

Personnel Records

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Personnel Records

Important Information

This booklet provides general information for employees, supervisors, and managers about personnel records.

The information in this booklet is not intended to change or otherwise modify any law, regulation, procedure, or collective bargaining agreement that may govern the subject matter covered in this booklet. If there is an inconsistency between the content of this booklet and one of the above documents, the law, regulation, procedure, or collective bargaining agreement will prevail. Please also bear in mind that laws, regulations, procedures, and collective bargaining agreements may be amended at any time.

Please consult appropriate references, such as the *Personnel Regulations*, Section 4, *Records*, and collective bargaining agreements for additional information.

Personnel Records

General

Q. What are personnel records?

A. Personnel records may include applicant files, examination records, classification files, employee files and related materials, and medical records. For purposes of this booklet, personnel records are records that the County maintains about an individual's employment with the County.

Note: Investigatory files are not personnel records.

Q. Who is responsible for personnel records?

A. The CAO establishes and maintains personnel records that are required by law, necessary for administration of the merit system, or both. Different offices or agencies may be custodians of records, depending on the content of the record.

All personnel records of County government employees and all other records and materials relating to administration of the County's merit system are the property of the County.

Q. How are records kept?

A. Records are retained and stored in various formats. Some records are paper files, some are on microfilm or microfiche, and some are imaged files.

Types and Contents of Personnel Records

Q. What kinds of personnel records does the County keep?

A. There are four types of personnel records: the official personnel file, the department operating record, the supervisory file, and the medical record.

Official Personnel File

Q. What is the official personnel file and where is it located?

A. The official personnel file for each employee is located in the Office of Human Resources. For most employees, the personnel file is "imaged." That is, the contents of the file have been scanned and converted into a computer file and are maintained electronically.

Documents in the official personnel file are limited to:

- application for employment or promotion that resulted in appointment or promotion

- employment history, including personnel action forms related to appointment, promotion, transfer, salary change, or other personnel action
- employee identifying information and emergency contact information
- payroll withholding documents, such as tax forms, direct deposit forms, savings bond information, etc.
- insurance, retirement, and other records related to employee benefits, including beneficiary forms
- documents submitted by the employee with the application for employment or promotion to show that the employee has a degree, license, or certificate required for the current job or desired job, but *not* routine training records, such as verification of a class or conference attended
- performance evaluations from the last five years only
- disciplinary actions other than written reprimands
- commendations
- written reprimands from the last 12 months

Note that the official personnel file does not contain any information that identifies an employee's medical or psychological condition.

Q. May I request that other documents, such as work samples, work schedule information, or communications between me and my supervisor be added to my file?

A. The contents of the official personnel file are generally limited to the information listed above. Work samples, work schedule information, or communications between an employee and a supervisor might be appropriate for inclusion in the department operating record or the supervisory file, but would not be placed in the official personnel file.

Q. May I review my official personnel file?

A. Yes. Please see page 7 for more information.

Department Operating Record

Q. What is the department operating record and where is it located?

A. The department operating record is a personnel file that a department may maintain for program level operations. An operating record must not contain any information that identifies an employee's medical or psychological condition.

Documents in the department operating record are limited to:

- an employee's home address and phone number
- current job information, which may include the job description and location
- employee emergency contact information
- training records
- timesheet and leave data necessary to verify payroll
- leave records from the last five years
- performance evaluations and supporting documentation from the last five years
- commendations from the last five years
- disciplinary actions and written reprimands from the last five years
- notices received from the Employee Medical Examiner during the last five years concerning the employee's duty status, work restrictions, and recommended accommodations
- notes from health care providers submitted by employees during the last two years to confirm medical appointments, excuses from work, duty status, returns to work, and work restrictions

Q. What about training records?

A. The department must maintain records of an employee's training, including selection for training or apprenticeship, for the entire period of an employee's employment and must keep the records for six months after the employee leaves County service. If an employee transfers to another department, the department director must give the employee's training records to the new department.

Q. Is the departmental operating record likely to contain any negative information about me?

A. Disciplinary actions may be kept in departmental operating records for five years. Reprimands may only be kept for 12 months.

Q. If an employee transfers to another department, what happens to the department operating record?

A. If an employee transfers to another department, the department director sends a copy of the operating record to the employee's new department.

Q. May I review the department operating record?

A. Yes. Please see page 9 for more information.

Supervisory File

Q. What is the supervisory file?

A. A supervisor may maintain a file for each employee supervised that contains documents related to the *previous 12 months* only (for bargaining unit employees). For unrepresented employees, documents may be kept for the *previous two years* only.

The supervisor may include in the supervisory file:

- copies of records contained in the department operating record
- commendations and complaints from customers concerning the employee's job performance or conduct
- notes made by the supervisor during a performance review or other counseling sessions with the employee
- copies of the employee's completed work assignments, draft documents, or work in progress
- written communications between the employee and the supervisor concerning performance or conduct issues

Q. May I review the supervisory file?

A. Yes. Please see page 9 for more information.

Medical Record

Q. What is the medical record and where is it located?

A. Employee medical records are confidential records maintained by the OHR Director. They are located in OHR's Occupational Medical Services offices, in a secure location apart from other employee records.

An employee's medical record is limited to:

- County medical examination records
- records obtained or received from a health care provider about the fitness of an employee or applicant or a request for disability retirement
- a medical waiver or release signed by the employee
- a request by the employee's supervisor or department director for an additional or special medical examination and the record of an action taken in response to the request
- result of a medical test, examination, or procedure including psychological examination or report
- information provided by the employee or other person that relates to the health or health care of the employee

Q. May I see my medical record?

A. Please see page 9 for more information.

Supervisor's Addition of Documents to an Employee Record

Q. May a supervisor add documents to the official personnel file or the department operating record?

A. Yes, but a supervisor must provide the employee with a copy of any document that the supervisor places in the official personnel file or department operating record. The supervisor must also allow the employee to submit a rebuttal to any adverse document and must have the employee's rebuttal placed in the file.

Q. May a supervisor add documents to the supervisory file?

A. For unrepresented employees, a supervisor may place a document in the supervisory file without providing a copy to the employee. For bargaining unit employees, the supervisor must provide to an employee a copy of any document placed in the supervisory file. As stated earlier, a supervisor must permit an employee to review the supervisory file upon request (see page x). The employee may also provide a rebuttal to any document in the

supervisory file and have it placed in the file.

Access to Personnel Records

Q. Who has access to personnel records?

A. The official personnel file, the department operating record, and the supervisory file are confidential records and are available on a need-to-know basis only to:

- the employee's supervisor, division chief, or department director
- the CAO or designee
- the OHR Director and staff
- the County Attorney and staff
- members and staff of the Merit System Protection Board

An employee's medical record is also confidential, and access is normally restricted to the Employee Medical Examiner and supporting medical staff. In certain situations identified in the *Personnel Regulations* and collective bargaining agreements, the Employee Medical Examiner may make relevant portions of an employee's medical record available to selected other individuals. An employee's psychological or genetic records are subject to special restrictions on disclosure.

Please refer to the *Personnel Regulations*, Section 4, Records, and collective bargaining agreements for more information about medical records.

Release of Official Personnel File

Q. Except for the County officials noted above who have access to an employee's personnel file on a need-to-know basis, may anyone else see an employee's personnel file?

A. An employee's current salary and job title are considered "public" information and may be released on verification of employment or by other written request. However, except for verification of employment and current salary and unless otherwise permitted by law, information from an employee's official personnel file is not released to anyone not listed above without signed authorization by the employee.

Employee Review of Records

Q. How can I see what is in my personnel file?

A. In general, at the request of an employee or authorized designee of the employee, the custodian of the records must allow the employee or designee to review the employee's official personnel file, department operating record, supervisory file, or medical record at a time and place mutually convenient to the custodian and the employee or designee. The custodian of medical records may determine that certain psychological/psychiatric medical reports may only be released to an

employee through the employee's physician.

Official Personnel File

Q. What should I do if I want to review my official personnel file?

A. To review your official personnel file that is kept in the Office of Human Resources, please call OHR's Records Management Team at 240-777-5112 to request an appointment. You will be asked to show identification when you arrive for the file review and you'll be asked to sign a form indicating your review of the file. If there is something specific that you want from the file, OHR staff can help you to locate it quickly if you don't want to review the entire file.

Please be on time for your appointment and call OHR if you need to cancel or re-schedule. You will need an OHR staff person to assist you with the file review. When you schedule a file review, that person's time is set aside for you.

Q. May someone else review my file on my behalf?

A. Yes, you may authorize another person, such as a friend, an attorney, or a union representative, to review your file. Put your authorization in writing, sign and date it, and ask your designee to bring it to the scheduled review. If you bring someone with you to a scheduled file review, you will not need to provide a written authorization, but the person

reviewing the file with you will also need to sign the form indicating that that person reviewed the file.

Note that if you are authorizing another person to review your file, you may want to consider limiting the type of documents that that person may see. For example, you may wish to exclude access to insurance, tax, beneficiary, or personal data forms if the file access is being authorized for a work-related situation.

Q. How long does a file review take?

A. That depends on a number of factors, including how long you have worked for the County (file size is related to length of service) and how much of the file you want to review. We normally schedule a maximum of one hour for a file review, and you may always schedule another visit.

Q. Does this file have all my job applications, including promotions I applied for but didn't get?

A. Pages 2 and 3 of this booklet list the information that may be found in the official personnel file. The file will have applications sent to OHR's Records Management section for filing, but will *not* have applications for positions you did not get. *It's always a good idea for you to make a copy for yourself of any form that you submit that you think you might want to see or use again in the future.*

Q. Is my official personnel file likely to contain any negative information about me?

A. If you have had a disciplinary action at any time (with the exception of a reprimand), it remains in the official personnel file indefinitely. However, a reprimand will not be in your official personnel file longer than one year. Performance evaluations, if sent to OHR for filing, are kept for five years.

Note: See page 4 of this booklet for information on how long such information may be kept in the departmental operating record.

Q. If I have forgotten whom I designated as my beneficiaries, should I ask for a file review to see beneficiary forms?

A. Of course you may do that. However, the easier thing to do is to complete new forms, designating the persons that you know you want to be your beneficiaries now. Sign and date the new forms, send them to OHR, Records Management, EOB 7th floor, and they will be filed for you. The forms with the latest dates supersede older forms. *Always sign and date forms that you submit to OHR.*

Blank beneficiary forms, as well as tax forms, are available in OHR, EOB 7th floor, and in OHR's on-line Resource Library. Go to the Library through the Internet or intranet:

Intranet – <http://portal.mcgov.org>

Click on Human Resources, then Resource Library.

Internet—
http://www.emontgomery.org/ohr/index_frameset.htm

Q. What if I would like a copy of some of the information in my official personnel file?

A. For copies of documents in the official personnel file, the first 10 pages are free; additional pages are 10 cents per page. You may pay with cash or by check made payable to “Montgomery County, Maryland.” If you pay with cash, we will appreciate exact change. You will be given a receipt.

Q. Instead of a file review, may I call OHR and request a copy of my file?

A. Yes. However, you will need to come in person, with identification, to pick up your file. If you ask someone else to pick up the file for you, that person will need to bring a signed authorization from you.

Keep in mind that only the first 10 pages of the file are free. The following pages are 10 cents per page.

Operating Record and Supervisory File

Q. How do I review the departmental operating record or the supervisory file?

A. To review the department operating record or the supervisory file, contact your supervisor for more information.

Medical Record

Q. How do I review my medical record?

A. Contact Occupational Medical Services at 240-777-5118 for more information and to make an appointment.

Supervisory Notes

Q. What are supervisory notes?

A. These are informal notes that a supervisor may maintain regarding performance or other information about an employee under the supervision of that supervisor. Supervisory notes are not considered official employee records.

Note: This information can be made available in an alternate format, if necessary. Contact the Records Management Team at 240-777-5112.