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.

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


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:
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.
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:

MARGIE WILLIAMS, Clerk of the Board

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFFREY G. GREEN, County Counsel