Policy and Procedure #1.222

Personnel Records Management and Security

Authority: Wyoming Statute(s): 16-4-201, *et seq.*; 25-1-104; 25-1-105. ACA Standard(s): 4-4067- Revised; 4-4068; 2-CO-1C-23-Revised; 4-APPFS-3E-12; 4-APPFS-3E-13.	**Effective Date:** March 31, 2016 **Revision/Review History:** 03/15/15, 05/15/14, 02/15/14, 01/15/13 **Summary of Revision/Review:** Updates existing policy pursuant to annual review.
Cross Reference of Policy:	**Supersedes Existing Policy :**
Approved: R.O. Lampert — 3-28-16 Robert O. Lampert, Director — Date	

REFERENCE

1. **ATTACHMENTS – None Noted**

2. **OTHER**

   A. *State of Wyoming Personnel Records Policy*, Department of Administration and Information, Human Resources Division.

I. PURPOSE

A. Uniform Management of Personnel Records. The purpose of this policy and procedure is to establish guidelines for the securing and managing of personnel records within the Wyoming Department of Corrections (WDOC). All personnel records, examination materials and scores, and pre-employment investigation files are confidential except as provided by the Wyoming Public Records Act, W.S. § 16-4-201, *et seq*.

II. POLICY

A. Uniform Personnel Files. It is the policy of WDOC to securely maintain a current, accurate, confidential, official, permanent personnel record on each WDOC employee. Information obtained as part of a required medical examination (and/or injury) regarding the medical condition or history of applicants and WDOC employees shall be collected and maintained on separate forms and in separate medical files and treated as a confidential medical record. (ACA 4-4067- Revised; 2-CO-1C-23-Revised; 4-APPFS-3E-12)

B. Employee Access to Their Personnel Records. It is the policy of WDOC that employees shall have access to their personnel records. Employees shall be provided the opportunity to review their own records to see that they are current and to check for omissions and inaccuracies. Employees may challenge the information in their personnel file and have it corrected or removed if it is proved inaccurate. (ACA 4-4068; 4-APPFS-3E-13)

C. Compliance with State Personnel Policies. It is the policy of WDOC to maintain personnel records in accordance with the *State of Wyoming Personnel Records Policy*. Personnel records are confidential and are the property of the State of Wyoming. State personnel policies shall take precedence over this policy.

III. DEFINITIONS

A. Appointing Authority: (*For this policy only.*) The Department staff member who originates the document/record (*i.e.*, author of the record).

B. WDOC Employee: (*For this policy only.*) Someone who occupies a classified, full or part time position in which WDOC has authority over pay, tenure, and status.

C. WDOC Employee Inactive Record: Any personnel record for an individual that no longer is employed by the Department.

D. **Examination Records:** (*For this policy only.*) Records kept on the assessment of job-related competencies, knowledge, skills, abilities, and job fitness to screen and rank applicants for the eligible list.

E. **Human Resources Records Custodian:** The Agency Human Resources Manager, or designees, designated as the official custodian, who is accountable for the maintenance, access, confidentiality, and disposition of all personnel records as required by State of Wyoming personnel rules, policy, and state and federal law.

F. **Medical File:** (*For this policy only.*) Individual employee files containing confidential medically related information (*e.g.*, FMLA, workers' compensation, and self-reported medical history). Any medical information on the employee or a family member and contained in a medical record will be maintained in a separate, confidential medical file with limited access in accordance with law.

G. **Personnel Records:** All documents maintained for each employee by the agency Human Resource Office including the employee's personnel file, medical file and any other documents relating to the employment of the employee by a state agency. Documentation may be retained in paper, microfilm, microfiche, or electronically.

H. **Personnel File:** The employment file containing personal information relevant to the employee's employment which is maintained by the agency Human Resource Office. The official personnel file shall be the only file considered official in matters relating to wages and salary, employee selection and employee relations. A personnel file shall be maintained for each employee by the employing agency. These personnel files contain confidential documents and shall be managed and maintained by the employing agency. Personnel files shall be kept in a secure location.

I. **Pre-Employment/Background File:** Pre-employment investigation files are confidential and maintained by the Agency Human Recourses Records Custodian pursuant to the Wyoming Public Records Act, W.S. § 16-4-201, *et seq*.

IV. PROCEDURES

A. **Personnel Records Administration.** All records managed by the WDOC Human Resources office.

1. **Personnel file.** Each WDOC employee's personnel file shall include the following:

   i. Original and most current job application;

   ii. Employment agreements, letters of job offers, job changes such as promotions, transfers, demotions and temporary assignments;

   iii. Payroll/personnel information forms completed when an employee is initially hired, payroll/personnel change forms completed during employment, and other applicable documents;

   iv. Signed acknowledgements of Rules, Policies, Procedures and Executive Orders;

   v. All corrective/disciplinary actions;

   vi. Performance evaluations;

   vii. Awards, letters of recommendation, reference, or commendation as requested; and

   viii. Any other information desired by the appointing authority and approved by the WDOC Human Resources Manager.

   ix. A WDOC employee shall be given a copy of any information placed in the personnel file by the appointing authority/supervisor.

      a. A derogatory record or comment may not be placed in a WDOC employee's personnel file, unless written notice of such action is given to the WDOC employee.

2. **Pre-employment/background investigation files.** These files contain any information obtained on an applicant during the recruitment process. These files are confidential and maintained in a separate file from the personnel file.

   i. Letters of reference (*e.g.*, those letters received in the course of the background investigation) are not disclosed to the WDOC employee or included in the personnel file of subject WDOC employee.

ii. Examination records shall be kept for two years after expiration of the eligible list, except when notified of a charge of discrimination. In such a case, the record is maintained until the charge is resolved. The content of examination records must include all related information up to the establishment of the eligible list. All examination materials and scores are confidential except as provided by the Wyoming Public Records Act, W.S. § 16-4-201, *et seq*.

3. **Medical files.** Employee medical information is confidential and maintained in separate files apart from the personnel file in a secure location. Medical files are the property of the State of Wyoming. Documents to be kept in the medical file include those relied upon to provide information on a variety of medical issues. Medical records shall include the following:

i. Medical diagnostic and prognostic records or reports;

ii. Family Medical Leave Act documentation;

iii. Americans with Disabilities Act documentation;

iv. Medical provider documentation on employee work status;

v. Medical clearance to return to work;

vi. Authorization to release medical records, and

vii. Other documentation approved by the WDOC Human Resources Manager.

4. **Employee benefits file.** Employee benefit enrollment and declination forms and information regarding benefit usage is maintained in a separate, confidential file from the personnel file. This includes:

i. Health Insurance;

ii. Life Insurance;

iii. Vision Insurance;

iv. Long Term Disability;

v. Short Term Disability;

vi. Long Term Care;

vii. Dental Insurance; and

viii. Flexible Benefits Enrollment.

5. Other personnel records. WDOC Human Resources maintains other confidential files related to employees employment to include:

i. Worker's Compensation claim, injury report, investigation and other related nonmedical documentation;

ii. Drug testing records;

iii. I-9 forms;

iv. Military leave; and

v. Other files approved by the WDOC Human Resources Manager

6. Release of Information.

i. Unless the WDOC employee has given written permission or the courts have issued a specific order, access to the complete official personnel record shall be given only to the WDOC employee, authorized Human Resources designee, and supervisors in the chain of command from the WDOC employee to the Director.

ii. Release of information from a WDOC employee's personnel record is governed by the Wyoming Public Records Act, W.S. § 16-4-201, *et seq*., and the *State of Wyoming Personnel Records Policy*.

iii. A WDOC employee may review information in their personnel file, in the presence of the HR Manager, to include omissions or inaccuracies and bring it to the attention of the Human Resources Records Custodian to have it corrected or removed if it is proved inaccurate.

B. Records Security

1. The official Human Resources Records Custodian of personnel records may decide what constitutes reasonable times during which records are open for supervised inspection in order to protect the records and to prevent unnecessary disruption to their duties. Generally, this time will be Monday - Friday 8:00 a.m. to 5:00 p.m. except state holidays.

2. The Human Resources Records Custodian shall determine which documents in a WDOC employee's personnel record may be reproduced, for a fee, in accordance with WDOC Form 159.2, *Fee Schedule for the Release of Information.*

3. Only the Human Resources Records Custodian, or authorized Human Resources designee, may approve removal of official personnel records from their designated secure area(s). All personnel, medical, and examination records are maintained under strict security with access restricted to authorized Human Resources employees following security procedures and provisions of the Wyoming Public Records Act, W.S. § 16-4-201, *et seq*.

4. **Document Removal.** No document(s) will be removed from the official personnel file without express written approval from the Director.

i. Staff must submit a written request detailing the item(s) to be removed and why such items should be removed to the appropriate division Administrator. If approved by the division administrator, the request will be forwarded to the Director for final review and approval or denial.

C. **Archiving Personnel Records.** Files will be archived in accordance with the State of Wyoming retention schedule.

1. An inactive employee personnel file will be maintained for ten (10) years following an employee's termination date.

2. All other personnel records will be maintained according to the State of Wyoming Retention Schedules.

D. **Other files.** Files with records that relate to personnel but are not managed by the WDOC Human Resources records custodian.

1. **Supervisor Files:** Supervisor files are any confidential files maintained by the supervisor or any supervisor in the chain of command of an employee. This policy does not prohibit supervisors through the chain of command from maintaining written notes or records of an employee's performance

separate from the personnel file for the purpose of evaluating job performance. Records kept by WDOC employee supervisors are confidential management tools and are not open to employee review.

i. Supervisors shall ensure procedures are in place to guarantee confidentiality of employee information contained in these files and files are retained for five (5) years following the subject employee's termination from employment.

2. **Anecdotal/Working Files:** Records kept by a facility/division, per agency policy, are termed anecdotal or working files. Anecdotal/working files are for the purpose of assisting appointing authorities in the efficient and effective operation of their areas of responsibilities.

i. Anecdotal/working files maintained by the appointing authority will not contain medical information, any original records, or official personnel records defined in Wyoming Statutes and State Personnel policies that are kept by Human Resources.

ii. Records kept by a facility/division, per agency policy, are not official personnel records and should not be referred to as "personnel files".

iii. WDOC employees may review their own anecdotal or working files.

iv. Anecdotal/working files will be destroyed when the employee terminates employment or leaves the supervision of the owner of the working files.

V. TRAINING POINTS

A. Who may review personnel files?

B. What is the process for removal of documents from a personnel file?

C. Who may access an employee's medical file?