

MARIPOSA COUNTY
BOARD OF SUPERVISORS

AGENDA
ACTION FORM

DATE: 8/26/97 *Forthcoming*
AGENDA ITEM NO.: 8

*you may -
Policy BK
9-2-97*

DEPARTMENT: County Counsel BY: Jeffrey G. Green PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes X No)

Adopt the attached Resolution which provides a written policy relative to disseminating information concerning current or former employees. The County currently operates on an unwritten policy. A letter was sent to each Department Head in April 1997 (copy attached) informing them of my intent to have a written policy in place and requesting their comments on the proposed policy. No comments were received. With a policy in place, disclosure of confidential information will be avoided.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

None on this action.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Adopt Resolution as drafted.
- Revise Resolution as the Board desires and adopt.
- Do not adopt Resolution. Negative action could result in confidential information being disseminated.

COSTS: (x) Not Applicable

A. Budgeted current FY \$ _____

B. Total anticipated costs \$ _____

C. Required additional funding \$ _____

D. Internal transfers \$ _____

SOURCE: () 4/5ths Vote Required

A. Unanticipated revenues \$ _____

B. Reserve for contingencies \$ _____

C. Source description: _____

Balance in Reserve for Contingencies, if approved: \$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

Letter from Counsel to Dept. Hds. dated 4/3/97. Resolution.

CLERK'S USE ONLY:

Res. No.: 92-359 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

() Approved () Denied

() Minute Order Attached () No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

Comment: _____

A.O. Initials: *JG*

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

OFFICE OF



JEFFREY G. GREEN
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The County Counsel

MARIPOSA COUNTY

April 3, 1997

To: Department Heads

From: Jeffrey G. Green, County Counsel

Re: Disseminating Information Relative to Current or Former Employees

There have been some recent appellate court decisions which substantially enlarge the liability exposure not only for the County, but individual employees of the County for providing information to prospective employers relative to either existing or former employees of the County. At the present time, Mariposa County has an unwritten policy that we will only provide a current or former employee's dates of employment, position or positions held, and final rate of pay unless we receive a release signed by the employee.

It is my intention to take this matter to the Board of Supervisors to adopt a written policy which would restrict County employees from providing any information to a non-employee without the Personnel Director's approval. This would include any on or off the record comments and letters of reference. It would restrict the County from providing any information other than a verification of a former or current employee's dates of employment, position or positions held, and final rate of pay unless a request and waiver is signed by the employee. All of the information would be provided through the Personnel Office. Any letters of reference would be required to be approved by the Personnel Director prior to forwarding to third parties.

I would appreciate it if you would give this matter some consideration and notify me should you have any questions or suggestions for revisions. It is my intent to formulate a policy in early May so I would appreciate your comments as early as possible.

sa

RESOLUTION NO. 97-359

**RESOLUTION ADOPTING A POLICY
RELATIVE TO DISSEMINATING INFORMATION
REGARDING CURRENT OR FORMER EMPLOYEES**

WHEREAS, recent appellate court decisions substantially enlarge the liability exposure to Mariposa County and individual employees of the County for providing information to prospective employers relative to either current or former employees, and

WHEREAS, the County of Mariposa presently has an unwritten policy which provides only a current or former employee's dates of employment, position or positions held, and final rate of pay unless a release signed by the employee is received, and

WHEREAS, the Board of Supervisors desires to have a written policy in place to avoid disclosure of confidential information to prospective employers;

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Mariposa County, a political subdivision of the State of California, that the following policy shall be effective immediately:

The County of Mariposa (County) strives to provide accurate information about current or former employees to individuals outside County government. To meet this goal, no employee may provide any information to a non-employee without the Personnel Director's approval. This includes on- or off-the-record comments and letters of reference. An employee must immediately advise the Personnel Department of any request for information from a non-employee about a former or current employee. County's policy directs the Personnel Department to verify, upon written request, a former employee's dates of employment, position or positions held, and final rate of pay. County shall require that the affected employee or former employee sign a written disclosure, authorization and release before the County furnishes information other than dates of employment, position(s) held, and final rate of pay.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 2nd day of September 1997, by the following vote:

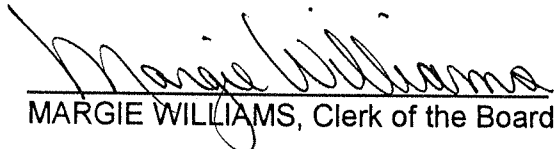
AYES: Reilly, Balmain, Stewart, Parker, Pickard
NOES: None
ABSENT: None
ABSTAINED: None



ROBERT C. STEWART, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



MARGIE WILLIAMS, Clerk of the Board



JEFFREY G. GREEN, County Counsel