

e. Accounting for Released Records. A copy of the response to the requester for the release of the background investigation shall be maintained in the personnel file of a current or former employee. A copy of the response to a requester who was not hired shall be placed in the background investigation file maintained by PTS, Cadet Hiring Unit.

3. FILE MATERIAL SUBJECT TO RELEASE.

a. All material contained in the applicant background investigation file is subject to release to the individual to whom it pertains except as follows:

(1) Information which was collected with a promise of anonymity to the source of the information will be summarized prior to its release.

(2) Specific statutes prohibit access to Criminal Offender Record Information (Rap Sheet) and National Crime Information Center printouts.

(3) Medical information that could be detrimental to the individuals to whom it pertains (e.g., medical or psychiatric reports obtained by physicians, clinics, etc.) cannot be disclosed except to a physician designated by the individual to whom the information pertains.

4. INTERVIEW RECORDINGS. Copies of interview recordings (if they exist) of the final interview of those individuals who were not hired may be purchased from PTS, Cadet Hiring Unit, for \$5 (refer to HPM 11.1, Chapter 4).