



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT POLICY

POLICY 6.10 PERSONNEL RECORDS MANAGEMENT

APPLICATION: Executive Branch full-time, quasi full-time, part-time classified and wage employees.

PURPOSE:

It is the policy of the Commonwealth to maintain complete and accurate records regarding each employee and position, to comply with legal requirements regarding retention and release of personnel records, and to preserve the confidentiality of personnel records.

AUTHORITY & INTERPRETATION:

Title 2.2 of the Code of Virginia

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. The Department of Human Resource Management reserves the right to revise or eliminate this policy.

RELATED POLICIES:

Policy 6.05, Personnel Records Disclosure

POLICY HISTORY:

EFFECTIVE DATE	DESCRIPTION
09/16/1993	Policy created.
12/1999	Policy revised.
02/09/2024	Policy revised.



DEPARTMENT OF HUMAN RESOURCE MANAGEMENT POLICY

POLICY 6.10 PERSONNEL RECORDS MANAGEMENT

ADMINISTRATIVE PROCEDURES

PROCEDURES

RESPONSIBILITIES

General Provisions	Application
DHRM Responsibilities	<p>The Department of Human Resource Management will maintain a human resources information system to record personnel data on active classified employees as well as other information the Director may deem necessary to meet the reporting requirements of management and/or the state or federal government.</p> <p>The Department of Human Resource Management will maintain a centralized Human Resources Information System (HRIS) that contains historical personnel data on separated employees in accordance with the Library of Virginia retention schedule.</p>
Agency Responsibilities	<p>Agencies are responsible for maintaining their employee's personnel file as detailed in this policy.</p> <p>Agency heads in consultation with Human Resources are responsible for the consistent application of this policy and for establishing confidentiality requirements that apply to the handling of personnel records within their agency.</p> <p>Human Resources will ensure that agency actions or changes affecting employees' employment, payroll status, or data relating to positions or employees, are entered into the human resources information system.</p>

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	<p>If agency heads have provided signatory authority to designees, up-to-date records identifying those designations should be maintained.</p> <p>Agency heads or their designees are responsible for ensuring that records are available at any time during the required retention period for inspection by the Director of the Department of Human Resources Management and/or the Auditor of Public Accounts.</p> <p>Agency Human Resource departments are responsible for providing verification of employment for former employees.</p>
Library of Virginia Responsibilities	<p>The Records Management Section of the Library of Virginia will provide guidance and assistance to agencies regarding the management, retention, and disposition of their personnel records according to established policy and procedures. The Records Management Section may provide off-site storage for records and will be responsible for:</p> <ul style="list-style-type: none"> • the disposal of stored records. • completion of forms documenting the implementation of the retention and disposition policies and procedures. review and approve Form RM-3, "Certificate of Records Destruction," for scheduled records and will permanently retain the records of disposal.

COLLECTION AND STORAGE

General Provisions	Application
Collection of information	<p>Only information that is necessary for the effective and efficient operation of the Commonwealth's agencies should be collected regarding employees.</p> <p>Employees' social security numbers (SSN) shall be collected by Commonwealth agencies and institutions under the authority of</p>

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	<p>26 U.S.C., Section 6011, and Treasury regulation Codes, Section 31.6011(b)-2(b).</p> <p>The information collected will be used to:</p> <ol style="list-style-type: none"> 1. Comply with federal, state, and local reporting requirements. 2. Administer and evaluate the Commonwealth's benefits programs. 3. Effect personnel transactions related to employment status changes. 4. Comply with the Virginia Freedom of Information Act; and 5. Establish and maintain the employee records necessary to accomplish agency business.
Maintenance of records	<p>Employees' personnel records are to be maintained in a secure physical or electronic location. Personnel records are confidential in nature and, therefore, access to the information must be limited. (See Policy 6.05, Personnel Records Disclosure.)</p>

CONTENTS OF PERSONNEL FILE - CLASSIFIED AND AT-WILL EMPLOYEES

General Provisions	Application
Personnel File Requirements	<p>Agencies must maintain a confidential physical or electronic personnel file for each classified, restricted, and "at will" employee. If these records are maintained in a separate electronic system, they do not have to be included in the personnel file; however, if an employee transfers to another agency, the agency must send these records in addition to the personnel file. The personnel file for classified employees should contain, at a minimum, the following information:</p> <ol style="list-style-type: none"> 1. Completed Commonwealth of Virginia Application for Employment. 2. Letters offering and accepting employment. 3. Probationary Progress Review forms.

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	<ol style="list-style-type: none"> 4. Performance evaluation forms. NOTE: Any documents related to interim performance evaluations should not be kept in an employee's personnel file, except as documentation related to Written Notices. 5. Written Notices under Policy 1.60, Standards of Conduct. 6. Authorizations for exceptional salary actions. 7. Employees' position descriptions and performance standards. 8. Original agency personnel forms used to initiate personnel transactions. 9. Signed receipts for the Employee Handbook; Policy 2.35, Civility in the Workplace; Policy 1.05, Alcohol and Other Drugs and others as required by DHRM.
Other Records to Include in the Personnel File	<p>Other records may be included in the personnel file. The file may be a physical or electronic file. Records maintained in a separate electronic system, do not have to be included in the personnel file but must be fully accessible and included when transferring the record to other agencies.</p> <p>Optional records, if not maintained in separate files, include:</p> <ol style="list-style-type: none"> 1. Copies of state and federal withholding forms. 2. Copies of health insurance enrollment forms, and Virginia Retirement System and Life Insurance beneficiary designation forms. 3. Copies of employees' position descriptions and performance standards. 4. Copies of training certificates and/or other training or scholastic records including records related to educational assistance.
Supervisors' File	<p>Supervisors may maintain confidential employment-related files on employees.</p> <ol style="list-style-type: none"> 1. Employees must be given access to any information maintained in supervisors' files that pertain to them

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	<p>unless such information is protected by law. (See Policy 6.05, Personnel Records Disclosure.)</p> <ol style="list-style-type: none"> 2. Only work-related information should be included in the files. Information which may be maintained in such files includes: <ol style="list-style-type: none"> a. Documentation regarding employees' work performance or performance evaluation. b. Documentation of counseling sessions with employees on such things as performance or behavior problems or department policies and procedures. c. Interim performance evaluations. d. Copies of annual evaluations. e. Copies of Written Notices. f. Letters from other sources regarding employees' job performance such as letters of commendation or complaint. g. Attendance records, if not maintained in a time tracking system. h. Copies of training certificates and/or other training records. i. Copies of position descriptions and performance standards. j. Copies of agency personnel forms used to initiate personnel transactions. 3. Employees normally should be given copies of the information at the time it is placed in the file. 4. Employees may attach rebuttals to information in supervisors' files. 5. Employee documentation shall be stored in a secured area and not disclosed to other individuals.

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Other Files	<p>Other personnel records that may be maintained as separate files and not as part of the personnel file may include:</p> <ol style="list-style-type: none"> 1. Grievance records. 2. Discrimination complaint case files. 3. Records of criminal charges, convictions, investigations, or security clearance information. 4. Recruitment and selection records, if not maintained in the applicant tracking system. (See Policy 2.10, Hiring.) 5. Copies of employees' leave records. NOTE: Original leave records should be maintained in agencies' personnel or fiscal offices. Letters of recommendation for employment and/or references on applicants, if not maintained in the applicant tracking system. 6. Employment Eligibility Verification (I-9) form. <ol style="list-style-type: none"> a. Agencies must maintain the original copies of the I-9 in accordance with the "Personnel Records Retention and Disposition Schedule," provided by the Library of Virginia. b. Should employees transfer to other state agencies, a new I9 must be completed. 7. Exit interviews. Exit interviews should NOT be retained in the personnel file. Should be reported anonymously and maintained in a separate file or expunged after the comments are recorded in a central file. 8. Unemployment Compensation material. 9. Information regarding Workers' Compensation claims. 10. Medical and/or mental health records kept in a confidential file. The subject of these records has access to them UNLESS the physician has requested that the records not be shared with the subject.

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	<p>11. Employee leave records to include Family Medical Leave records and related documentation; ADA-related leave, Leave without Pay, and VSDP Disability Claims documentation.</p> <p>12. Documentation specific to an employee's request for reasonable accommodation under the Americans with Disabilities Act and the Pregnant Workers Fairness Act.</p>

DISPOSITION OF EMPLOYEES' PERSONNEL FILE ON TRANSFER, SEPARATION OR REEMPLOYMENT

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<p>Agency Retention of Employee Records</p>	<p>Personnel records for employees separating from state service are to be retained by the separating agency in accordance with the Library of Virginia retention schedule. Refer to Records Management Section of the Library of Virginia concerning medical records. Personnel records of employees rehired into classified positions within five years of their separation date must be requested from the separating agency by the employing agency.</p> <ul style="list-style-type: none"> • Such requests should be made in writing. • Files of rehired employees are to be forwarded in the same manner as those of transferred employees.
<p>Transfer within Executive Branch</p>	<p>Agencies shall ensure that the new agency is in receipt of the transferring employee's personnel files either physical or electronic file no more than 15 days after the effective date of the transfer. If electronic file, sending agency must ensure that the information is delivered securely and is in a readable format for the receiving agency. If this cannot be done, the sending agency with the electronic file must print the file and send securely to the receiving agency.</p> <ul style="list-style-type: none"> • Agencies are to develop procedures which ensure file confidentiality, security, and integrity during transfer. Transferred employees must not be allowed to carry their personnel files to their new agency.

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	<ul style="list-style-type: none"> ● Transferred files shall contain, at a minimum, the following information: <ul style="list-style-type: none"> ○ Original Commonwealth of Virginia Application(s) for Employment with original signature(s) unless stored in applicant tracking system. ○ Should the original documentation be needed for an agency audit, auditors can be directed to the employee's last known place of state employment. The Department of Human Resource Management also can help provide this information. ○ Performance evaluations. ○ Written Notice forms. ○ Applications for Workers' Compensation leave approval, if applicable. ○ Authorizations for exceptional salary actions. ○ Interim performance evaluations for employees who are laterally transferring. ○ Other documents from the personnel file that may benefit the receiving agency.
Transfer outside of Executive Branch	Personnel records for employees transferring to positions which are outside the Executive Branch shall be retained by the separating agency as if the employee were separating from state service. Copies of the file should be forwarded to the new agency at the receiving agency's request.
Disposition of Supervisors' File on Transfer or Separation	<p>Supervisors' records are considered working files and information in them should be maintained only as long as it is useful to the supervisors. When employees or supervisors transfer or separate, supervisors' files should be destroyed in a manner that prevents accidental disclosure of personal information.</p> <p>EXCEPTION: If these records contain information related to grievances, the information should be transmitted to the agency human resource office for appropriate retention. Interim</p>

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	evaluations performed to provide input for the evaluation of employees who are transferring laterally should be forwarded to the agency human resource office for proper transmission to the receiving agency.
Disposal of Personnel File	<p>The Records Management Section of the Library of Virginia must be referenced before any records are destroyed.</p> <p>Personnel records must be disposed of in a manner that prevents accidental disclosure of personal information. Examples of personal information: home addresses and/or telephone numbers; social security numbers; marital status; medical reports; performance evaluation scores; disciplinary actions, grievance or complaint information; payroll deductions; and health benefit or insurance information.</p> <p>If in doubt about whether a record is considered to contain personal information, the Office of the Attorney General should be consulted.</p>

CONTENTS OF PERSONNEL FILE - WAGE EMPLOYEES

General Provisions	Application
File Requirements	<p>Agencies must maintain confidential personnel information for wage employees. At a minimum, this information should include: the completed Commonwealth of Virginia Application for Employment form(s), if not maintained in the applicant tracking system; Employment Eligibility Verification (I-9) forms if they are not maintained centrally; and the signed policy receipts for Policy 1.05, Alcohol and Other Drugs; Policy 1.75, Use of Electronic Communication and Social Media; Policy 2.35, Civility in the Workplace.</p> <p>Historical wage employment records created prior to the current HRIS may not be stored by DHRM and limited payroll records may be retained by Department of Accounts.</p> <p>Other records which may be included in wage employees' personnel files include, but are not limited to, copies of:</p> <ol style="list-style-type: none"> 1. state and federal withholding forms

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	<p>2. time sheets, if not maintained in the time tracking system; and</p> <p>3. position descriptions.</p> <p>Supervisors may maintain employment-related files on wage employees.</p> <ul style="list-style-type: none"> • Employees must be given access to any information pertaining to them which is maintained in supervisors' files unless such information is protected by law. • Only employment-related information should be included in the file. • Employees normally should be given copies of information at the time it is placed in the file. • Employees may attach rebuttals to information in supervisors' files. <p>Records for separated wage employees shall be retained by the agency human resource office in a manner similar to records of classified employees.</p>

GLOSSARY

- Official Records All written or printed books, papers, letters, documents, maps and tapes, photographs, films, sound recordings, reports or other material, regardless of physical or electronic form or, prepared, owned, or in the possession of a public body or any employee or officer of a public body in the transaction of public business.

- Personnel File The "official" or master personnel file that includes documents with original or electronic authorization signatures relating to an individual's employment with the Commonwealth. In addition to physical documents stored at an Agency, the personnel file also consists of multiple systems including but not limited to human resources information system, applicant tracking system, performance management system, time tracking system, payroll system or any other electronic system.

- Personnel Records All records maintained on employees.