




# OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

## Human Resources Division

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| <b>Title:</b>          | <b>Maintenance of and Access to Employee Records</b>  | <b>HR_450_18</b>   |
| <b>Supersedes:</b>     | HR_450_18, dated October 1, 2013  |  |
| <b>Applicability:</b>  | Executive and management service employees. Classified represented employees where not in conflict with the labor agreement |  |
| <b>Reference:</b>      | OAR 105-10-0011, State Policy 10.011.01   |  |
| <b>Effective Date:</b> | May 15, 2014  | <b>Approved:</b><br> |

### I. PURPOSE

To set parameters for the maintenance of and access to employee personnel records maintained by the Department of Fish and Wildlife.

### II. DEFINITIONS

- A. Official Personnel File: The official records of personnel activity maintained on each permanent, limited duration, seasonal and temporary employee working for the department.
- B. Working File: An on-site file maintained by the employee's immediate supervisor

### III. POLICY

The Personnel Records Unit of the Human Resources Division maintains an official employee personnel file for every permanent, limited duration, seasonal and temporary employee working for the department. Supervisors may maintain working files in accordance with this policy and the labor agreement.

- A. The official personnel file and the working file are confidential. Access to these files is limited to those persons identified in state administrative rule, state policy and the labor agreement.
- B. The official file and the working file are the property of the department. The official file contains those documents required by state policy and the labor agreement. Other documents related to the employee's work assignment and work history may be included at the supervisor's discretion. The working file contains documents related to the employee's work performance.
- C. Employee Access
  - 1. Current and former employees may submit a request to inspect or obtain a copy of their own personnel file contents, as listed in E, 1, to their current or former human

resource office. Within 45 days of the request, the agency shall provide a reasonable opportunity for the employee to inspect their personnel file at the Personnel Records Unit, or provide a certified copy. If the employee's personnel file 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 the personnel file. The employee shall show valid picture identification before having access to the file.

2. Upon reasonable notice, an employee who works in a geographic area separate from the Human Resources Division office may review the employee's own official file at a time and place arranged by the Personnel Records Unit.
3. Upon reasonable notice, an employee may review the contents of the employee's own working file upon request with approval of the supervisor.
4. Upon reasonable notice, an employee may authorize an official representative to review the employee's official file and/or working file. Such authorization shall be in writing and signed and dated by the employee.
5. An employee may request a copy of the employee's own official file and/or the working file, for the same fee as specified in DO\_100\_03, Public Records Requests. An employee's official representative, with written authorization, may request a copy of the employee's official and/or working file for the same fee.

D. Public Access

Review of and access to employee information by anyone other than the employee or the employee's representative as outlined above, shall be governed by OAR 105-10-0011, Human Resource Services Division Public Records.

E. File Materials

1. The official employee personnel file shall contain the following mandatory documents which shall be retained for the number of years indicated. The records retention schedule for personnel records is governed by the State Archivist:
  - 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 (PA) (3 years for salary change PA's - 10 years after separation for all other PA's)
  - d. Performance evaluation (3 years after separation)
  - 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. Letters providing counseling, warning or expectation (3 years)
  - j. Letters of reprimand (3 years)
  - k. Notices of disciplinary action (3 years)
  - l. Notices of layoff (3 years)
  - m. Documentation of resignation (3 years) and
  - n. Emergency notification forms (10 years)
2. The following information shall not reside in the official personnel file, but in a confidential file physically separate from the official personnel file:
- a. Equal Employment Opportunity (EEO) Self Identification Form;
  - b. Employment Eligibility Verification Form (I-9);
  - c. Employment Verification Inquiries (mortgages, car loans, etc.);
  - d. Worker's Compensation claim information;
  - e. Grievance Information;
  - f. Investigatory information;
  - g. Position History including the position description;
  - h. Recruitment information; and
  - i. Medical records, as prescribed by the Americans with Disabilities Act.
3. No information reflecting critically upon an employee shall be placed in the employee's official personnel or working file unless the employee is notified. The employee shall be entitled to prepare a written explanation or response regarding critical information believed to be incorrect or a misrepresentation of facts. This written explanation or response shall be included as part of the employee's personnel file and retained until the related critical documents are removed.
4. The working file may contain records related to the employee's work assignment and performance. Materials shall be retained according to the above schedule, as applicable. If an employee transfers within the department, the transferring manager shall confer with the Human Resources Analyst before forwarding the working file to the receiving manager. When an employee terminates, the manager shall retain the working file for a minimum of three years, at which time the file should be sent to ODFW Human Resources Personnel Records for closure processing.
5. An employee may include in his/her official personnel file a reasonable amount of relevant material such as letters of commendation, licenses, certificates, college

course credits, and other material which relates creditably on the employee. This material shall be retained for a minimum of three years except that licenses, certificates, or college credit information may be retained so long as they remain valid and relevant to the employee's work.

6. 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 the Department of Administrative Services Human Resource Division (DAS/HRSD).