



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Human Resources
Department No.: 064
For Agenda Of: 2/15/2022
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

DocuSigned by:
Maria Elena De Guevara
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FROM: Department Maria Elena de Guevara, Human Resources, 568-2816
Director(s)
Contact Info: Don Nguyen, Business Manager, 568-2823

SUBJECT: Adopt Resolution for the Human Resources Department’s Electronic Retention of Employees’ Official Personnel Files

County Counsel Concurrence

As to form: Yes
Other Concurrence: Select_Other
As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Adopt a Resolution (Attachment A) authorizing an electronic reproduction and retention policy for the Human Resources Department’s official employee files and the destruction of the paper files pursuant to Government Code Sections 26201, 26205, 26205.1, and 26206.7.
- b) Find that the proposed Resolution is not a “project” under CEQA Guideline 15378(b)(5), in that it is organizational or administrative activities of the government that will not result in direct or indirect physical changes in the environment.

Summary Text:

The Human Resources Department is requesting approval to adopt a systematic electronic records retention policy for the official personnel files maintained for all County employees. Human Resources has switched to an electronic record system to address limited on-site and off-site storage for physical files. Rather than storing these files, Human Resources staff has scanned the existing paper documents for electronic storage and will continue to store new documents in a digital format. Electronic storage of the files facilitates quicker, more convenient, and more secure access to these files when needed. This policy will supplement the destruction of records schedule Human Resources periodically provides to the Board for approval.

The proposed Resolution would expressly authorize the Human Resources Department to destroy the paper personnel documents once they have been properly digitized in a secured electronic form which accurately reproduces the original; does not permit additions, deletions, or changes to the original; and complies with Government Code Section 12168.7.

Background:

Retention of County documents is governed by Government Code Section 26200, et seq. Though there is no explicit definition of the “public records” subject to state records retention statutes, the Attorney General has opined that the definition of “public records” for purposes of the records retention statutes is “a thing which constitutes an objective lasting indication of a writing, event or other information, which is in the custody of a public officer and is kept either (1) because a law requires it to be kept or (2) because it is necessary or convenient to the discharge of the public officer’s duties and was made or retained for the purpose of preserving its informational content for future reference.” (64 Ops.Cal.Atty.Gen. 317 (1981).) All of the records, papers, and documents within the Human Resources Department’s official personnel files for County employees meet the definition of a “record.” As part of Countywide Policy 121-107 Local Government Records Management Guidelines compliance, these records are “nonjudicial records” as defined by that Policy. Under the record retention statutes, all of the documents kept in the official personnel files are original documents, which other departments of the County or the courts may keep copies of if needed for their normal course of business.

Both Government Code Sections 26205 and 26205.1 allow for the Board to authorize the destruction of any record, paper, or document not expressly required by law to be filed and preserved, if photographed or reproduced electronically with specific requirements. One of these requirements is for the electronic storage to be within a “trusted system” that does not permit additions, deletions, or changes to the original document and is produced in compliance with Government Code Section 12168.7. The Human Resources Department is prepared to comply with the “trusted system” requirements, as well as comply with more stringent document retention requirements. One example is the USCIS Form I-9, whose electronic retention requirements, as outlined by the Department of Homeland Security (8 CFR 274a.2), is stricter than those in Government Code Sections 26205 and 26205.1.

In addition, both Government Code Sections 26201 and 26206.7 allow for the Board to authorize the destruction of various duplicates of County records.

This policy is in compliance with both the California Secretary of State Local Government Records Program, established pursuant to Government Code Section 12236(a), and the Countywide Policy 121- 107 Local Government Records Management Guidelines.

A Board adopted electronic retention mechanism for employee’s official personnel files will allow the Human Resources Department to purge paper records after those records have been scanned for electronic storage into a trusted system without having to return to the Board each time, thereby improving records management efficiency.

Performance Measure: Not applicable

Fiscal and Facilities Impacts:

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None

Fiscal Analysis:

A routine disposal of paper employee personnel files and electronic retention of the files will reduce the Human Resources Department's physical storage demands. This new policy is cost neutral since Human Resources' staff will spend time scanning documents rather than transporting files to and from storage.

Key Contract Risks:

None

Staffing Impacts:

None

Special Instructions:

Please send a copy of the minute order and signed resolution to James Kyriaco at Jkyriaco@countyofsb.org.

Attachments:

Attachment A: Resolution to Adopt an Electronic Records Retention Policy for the Human Resources Department's Official Employee Personnel Files

Authored by: Don Nguyen

CC: