

CITY OF CHICO
Administrative Procedure and Policy Manual

Subject: MAINTENANCE AND DISCLOSURE OF EMPLOYEE INFORMATION		Number: 13-7
		Effective Date: March 16, 2010
Department(s) Affected: All Departments		Supersedes: 13-7 dated 3/1/82, 11/22/82
Authority: Section 2.12.010 Chico Municipal Code	File Reference: City Attorney Opinion No. 384 City Attorney Opinion No. 554	
		Approved:

I. BACKGROUND INFORMATION:

The City of Chico Employer-Employee Relations Rules (EERR's) contain provisions relating to the maintenance, by the Human Resources and Risk Management Director, of information relating to each City employee in the employee's personnel file as maintained in the Human Resources and Risk Management Office. The Human Resources and Risk Management Office often receives requests from private persons, firms and institutions for information as to the employment status, pay, correct name, address, telephone number of City employees in connection with various items of personal business in which the employees are involved, including, but not limited to, job applications, and credit applications. By Opinion No. 384, the City Attorney had advised that only certain limited information may be disclosed to private persons, firms, and institutions relating to City employees. However, by Opinion No. 554 setting forth his analysis of *Burleson v. City of Gridley, et al*, Butte County Superior Court Action No. 78321, the City Attorney advises that certain additional information should be released upon request by any person.

On August 27, 2007, the California Supreme Court issued its opinion in the case *International Federation of Professional and Technical Engineers, Local 21, AFL-CIO et al., v. Superior Court of Alameda*. This case involved the request from a newspaper to a city for salary information for employees by name and job title. The Court specifically considered whether this information must be provided pursuant to the Public Records Act. The conclusion was yes. The Court found that public employees do not have the same expectation of privacy in regard to salaries as those employed by private entities and that disclosure of the information did not violate the privacy rights of public employees, specifically including peace officers.

II. POLICY:

It shall be the policy of the City that:

- A. Each Office and Department of the City may maintain a Departmental or Office Roster containing the names and such related information as to its employees as it may deem necessary to have for conduct of official City business.
- B. A Department or Office may provide such information to another Department or Office so long as the provision of said information is required in order to conduct the business of the City.
- C. Each Roster so maintained within an Office or Department shall contain an admonition clearly visible on the cover thereof as follows: "USE OF THIS ROSTER AND DISSEMINATION OF INFORMATION THEREFROM IS RESTRICTED TO OFFICERS AND EMPLOYEES OF THE CITY OF CHICO IN THE CONDUCT OF REQUIRED BUSINESS OPERATIONS. THIS ROSTER SHALL NOT BE AVAILABLE FOR PUBLIC USE."
- D. With the following exceptions, no City employee information shall be released to any private person, firm or institution until such time as the affected City employee submits a signed waiver form (Exhibit "A") to the Human Resources and Risk Management Office authorizing such release.
- E. The following information is considered public information and may be released at any time:
 - 1. Employee's Name.
 - 2. Job Title.
 - 3. Work Location.
 - 4. Work Phone Number.
 - 5. Departmental Assignment.
 - 6. Gross Salary Amount.
 - 7. Overtime Pay Amount.
 - 8. Stand-by Pay Amount.
 - 9. Call-out Pay Amount.
 - 10. Business expense amounts or allowances and per diem amounts.
- F. Unauthorized disclosure of employee information, in violation of the provisions of this Administrative Policy, shall be a cause for disciplinary action against the City Officer or Employee making such unauthorized disclosure.