

Rule 5-65

RECORDS MANAGEMENT

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§ 5-65-010 PERSONNEL RECORDS

(A) Responsibility for maintaining employment-related records is shared by the departments and Central HR. Generally, the departments are responsible for current employee files and recent recruitment related files. Central HR is responsible for files related to central support services functions, such as W-4 forms, benefits, workers' compensation, and labor relations purposes.

(B) Departments must maintain a personnel file for each employee that contains all records pertinent to the employee's employment status and history. When an employee transfers or is promoted to a position in a different department the receiving department will request the employee's personnel and medical files from the transferring employee's department. If an employee works part-time in two departments, the department responsible for timekeeping will maintain the employee's personnel file.

(C) As used in this section, "personnel records" means records containing information kept by the County and by its agencies, divisions and department about or concerning an employee which the County requested or required to be disclosed to the County for employment purposes or as a condition of employment, including, but not limited to, information concerning discipline, employment performance, contact information, or other personal records of individual employees.

(D) Personal mobile phone and home electronic e-mail address contact information, regardless of where kept, is provided to the County based on the County's assurance that the information is confidential and will not be disclosed to third parties except as otherwise provided in MCPR 3-10.

§ 5-65-020 PERSONNEL FILES

(A) The employee's paper and/or electronic personnel file must contain the following documents except as otherwise provided in collective bargaining agreements:

- (1) Employment application for employee's first position;

- (2) Employment application for the current position;
- (3) Personnel/Data action forms;
- (4) Performance evaluations;
- (5) Work history log and training record (optional);
- (6) Letters of commendation and recommendation;
- (7) Notices of layoff;
- (8) Oaths of office;
- (9) Required licenses or certification;
- (10) Emergency medical notification form (optional);
- (11) Work plans;
- (12) Documents of expectation;
- (13) Resignation documents;
- (14) Notices of Disciplinary Action

(B) Employees may request to have a reasonable number of records that reflect creditably on them put in their files, such as letters of commendation and recommendations.

§ 5-65-030 I-9 EMPLOYMENT ELIGIBILITY VERIFICATION FORMS

Departments are responsible for maintaining copies of I-9 Employment Eligibility Verification forms for all current employees and prior employees as required by law. They will be filed separately from the personnel files, although departments are not required to have separate files for each employee.

§ 5-65-040 RESTRICTED RECORDS

(A) Employee medical records, except for those in subsection (B), are the responsibility of each department's human resources unit. They will be retained in a separate and locked confidential file that is physically separated from the personnel file, as prescribed by the Americans with Disabilities Act. Employee medical records includes items such as documentation required by the Americans with Disabilities Act; the Family and Medical Leave Act; Oregon Family Leave Act; workers' compensation claims; physical exam records; drug and alcohol test results; medical inquiries and doctors' or other physical or mental health providers' assessments, including those provided by substance abuse professionals; any medical leave of absence documentation which includes medical reasons for the leave; and any other similar types of records.

(B) Other files may be maintained for risk management, human resources, employee benefits, and labor relations purposes, and by the County Attorney and contractors managing workers compensation and medical monitoring for the county.

(C) Release of medical information:

(1) All employee medical information is confidential and is available only to county employees who have a work related need to access the records.

(2) Supervisors and managers may be informed of restrictions on the work and duties of employees and of accommodations.

(3) First aid and safety personnel may be informed, when appropriate, if an employee has a disability that might require emergency treatment.

(D) Personnel, I-9 forms, medical records and other related records must be kept in locked files within the department or Central HR. Access to these files is limited to authorized personnel with a job-related need for such records.

(E) Documentation related to drug and alcohol testing for county employees with commercial drivers' licenses will be retained in locked, confidential files in Central HR.

§ 5-65-050 FILES FOR TERMINATED EMPLOYEES

(A) Personnel files for terminated employees are retained in the department for two years after separation then sent to Central HR. Thereafter, they will be retained by Central HR or archived per the county records management program.

(B) The department must retain medical files for terminated employees for two years following separation. They are then sent to Central HR, separately from employee personnel files, marked "confidential" and merged with the central employee medical files.

§ 5-65-060 OTHER PERSONNEL DOCUMENTS

The following personnel documents will be retained as follows:

(A) Records concerning departmental approval of pay rates for new hires, promotions, transfers, merit increases, and related personnel actions will be retained by departments;

(B) Departments will retain position descriptions reflecting current duties and responsibilities for all their positions;

(C) Departments will retain records of disciplinary action above the level of an oral reprimand;

(D) Records of actions taken on requests for leaves of absence 30 days or longer and all FMLA/OFLA leaves regardless of length; mandatory training not in the county training database; unemployment claims; return to work of injured workers; requests for reasonable accommodations;

and other related personnel actions will be retained by departments or contractors managing workers compensation, medical monitoring, etc., for the county; and

(E) Central HR will retain records related to requests for classification reviews.

§ 5-65-070 ACCESS TO EMPLOYEE FILES

(A) No information reflecting critically on an employee's conduct or work performance will be placed in the employee's personnel file unless the employee also receives a copy. The copy will be sent to the last address the county has on file for the employee.

(B) The employee is entitled to prepare and have placed in the personnel file a written explanation or opinion regarding critical information believed to be incorrect. The written explanation or opinion will be included in the employee's personnel file until the critical material is removed.

(C) Removal of materials from file: Except for items designated for permanent retention, material reflecting critically may be removed from a management or executive employee's, personnel file, upon request, three years from the date of any letter of reprimand; five years from the date of discipline more severe than a written reprimand; and where there is more than one letter imposing discipline more severe than a written reprimand, none of the letters may be removed until the most recent letter is more than five years old. Letters of discipline imposed due to charges of prohibited harassment, excessive use of force or threats of violence, untruthfulness, dishonesty, or insubordination will be retained permanently, unless removal is approved as provided in this Rule. Subject to the approval of the department director and Central HR, materials reflecting critically upon a management or executive employee may be removed at an earlier time, including documents subject to permanent retention.

(D) Removal of material from represented employees' personnel files is governed by collective bargaining agreements. Upon request of an employee, disciplinary action imposed while a management or executive employee was covered by a collective bargaining agreement may be removed based on the retention schedule listed in that agreement.

(E) Review of and access to an employee's personnel file is governed by the county's collective bargaining agreements, county personnel rules and state and federal law. Employees have access to view their personnel file at a time and place designated by the department's human resources unit or have a certified copy mailed to the employee within 45 days of the employee's request.

(F) Upon request, the employee or his or her representative with written authorization from the employee will be given a copy of any records in the employee's personnel file.

(G) Former employees or their designee, with a signed release, will have the same right of access as current employees as long as the file is maintained by the county.

§ 5-65-080 REFERENCE CHECKS AND OTHER EXTERNAL RECORDS REQUESTS

(A) The following data will normally be revealed regarding a current or former employee in response to reference checks: name, classification title, department status, salary, hire date, and termination date. A director or supervisor who responds to a request for a personal reference on a

current or former employee will respond in good faith with verifiable, objective and truthful information.

(B) Supervisors performing reference checks may review the personnel files of county employees who have applied for jobs under their supervision.

(C) When other requests for records are received regarding a current or former employee, the county will only release name, classification title, department status, salary, hire date, and termination date. Other records are considered confidential and will not be revealed to outside sources except as required by law or as expressly authorized in writing by the employee.

(D) Non-management employees may not provide letters of reference or recommendation on county letterhead or otherwise represent the county in providing references, without supervisor permission.

§ 5-65-090 PURGING OF RECORDS.

Any purged records that contain personal employee information (i.e., home address, phone number, social security number, etc.) must be destroyed by shredding, or by other methods to ensure confidentiality.

§ 5-65-100 RETENTION OF RECORDS.

Retention periods for human resources records will be based on the county Records Retention Schedule - Human Resources. Records retained for extended periods may be purged and then archived in the same or alternative format, such as microfilm. Where there is a conflict in the retention period stated in the county Records Retention Schedule and these rules, the Records Retention Schedule prevails.

(ER375, Amended, 02/24/2017; ER 312, Amended, 08/08/2007)