

Policy

Policy Title:	Employee Personnel Records				
Policy Number:	DHS-060-006	Version:	3.0	Effective Date:	12/05/2006

DHS Chief Administrative Officer

12/05/2006

Approved By: *(Authorized Signer Name)*

Date Approved

Overview

Description:

Establishes content and criteria for maintenance and retention of personnel related records including establishing rules for official personnel, medical and supervisory files. The policy also describes how an employee may request to review their files.

Purpose/Rationale:

DHS maintains records related to an employee work history including performance, and training. DHS has the responsibility to maintain the accuracy, integrity and confidentiality of the files.

Applicability:

All Employees will have an Official Personnel File, an Employee Medical file if needed, and Supervisors may maintain a supervisory file.

Failure to Comply:

Failure to comply with this policy may lead to disciplinary action up to and including removal from state service.

Policy

1. General

- a. There are three (3) types of employee files: personnel, medical and supervisory. The requirements for contents, maintenance, and responsible authority varies depending on the type of record.
- b. Types of files:
 - A. **Employee Personnel File**, maintained by the Office of Human Resources, is the official employee personnel file - requirements detailed below.
 - B. **Supervisory File**, is an informational file that may be maintained by the supervisor in the Work Unit/Office - requirements detailed below.
 - C. Medical information is maintained separately in a **Medical File, maintained by the Office of Human Resources.**

- c. Local Office employee personnel files (other than supervisory employee file) shall not be created or maintained.
- d. Medical records/information (other than current work restrictions) should not be maintained at local offices.

2. Employee Personnel File - Establishing and Maintaining

- a. An appointing authority is responsible for establishing and maintaining an official personnel file in the Office of Human Resources for each individual employee.
- b. The official employee personnel file shall reside in the employee's current agency.
- c. **When an employee moves to another agency**, the gaining agency's shall be responsible for requesting the official file from a transferring employee's losing agency.
- d. **When the employee works full-time for more than one agency**. Each agency shall establish and maintain an official employee personnel file. The employee's complete official file, with any prior agency personnel documents, shall reside in the agency where the employee works permanent full time.
- e. **When the employee works part time for two or more agencies**. The complete official personnel file shall reside in the agency that first employed the individual. If an employee separates from one agency, the agency where the employee continues to work shall request the official personnel file from the losing agency.

2. Employee Personnel File Components

- a. No information reflecting critically on an employee shall be placed in an employee's personnel file unless the employee is notified.
- b. Mandatory contents of the official employee personnel file are listed below, and shall be retained for the number of years indicated in parentheses:
 - A. Employment application for first state job (10 years after separation).
 - B. Employment application for employee's current position (10 years after separation).
 - C. Personnel actions (3 years for salary change PA's - 10 years after separation for all other PA's).
 - D. Performance evaluations (3 years minimum).
 - E. Employee agreements (3 years after separation).
 - F. Oaths of office (10 years).
 - G. Summary of record of training completed (3 years after separation).
 - H. Letters of commendation and recommendation (3 years).
 - I. Notices of disciplinary action (3 years) or as in the Collective Bargaining Agreements.

- J. Notices of layoff (3 years minimum).
- K. Documentation of resignation (3 years minimum).
- L. Emergency notification form (most recent 10 years after separation).

3. Supervisory Employee Files

- a. A work unit supervisor may maintain a supervisor's informational file for employees. These files do not replace those required for the official personnel file, and should contain information from just the prior three years
- b. The supervisory file may include the following:
 - . Copy of any current medical work restriction (original note to HR)
 - A. Employee's Work Schedule (original to Payroll)
 - B. Client complaints
 - C. Complimentary letters and commendations
 - D. Current work performance expectations/standards, verbal or written
 - E. Record of discussions between employee and supervisor (coaching/counseling sessions)
 - F. Position Description (current)
 - G. Copies of Performance Appraisals
 - H. Emergency Contact Information
 - I. FMLA /OFLA letter designating status of medical leave
 - J. Discipline outcome letters, i.e. Reprimand, Salary Reduction
 - K. Work-out-of-class/Lead Work Agreement
 - L. Job Rotation/Developmental Agreement
 - M. PD100 related to current position
 - N. Driving restrictions
 - O. Electronic Log/File – communication between employee and manager is appropriate to include. Communication between the manager and Human Resource Generalist or other managers is not appropriate to include.
 - P. Layoff Notice
 - Q. Workers' Compensation Hearing Notice
 - R. Training records

4. Employee Medical Records

- a. Employee medical records are a confidential file kept separate from the official personnel file as prescribed by the Americans with Disabilities Act.
- b. Employee Medical records are maintained at the agency Human Resource office.
- c. Medical records shall not be retained in the official personnel file or the supervisor's working file.
- d. All documents in the file are subject to discovery and disclosure. ADA reasonable accommodation documents, ergonomic evaluations, FMLA/OFLA documents, and Workers' Compensation claim records should reside in this file.

5. Review and Access

- a. Review of and access to employee information shall be governed by [OAR 105-010-0011](#) and the [Collective Bargaining Agreement](#).
- b. The employee shall be entitled to prepare a written explanation/opinion regarding critical information believed to be incorrect or a misrepresentation of facts. The written explanation/opinion shall be included as part of the employee's personnel file until such critical material is removed.

6. Confidential Records

All employee (current and/or separated) records are confidential and should not be shared with individuals who do not have a need to know. This includes hardcopy and/or electronic copy. Employee records include but are not limited to personnel, payroll, medical and computer records.

7. Records Retention

- a. The records retention schedule for personnel records is governed by the State Archivist, [OAR 166-300-0040\(7\)](#).
- b. In addition to the hard copies retained in the employee's personnel file, electronic employee records are kept on the Position Personnel Data Base (PPDB) maintained by DAS, HRSD.

Procedure(s) that apply:

None

Form(s) that apply:

None

Definition(s):

See [Common Terms](#) for Human Resource policies

See [Common Terms](#) for all department-wide support services policies

Reference(s):

(List references and known web links here such as ORS, admin. rules, federal guidelines, etc.)

Contact(s):

Name: Lauri Stewart; **Phone:** 503-945-5844; **Email:** lauri.k.stewart@state.or.us

Policy History:

- **Version 3.0:**
 - 12/5/2006 - Revisions to clarify what is maintained in the Official Personnel File, Supervisory File and the Employee Medical File.
- **Version 2.0:**
 - 12/22/2003 - Added language on confidentiality of employee records and updated records retention on personnel records.
- **Version 1.0:**
 - 03/27/2002 - Initial Release

Keywords:

(List keywords here that might be used by someone to search for this policy on the internet)

