

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Deborah S. Traffenstedt, Administrative Services Director/City Clerk *DST*
Prepared by: Blanca Garza, Deputy City Clerk *BG*

DATE: April 8, 2008 (CC Meeting of 4/16/2008)

SUBJECT: Consider Resolution Authorizing the Destruction of Closed Recruitment Records (1992 - 2002) on File with the City Clerk

BACKGROUND AND DISCUSSION

Staff is requesting authorization to destroy closed employment recruitment files for the years 1992-2002, from which all documents pertaining to applicants that were hired by the City have been removed and filed in the employee personnel files.

There are both State and Federal records retention requirements for personnel and employment records. State Government Code Section 12946 requires employers to maintain applications and personnel records and files for a minimum period of two years after the records and files are initially created or received, for a minimum period of two years after the date of an employment action taken, and upon notice that a verified complaint against the employer has been filed, all such records and files shall be maintained and preserved until the complaint is fully and finally disposed of and all appeals or related proceedings terminated. Government Code Section 34090, et seq. authorizes the destruction of City records that are no longer required, with the approval of the legislative body by resolution and the written consent of the City Attorney.

Recruitment records and files are also governed by the Code of Federal Regulations (CFR) as follows: 29 CFR 1602.31 pertains to state and local government record keeping and requires that any personnel or employment record made or kept by a political jurisdiction, including application forms submitted by applicants and other records having to do with

hiring, shall be preserved for a period of two years from the date of the making of the record or the personnel action involved, whichever occurs later; and 29 CFR 1627.3(b)(1)(i) requires job applications, resumes or any other form of employment inquiry whenever submitted to the employer in response to advertisement or other notice of existing or anticipated job openings, including records pertaining to the failure or refusal to hire any individual, shall be kept for a period of one year from the date of the personnel action to which the records relate.

The paper records that are intended to be destroyed, are shown on the list attached to the draft resolution, and are closed recruitment records on file with the City Clerk. All of the closed recruitment files proposed for destruction are over five years old, which exceeds all of the State and Federal retention requirements, and there are no current complaints or appeals in process that relate to the recruitment files that are proposed for destruction. The City Attorney's written consent is included with the attached draft resolution, and the proposed destruction of records is consistent with the City Council's approved Records Retention Schedule and related State and Federal laws.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Adopt Resolution No. 2008-_____

Attachment: Draft Resolution

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS (1992 - 2002 CLOSED RECRUITMENT RECORDS ON FILE WITH THE CITY CLERK)

WHEREAS, State Government Code Section 12946 requires employers to maintain applications and personnel records and files for a minimum period of two years after the records and files are initially created or received, for a minimum period of two years after the date of an employment action taken, and upon notice that a verified complaint against the employer has been filed, all such records and files shall be maintained and preserved until the complaint is fully and finally disposed of and all appeals or related proceedings terminated; and

WHEREAS, State Government Code Section 34090, et seq. authorizes the destruction of City records that are no longer required, with the approval of the legislative body by resolution and the written consent of the City Attorney; and

WHEREAS, Recruitment records and files are also governed by the Code of Federal Regulations (CFR) as follows: 29 CFR 1602.31 pertains to state and local government record keeping and requires that any personnel or employment record made or kept by a political jurisdiction, including application forms submitted by applicants and other records having to do with hiring, shall be preserved for a period of two years from the date of the making of the record or the personnel action involved, whichever occurs later; and 29 CFR 1627.3(b)(1)(i) requires job applications, resumes or any other form of employment inquiry whenever submitted to the employer in response to advertisement or other notice of existing or anticipated job openings, including records pertaining to the failure or refusal to hire any individual, shall be kept for a period of one year from the date of the personnel action to which the records relate.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds that the records set forth in Exhibit "A", attached hereto, are older than five years; do not affect title to real property or liens thereon; are not court records or matters of pending or threatened litigation; are not minutes, ordinances or resolutions of the City Council or any board or commission of the City; are not records required to be kept by statute; and there are no current complaints or appeals in process that relate to the recruitment files that are proposed for destruction.

SECTION 2. The City Council also finds that the City Attorney and the City Clerk have given written consent to the destruction of said records, as shown on Exhibit "A".

SECTION 3. The City Council hereby authorizes the City Clerk to destroy the City Records listed in Exhibit "A".

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 16th day of April, 2008.

Patrick Hunter, Mayor

ATTEST:

Maureen Benson, Assistant City Clerk

Attachment: Exhibit "A"

EXHIBIT "A"**RECORDS DESTRUCTION CONSENT**

Location	Description of Record	Dates
Vault	Destruction of Entire Paper Files for the Following Closed Recruitment Records:	1992 - 2002
	Account Clerk - 8/31/1995	
	Account Clerk I - 8/27/1999	
	Account Clerk II - 9/1/1997	
	Account Clerk II - 8/27/1999	
	Accountant I or II - 8/31/2001	
	Account Technician I or II - 8/10/2001	
	Administrative Aide or Clerical Aide II 6/26/2002	
	Administrative/Clerical Aide I or II - 9/6/2000	
	Administrative Intern - 8/8/1997	
	Administrative Secretary - 1/27/1994; 9/21/1992; 11/19/1993; 7/18/1994; 6/18/2002 (Internal Only)	
	Administrative Services Director - 8/09/2002	
	Administrative Services Intern - 2/3/1995	
	Administrative Services Manager - 4/21/2000	
	Assistant City Clerk - 6/21/2002	
	Assistant City Clerk / Deputy City Clerk I or II - 8/23/2002	
	Assistant City Manager - 10/31/1997	
	Assistant Planner/Planning Technician - 3/9/2001	
	Assistant Summer Camp Director - 5/21/1993; 4/28/1995	
	Associate Planner - 5/27/1997; 5/19/2000; 3/8/2002	
	Associate/Senior Planner - 7/7/2000	
	Budget and Finance Manager - 8/31/2001; 6/21/2002	
	Camp Counselor - 7/16/1998	
	Camp Moorpark - 1997; 1998	
	Camp Moorpark Spring and Summer Recreation Applicants - 1999	
	City Clerk - 10/24/1997	
	Clerical Aide - 7/30/1997; 10/30/1998	
	Clerical Aide I or II - 3/20/1998; 2/8/2002	
	Clerk Typist - 11/2/1994	
	Code Enforcement Intern - 1997	
	Code Enforcement Officer I or II - 12/30/1999; 6/15/2001	
	Community Development Director - 4/5/1996; 10/5/2001; 3/29/2002	
	Community Services Assistant - 8/30/2002	
	Community Services Director - 9/6/1996	
	Community Services Intern - 6/01/2001	
	Construction Manager - 1999	
	Crossing Guard - 1997; 1999 thru 2001	

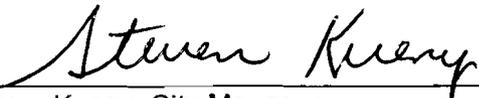
Crossing Guard Supervisor - 8/20/1997
Custodian / Laborer II / Recreation Leader II - 1995–1996
Deputy City Clerk - 8/29/1997
Deputy City Clerk I - 6/24/1999
Deputy City Clerk I or II - 4/19/2002
Deputy City Manager - 5/26/2000
Economic Development Redevelopment Manager - 4/1993
Extended Care Supervisor - 1998
Executive Secretary - 8/04/1995; 9/24/1999
Finance/Accounting Manager - 8/27/1999; 4/21/2000
Finance Manager - 11/17/2000
Gain Program - 8/1996
Human Resources Analyst - 2/5/1999
Human Resources Assistant - 8/23/1999
Information Systems Manager/Supervisor - 11/10/2000, extended to
11/13/2000; 4/27/2001
Intern – Community Services Department - 4/07/2000
Laborer, Public Works - 7/1998
Laborer/Custodian - 10/1997
Lead Maintenance Worker - 10/28/1994
Maintenance Worker I (Open Until Filled) - 1995
Maintenance Worker I or II - 8/4/2000
Maintenance Worker I (Formerly Laborer II / Crossing Guard) - 2/2/2001
Maintenance Worker I - 5/25/2001; 5/17/2002
Maintenance Worker II - 9/26/1997; 2/16/1999
Management Analyst - 9/22/1997; 4/1998; 8/27/1999; 4/21/2000
Planning Intern - 8/22/1997
Planning Manager - 8/22/1997; 11/24/1999; 6/9/2000; 8/3/2001; 3/8/2002
Planning Manager or Principal Planner - 11/20/2000
Planning Technician - 8/14/1998; 4/16/1999
Planning Technician I or II - 7/08/2002
Principal Planner - 1/20/1998
Principle Planner/Senior Planner - 10/22/1999
Public Works Intern - 1997
Public Works Laborer II - 1997
Public Works Supervisor/Inspector - 3/24/2000
Records Clerk - 3/15/1995
Recreation Assistant - 12/14/2001
Recreation Coordinator - 6/6/1997; 12/01/2000
Recreation Leader - 2000
Recreation Leaders - Camp Moorpark - 2001; 2002
Recreation Leader I (Senior Center Assistant) - 1995
Recreation Leader I and II - 1997; 5/12/1998
Recreation Leader II - 1997; 6/1998
Recreation Leader III (Open Until Filled) - 1995
Recreation Superintendent - 9/24/1999; 2/27/2002

Recreation Supervisor - 6/6/1997
Redevelopment Manager - 3/27/1998
Secretary - 1/27/1994; 12/16/1996; 2/23/1999
Secretary I - 8/10/2001
Secretary I or II - 12/10/1999; 2/18/2000
Senior Center Assistant (Open Until Filled) - 1996
Senior Center Clerical Aide - 1997; 7/1998
Senior Center Coordinator - 9/21/1992; 12/22/2000
Senior Center Recreation Leader - 7/30/1992
Senior Center Recreation Leader (Open Until Filled) - 1997
Senior Maintenance Worker - 6/18/1997
Senior Maintenance Worker (Internal Recruitment) - 7/9/2001
Senior Management Analyst - 10/2/1998; 2/15/1999; 5/28/1999; 4/21/2000
Senior Planner, Contract - 12/3/1996
Senior Planner - 9/14/2001; 3/18/2002
Summer Camp Counselors - 1996
Summer Camp Director - 5/21/1993; 1998
Teen Coordinator - 9/13/2000

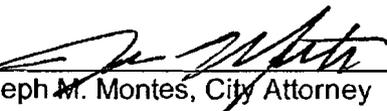
Citations:

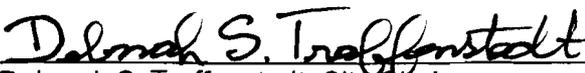
**California Government Code, Section 12946;
California Government Code, Section 34090;
29 CFR 1602.31; and 29 CFR 1627.3(b)(1)(i)**

Approved for Destruction:


Steven Kueny, City Manager

Consent to Destruction:


Joseph M. Montes, City Attorney


Deborah S. Traffenstedt, City Clerk