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1 **ARTICLE 19--PERSONNEL RECORDS**

2 **Section 1.** The Chief Human Resources Office (CHRO) human resource information
3 system is the system of record for all employee records and official employee personnel
4 file documents for which there are appropriate document categories in the system.

5 The Department, or Agency under agreement to provide human resource services,
6 stores paper documents of the official employee personnel file and paper documents that
7 are not yet able to be kept in the human resource information system. The Department,
8 or Agency under agreement to provide human resource services, also stores paper
9 documents of the official employee personnel file that predate January 1, 2019.

10 Upon reasonable notice, an employee may inspect the records, excluding any
11 confidential reports from previous employers, in their official Agency employee personnel
12 file(s) or supervisory working file, ~~provided that, if~~ **if** the official personnel file **or**
13 **supervisory working file**, ~~including paper documents as described above, or~~
14 ~~supervisory working file is~~ **stored at a different location, the Agency may, at its** kept
15 ~~at a separate facility, the employee shall, at the Agency's discretion,~~ **allow the employee**
16 **to view the file at a location determined by the Agency, provide an electronic copy,**
17 **or deliver a copy of the file** ~~either be allowed to go where the file is kept or the file will~~
18 ~~be brought~~ to the employee for review within five (5) **business** days of their request. With
19 the employee's written authorization, their Union Steward may inspect the employee's
20 official personnel file, and supervisory working file, consistent with the time requirements
21 provided herein. If the supervisory working file cannot be made available due to the
22 absence of a supervisor, extensions of up to ten (10) **business** days will be granted.

23 No grievance material shall be kept in an employee's official personnel file.

Section 2. No information reflecting critically upon an employee except notices of discharge shall be placed in the employee's official personnel file that does not bear the signature of the employee. The employee shall be required to sign material to be placed in their official personnel file provided the following disclaimer is attached:

"Employee's signature confirms only that the supervisor has discussed and given a copy of the material to the employee. The employee's signature does not indicate agreement or disagreement with the contents of this material."

If an employee is not available within five (5) working days or refuses to sign the material, the Agency may place the material in the file, provided a statement has been signed by two (2) management representatives and a copy of the document was mailed certified to the employee at their address of record or hand delivered to the employee.

Section 3. Employees shall be entitled to prepare and provide copies of any written explanation(s) or opinion(s) regarding any critical material placed in their official personnel file or supervisory working file. The employee's explanation or opinion shall be attached to the critical material and shall be included as part of the employee's official personnel record or supervisory working file so long as the critical materials remain in the file.

Section 4. An employee may include in their official personnel file a reasonable amount of relevant material such as letters of commendation, licenses, certificates, college course credits, and other material which relates creditably on the employee. This material shall be retained for a minimum of three (3) years except that licenses, certificates, or college credit information may be retained so long as they remain valid and relevant to the employee's work.

Section 5. Material reflecting caution, consultation, warning, admonishment, and reprimand shall be retained for a maximum of three (3) years. Such material shall, at the employee's request, be removed after twenty-four (24) months, provided there has been no recurrence of the problem or a related problem in that time. Removal prior to twenty-four (24) months will be permitted when requested by an employee and if approved by the Appointing Authority.

Material removed from an employee's official personnel file may not be referenced in future disciplinary actions, ~~performance evaluations~~, or other related correspondence from the employer.

Material relating to disciplinary action recommended, but not taken, or disciplinary action which has been overturned and ordered removed from the official personnel file(s) on final appeal, shall be removed.

Incorrect material will be removed, upon request, from an employee's personnel file.
(~~See [Article 85 - Position Descriptions and Performance Evaluation](#).~~)

Section 6. Upon written request by the employee, the Agency will make a good faith effort to return material removed from the official personnel file to the employee. A copy of the request will be maintained in the official personnel file.

Section 7. When DAS or an Agency receives a subpoena or request for an employee's personnel records, except for an inquiry as result of a criminal law complaint or request for verification of employment and salary, DAS or the Agency shall provide notification to the employee of the subpoena or request, who has made it, and the reason for the subpoena or request if known.

Section 8. When DAS receives a statewide records request for employee-related public information releasable per statute, DAS shall provide notification to Agencies that such request has been made. Individual employees may work with their Agency to receive notification of said request(s).

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