

Policy No.: 6.10

Efft. Date: 09/16/93

Rev. Date: 12/99

PERSONNEL RECORDS MANAGEMENT

OBJECTIVE

It is the Commonwealth's objective 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. Accordingly, this policy sets forth agency requirements for the retention and transfer of employees' personnel records, the release of personnel information, and the reporting of employee and position changes within each agency.

EMPLOYEES TO WHOM THIS APPLIES

This policy applies to positions covered under the Virginia Personnel Act to include full-time and part-time classified, restricted, and "*at will*" employees. This policy also applies to positions expressly excluded from coverage of the Virginia Personnel Act, specifically wage employees. (See section II of Policy 2.20, Types of Employment.)

DEFINITIONS

Official Records

All written or printed books, papers, letters, documents, maps and tapes, photographs, films, sound recordings, reports or other material, regardless of physical form or characteristics, 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 authorization signatures relating to an individual's employment with the Commonwealth.

Personnel Records

All records maintained on employees.

COLLECTION OF INFORMATION

Only information that is necessary for the effective and efficient operation of the Commonwealth's agencies should be collected regarding employees.

Employees' social security numbers (SSN) shall be collected by Commonwealth agencies and institutions under the authority of 26 U.S.C., Section 6011, and Treasury regulation Codes, Section 31.6011(b)-2(b). This information will be used to:

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

Employees' personnel records are to be maintained in a secure location. Personnel records are confidential in nature and, therefore, access to the information in them is to be limited. (See Policy 6.05, Personnel Records Disclosure.)

CONTENTS OF PERSONNEL RECORDS - COVERED EMPLOYEES

File Requirements

Agencies must maintain a confidential personnel file for each classified, restricted, and "*at will*" employee. The personnel file should contain, at a minimum, the following information:

1. Completed Commonwealth of Virginia Application for Employment form(s) with original signature(s).
2. Any letters offering/accepting employment.
3. Originals of the Report of Appointment or Change of Status (P-3) and Personal, Faculty and Miscellaneous (P-3a) forms, or the official agency substitute forms, signed by appointing authorities. Additionally, the verification or "turn-around" P-3s for general salary adjustments, re-grades and other changes which were initiated or specifically approved by the Department of Personnel and Training.
4. Original personnel office copy of "Probationary Progress Review" forms.
5. Original 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.

6. The original agency personnel copy of Written Notices under Policy 1.60, Standards of Conduct.
7. Information regarding Workers' Compensation claims.
8. Medical and/or mental health records kept in a confidential file.
9. Authorizations for exceptional salary actions.
10. Original copies of the Employment Eligibility Verification (I-9) form.
11. Original copies of employees' position descriptions and performance standards.
12. Original agency personnel forms used to initiate personnel transactions.
13. Signed, original Summary of the Commonwealth of Virginia's Policy on Alcohol and Other Drugs.

Master File Options

Other records may be included in the master file. Optional records, if not maintained in separate files, include:

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. Verification ("turn-around") copies of the Report of Appointment or Change of Status (P-3) and Personal, Faculty and Miscellaneous (P-3a) forms showing transactions entered into the personnel system.
4. Copies of Employment Eligibility Verification (I-9) forms.
5. Copies of employees' leave records.

NOTE: Original leave records should be maintained in agencies' personnel or fiscal offices.

6. Copies of employees' position descriptions and performance standards.
7. Copies of training certificates and/or other training or scholastic records including records related to educational assistance.

Supervisors' Files

Supervisors may maintain employment-related files on employees.

1. Employees must be given access to any information maintained in supervisors' files that pertain to them, unless such information is protected by law. (See Policy 6.05, Personnel Records Disclosure.)
2. Only work-related information should be included in the files. Information which may be maintained in such files includes:
 - 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 or memoranda from other sources regarding employees' job performance such as letters of commendation or complaint.
 - g. Attendance records.
 - 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.

Other Files

Other personnel records that may be maintained as separate files and not as part of the personnel file may include:

1. Grievance records.

2. Discrimination complaint case files.
3. Records of arrests, convictions, investigations, or security clearance information.
4. Recruitment and selection records. (See Policy 2.10, Hiring.)
5. Letters of recommendation for employment and/or references on applicants.
6. Original copies of the Employment Eligibility Verification (I-9) forms if not maintained in the master personnel file.
 - a. Agencies must maintain the original copies of the I-9 in accordance with the "Personnel Records Retention and Disposition Schedule," provided by the Virginia State Library and Archives.
 - b. Should employees transfer to other state agencies, a new I-9 must be completed.
7. Medical and/or mental records if not maintained in the personnel file.
8. Information regarding Workers' Compensation claims.
9. Copies of all training records that pertain to state mandated training standards.
10. Original copies of employees' position descriptions and performance standards, if not maintained in the personnel file.
11. Exit interviews.
12. Unemployment Compensation material.

RECORDING CHANGES IN STATUS

Changes in status must be recorded in classified employees' personnel files using the Report of Appointment or Change of Status (P-3) and/or Personal, Faculty and Miscellaneous (P-3a) forms, or the official agency substitute for these forms. These must be signed by the appropriate authority or designee to indicate approval.

Unless electronic data transfer has been established, after agency approvals, information from P-3 and/or P-3a forms, or the official agency substitute forms, must be entered directly into the Personnel Management Information System (PMIS). Changes in status submitted to the Department of Human Resource Management or entry must be recorded on the P-3 and/or P-3a forms. This information should normally be entered on, or prior to, the transaction effective date.

EXCEPTION: Information on separations and/or returns from leave without pay should be entered within one week after the effective dates.

If requested, computer-printed P-3 and/or P-3a form(s) verifying the transaction ("turn-around") will be distributed to agencies by the Department of Human Resource Management and can be used to record the next transaction.

DISPOSITION OF EMPLOYEES' PERSONNEL FILES ON TRANSFER, SEPARATION, OR RE-EMPLOYMENT

The current employers of employees who transfer within Executive Branch agencies shall ensure that the new agency is in receipt of the personnel files no more than 15 days after the effective date of the personnel action.

1. 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.
2. Transferred files shall contain, at a minimum, the following information:
 - a. Original Commonwealth of Virginia Application(s) for Employment with original signature(s).

- b. All original P-3 and P-3a forms, or the official agency substitute forms.

NOTE: Prior to transfer, copies of P-3 forms affecting salary changes for the preceding two years should be created. These copies are to be retained by the agency. They will serve as a supplemental file for audit purposes and should be disposed of after an audit or five years from the date of transfer, whichever is longer. All original P-3 forms, or the official agency substitute forms, must be sent in the employee's file.

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.

- c. Original performance evaluations.
 - d. Original Written Notice forms.
 - e. Applications for Workers' Compensation leave approval.
 - f. Authorizations for exceptional salary actions.

g. Interim performance evaluations for employees who are laterally transferring.

h. Other documents from the personnel file that may benefit the receiving agency.

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. (See section VII (C) below.) Copies of the file may be forwarded to the new agency at the separating agency's discretion.

Personnel records for employees separating from state service are to be retained by the separating agency for five years. (Contact the Records Management Section of the Virginia State Library and Archives concerning medical records.)

Records of personnel re-employed into classified positions within five years of their separation date must be requested from the separating agency by the employing agency.

1. Such requests should be made in writing.
2. The separating agency should provide the information listed in section VII (A)(2) above.
3. Files of re-employed employees are to be forwarded in the same manner as those of transferred employees.

DISPOSITION OF SUPERVISORS' FILES ON TRANSFER OR SEPARATION

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. (See section IX below.)

EXCEPTION: If these records contain information related to grievances, the information should be transmitted to the agency human resource office for appropriate retention.

Interim evaluations performed to provide input for the evaluation of employees who are transferring laterally, or to provide information to new supervisors (when supervisors transfer) should be forwarded to the agency human resource office for proper transmittal.

DISPOSAL OF PERSONNEL RECORDS

The Records Management Section of the Virginia State Library and Archives must be contacted before any records are destroyed.

Personnel records must be disposed of in a manner that prevents accidental disclosure of personal information. Examples of such information include:

1. home addresses and/or telephone numbers;
2. social security numbers;
3. marital status;

4. medical reports;
5. performance evaluation scores;
6. disciplinary actions, grievance or complaint information;
7. payroll deductions; and
8. health benefit or insurance information.

If in doubt about whether a record is considered to contain personal information, the Office of the Attorney General should be consulted.

CONTENTS OF PERSONNEL RECORDS - WAGE EMPLOYEES

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); Employment Eligibility Verification (I-9) forms (if they are not maintained centrally); the signed, original Summary of the Commonwealth of Virginia's Policy on Alcohol and Other Drugs; and original agency forms used to initiate personnel transactions.

Other records which may be included in wage employees' personnel files include, but are not limited to, copies of:

1. state and federal withholding forms;
2. time sheets;
3. the Wage Employment Authorizations (WE-14);
4. position descriptions; and
5. agency personnel forms.

Supervisors may maintain employment-related files on wage employees.

1. Employees must be given access to any information pertaining to them which is maintained in supervisors' files unless such information is protected by law.
2. Only employment-related information should be included in the file.
3. Employees normally should be given copies of this information at the time it is placed in the file.
4. Employees may attach rebuttals to information in supervisors' files.

Records for separated wage employees shall be retained by the agency human resource office in a manner similar to those of classified employees.

RESPONSIBILITIES OF THE DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

The Department of Human Resource Management will maintain an automated centralized information system (PMIS) 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.

The Department of Human Resource Management will maintain historical personnel data on separated employees.

1. The complete personnel record (paper version) for all employees separated prior to January 1983 will be maintained on microfilm by the Department of Human Resource Management.
2. No computer records are maintained by the Department of Human Resource Management or employees who separated prior to January 1980.
3. Historical computer records will be maintained by the Department of Human Resource Management or employees as of January 1980 and employees hired after that date.
4. Separated employee information stored in the automated system is treated as follows.
 - a. A full employee history will be maintained on-line for the first five years following separation from state service.
 - b. Five years following separation from state service, employees' on-line records will be condensed and a partial employee history will be maintained on-line indefinitely.

RESPONSIBILITIES OF THE VIRGINIA STATE LIBRARY AND ARCHIVES

As necessary, the Records Management Section of the Virginia State Library and Archives 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 the disposal of stored records.

The Records Management Section will provide forms for the implementation of the retention and disposition policies and procedures.

The Records Management Section will review and approve Form RM-3, "Certificate of Records Disposal," for scheduled records and will permanently retain the records of disposal.

AGENCY RESPONSIBILITY

Agency heads and human resource officers are responsible for the consistent application of this policy within their agency or facility.

Agency heads and human resource officers are responsible for establishing confidentiality requirements that apply to the handling of personnel records within their agency or facility. Human resource officers will ensure that agency actions or changes affecting employees' employment or payroll status, or data relating to positions or employees, are entered into the personnel system.

If agency heads have provided signatory authority to designees, up-to-date records identifying those designations should be maintained.

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 Resource Management and/or the Auditor of Public Accounts.

AUTHORITY AND INTERPRETATION

This policy is issued by the Department of Human Resource Management pursuant to the authority provided in Title 2.2, of the Code of Virginia. This policy supersedes Policy 6.01, Personnel Records Maintenance, issued November 1, 1981; Rules 13.1, Central Records, 13.2, Agency Records, and 13.3, Agency Reports, of the Rules for the Administration of the Virginia Personnel Act, effective July 1, 1977.

The Director of the Department of Human Resource Management is responsible for official interpretation of this policy, in accordance with Title 2.2 of the Code of Virginia. Questions regarding the application of this policy should be directed to the Department of Human Resource Management's Office of Agency Human Resource Services. The Department of Human Resource Management reserves the right to revise or eliminate this policy.