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|  | <b>LANE COUNTY<br/>SHERIFF'S OFFICE<br/>POLICY</b> | Number: <b>G.O. 6.24</b>  |
|   |  | Issue Date: March 21, 2005  |
|   |  | Revision Date: November 2, 2005;<br>November 27, 2018; June 15, 2021;<br>November 15, 2021  |
| <b>CHAPTER:</b> Human Resources   |  | Related Policy: Lane Manual 2.150 - 2.189 and 2.285; APM, Chapter 3, Section 5; LCPOA Contract, Article 16, AFSCME Contract, Article VII, Section 2 |
| <b>SUBJECT: Employment<br/>Records/Employee Reference Requests</b>                |  | Related Laws: ORS 181A.355, ORS 181A.640, ORS 181A.670, ORS 181A.830, ORS 192.324, ORS 192.338, ORS 192.345, ORS 192.355                            |

**POLICY:** The Sheriff's Office, Lane County Human Resources, and County Payroll hold Sheriff's Office employees' employment records collectively. With the exception of training, evaluation, and fiscal files, the Chief Deputy's Office is responsible for LCSO employee and background files and for the content, maintenance, access, and disposition of information contained in those files.

**RULE (s):**

1. Employees shall treat the official business of this Sheriff's Office as confidential. Information regarding official business will be disseminated only to those for whom it is appropriately intended, in accordance with applicable law and established procedure. Employees shall not reveal confidential information as defined, or the identity of a third party giving confidential information, except as authorized by proper authority.
2. Employees shall not tamper with, remove, or copy any official employment record or document except as established by Sheriff's Office procedure.

**PROCEDURE:**

I. Employee Personnel File

- A. Employee personnel files will be kept in the Chief Deputy's Office. An employee's personnel file may be viewed by an employee upon request and at reasonable times that do not disrupt normal operations.
- B. Additional personnel with access to the employee personnel file are:
  1. Employee's official representative, including attorney, with the employee's signed authorization.

2. Employee's immediate supervisor and higher-level supervisor in direct line within the program area.
  3. Supervisors or managers considering an employee's transfer within the Sheriff's Office.
  4. The Sheriff and Chief Deputy or designee.
- C. Access to the employee's personnel file may also be allowed when ordered by the District Attorney or a Court, requested by County Counsel or the disclosure is in accordance with the Public Records law.
- D. Inspection of personnel files by other than the employee and/or former employee.
1. The Sheriff's Office will provide personnel records if a prospective employer and/or background investigator from another law enforcement agency requests to personally review the personnel file of a current employee and/or former employee.
  2. If the prospective employer is not a law enforcement agency the Sheriff's Office will require a signed release from the current employee and/or former employee.
    - a. The signed release must be reviewed by Lane County Human Resources to ensure it meets requirements approved by County Counsel.
- E. Employees and/or former employees may personally review their personnel files following Sheriff's Office policies and procedures.
1. Employees and/or former employees may obtain copies of their own personnel file at established County fees and in accordance to the terms of an applicable labor agreement.
    - a. Employees and/or former employees may, after having obtained such copies, provide these copies to prospective employers on their own volition. The Sheriff's Office will provide copies of personnel files to prospective employers of current and/or former employees when required by law.
- F. The following information in the employee's record is considered public information:
1. Date of hire.

2. Date of separation.
3. Employee classification.
4. Employing department.
5. Employee salary rate.

II. Employee Medical Files

- A. An employee's medical file will be stored in a confidential manner by Lane County Human Resources.
- B. Access is limited to the employee and Lane County Human Resources personnel on a "need to know" basis.

III. Background Files

- A. A background investigation is completed on every employee prior to the offer of regular employment.
  1. Access to completed background files on current employees is restricted to the Sheriff or designee, the Chief Deputy or designee and County Human resources.
  2. The background file will be maintained separately from the employee's personnel file.
  3. All background investigations will be destroyed ten years after the employee's termination unless there are circumstances such as legal matters or disability issues that would warrant longer retention of the files.

IV. Training Files

- A. Sheriff Office training files are considered an extension of employee personnel files and will be held confidential and/or released in the same manner as personnel files.
- B. Training files will be maintained by the Sheriff's Office Training Section.

V. Internal Investigations Involving Sworn Personnel

- A. Any internal investigation which results in an economic sanction as part of the discipline must be reported to DPSST within 10 days of discipline being final. The 10 days is after all grievances or arbitration is done.

- B. The report to DPSST must include the following:
  - 1. The name and rank of the deputy disciplined;
  - 2. The name of the law enforcement unit at which the deputy is or was employed;
  - 3. A description of the facts underlying the discipline imposed, including a copy of any final decision.

VI. Privacy Guidelines

- A. Employee Reference Requests
  - 1. Employees shall refer such inquiries to Lane County Human Resources.
  - 2. All other employees are prohibited from releasing information and/or opinions that in any way reflect the official position of the Sheriff's Office as it relates to any current and/or ex-employee of the Sheriff's Office.
  - 3. All employee reference letters will be signed by the Sheriff or designee.
- B. The following information is prohibited from being released at all times unless required by applicable law, by a court order or requested by County Counsel.
  - 1. Statements that are based upon opinions, feelings, or emotions, as it relates to an employee or ex-employee;
  - 2. Any form of "blacklist," statements that are not factual and not supported by existing verifiable documents of which the employee or ex-employee has knowledge;
  - 3. Information contained in internal investigation files, except as permitted by existing Sheriff's Office policy and procedures;
  - 4. Non-sustained charges and/or allegations not resulting in discipline;
  - 5. Records that have been sealed by the court, by agreement between employee and employer, and as a result of grievance procedures.
  - 6. Any other information of a sensitive nature and not required to be released by law.