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| SUBJECT: Personnel Records | NUMBER: 10.011.01 |
| DIVISION: Chief Human Resources Office | EFFECTIVE DATE: 2/01/2019 |

APPROVED: Signature on file with the Chief Human Resources Office

POLICY STATEMENT: Agencies are responsible for maintaining personnel records, including individual employee records, in accordance with the Secretary of State Archives Division.

AUTHORITY: ORS 40.570; 192.105; 192.311 through 192.431; 240.145(3); 240.250; 240.750; 652.750

APPLICABILITY: All employees where not in conflict with a collective bargaining agreement

ATTACHMENTS: None

DEFINITIONS: Also refer to State HR Policy 10.000.01, Definitions

POLICY:

(1) Employee Records

- (a) The official employee personnel record shall be established, maintained and reside in the employee's current agency or the agency under contract or agreement to provide human resources services.
 - (A) The documents contained in the official employee personnel record, paper or electronic, are outlined in OAR 166-300-0040(9), Employee Personnel Records.
 - (B) No information reflecting critically upon an employee shall be placed in the employee's personnel record unless the employee is notified.
 - (C) The employee is entitled to prepare a written explanation/response regarding critical information believed to be incorrect or a misrepresentation of facts. The written explanation/response shall be included as part of the employee's personnel file and retained until the related critical documents are removed.
 - (D) The system of record shall be maintained by the Chief Human Resources Office human resources information system.

(b) Transferring Records

- (A) Receiving agencies shall be responsible for requesting access to or copies of the official personnel record from a transferring employee's sending agency.
- (B) If an employee works for more than one agency, each agency has access to and maintains the official employee personnel record for its position. The employee's complete official record, with any prior agency personnel documents, shall reside in the agency at which the employee works permanent full-time.
- (C) If an employee separates from one agency, the receiving agency shall request access to or copies of the official personnel record from the sending agency.

(2) Medical Records

- (a) Records containing an employee's medical history shall be kept separate from an employee's personnel record or any other employee records as required by the American with Disabilities Act, federal and state leave laws.
- (b) Medical files may contain documents as outlined in OAR 166-300-0040(8), Employee Medical Records.
- (c) Transferring or requesting access to records shall be done in accordance with (1)(b) above.

(3) Other Records

- (a) All other personnel records shall be maintained in accordance with the State Archives Division; OAR 166-300-0035, Payroll Records, OAR 166-300-0040, Personnel Records and OAR 166-300-0045 Risk Management Records.
- (b) Additional information and reference materials may be found in the online HR Reference Guide.

(4) Inspection of Records

- (a) Public inspection of records shall be conducted pursuant to ORS 192.311 through 192.431.
- (b) Current and former employees may submit a request to their current or former human resources office to inspect or obtain a copy of the contents of their own personnel record. Within 45 days of the request, the agency shall provide a reasonable opportunity for the employee to inspect their personnel record, at the place of employment or place of work assigned, or provide a certified copy. If the employee's personnel record is not readily available, the employer and the employee may agree to extend the time in which the employer will provide the employee a reasonable opportunity to inspect or furnish a copy of or provide viewing access to the personnel record.