

PENDING REVIEW & REVISION

REFERENCE: III-1
PERSONNEL MANUAL

Subject Category: STAFFING AND EXAMINATIONS	Index Code: B 17.1
Subject Title: Employee Personnel Folders	Issued by: Employment and Personnel Services

Reference(s): HRS 92F; CS Rule '11-7; MD's Rules and Regulations Governing the Accessibility, Maintenance Storage of Public and Confidential Records of All City Agencies, Article III, established 10/23/78, CS Cir. 26-87 (12/1/87); Americans With Disabilities Act, Cir. 4-93.

Purpose(s): To establish policy and procedures for the establishment, maintenance, and storage of Employee Personnel Folders.

I. POLICY

It has been and shall continue to be the City's policy to maintain only one OFFICIAL Employee Personnel Folder for each employee. The Department of Personnel is the LEGAL CUSTODIAN of these Folders and has maintained these official records in their filing system. However, the agencies have the greater need to refer to and use the information in the Folders and have established their own duplicate files to meet their requirements. To eliminate this duplicate recordkeeping, the Department of Personnel shall release their Folders to the agencies to consolidate with their files to once more establish one official Employee Personnel Folder for each employee.

This decentralization of the Employee Personnel Folders to the agencies necessitates the promulgation of written standards and guidelines on the establishment, maintenance and storage of these Folders. Agencies are required to comply with these standards and guidelines so that uniformity in the maintenance of Personnel Folders can be established on a Citywide basis. Such uniformity will result in more efficient operations because agencies will be using the same forms and following the same procedures, in greater security against the filing and retention of illegal documents, and in more control over unnecessary recordkeeping.

II. DEFINITIONS

- A. "Agency" means any department, office, division, board, commission, or other entity of the City and County of Honolulu.
- B. "Employee" means an individual of the agency staff, including temporary hires. It includes permanent civil

service employees, temporary civil service employees, and exempt and personal services contract employees. It excludes consultants or independent contractors.

- C. "Employee Personnel Folder" means the official repository of records and reports of personnel actions effected during an employee's service with the City. It is the basic source of factual data about an individual's City employment.
- D. "Records Officer" means the departmental officer or employee responsible for the establishment, maintenance, and storage of records and the determination of who may have access thereto.

III. PURPOSE AND USE

- A. The Employee Personnel Folder contains in one place the agency's official records on any employee.
 - 1. It is accessible to authorized personnel who need information on which to base decisions affecting the employee.
 - 2. Folders apply to permanent and temporary civil service employees and exempt and personal services contract workers.
- B. The records are used to screen qualifications of employees; to compute length of service; to determine status, eligibility, rights and benefits under laws and rules governing City employment; and to obtain other information needed in providing personnel services.
- C. Exception: All medical records of employees shall be kept separate and apart from the Employee Personnel Folders. Per provisions of the Americans with Disabilities Act, information collected with respect to any permissible medical examination or inquiry must be collected and maintained on separate forms in separate files, and treated as confidential medical records.

IV. LOCATION

- A. The Employee Personnel Folder is located in the agency having authority to process personnel actions.
- B. The Folder and medical records maintained in a separate file move with the employee from agency to agency

throughout the employee's career. On separation from the City, both files are sent to the Department of Personnel for central storage until it is recalled, or purged and microfilmed.

V. ROLE AND RESPONSIBILITIES OF THE DEPARTMENT OF PERSONNEL AND THE AGENCIES

- A. Department of Personnel, as the legal custodian of the Folders,
 - 1. may be permitted to use any Employee Personnel Folder as the need arises.
 - 2. will answer any general or specific questions from the agencies arising from establishment, maintenance, and storage of the Folders.
 - 3. may schedule audits of any agency to review their maintenance efforts and discuss their records maintenance problems and needs.
 - 4. will continue to maintain out-of-service Employee Personnel Folders and recall them from the Records Center as needed.
- B. Agency, as the caretaker of the Folders,
 - 1. must maintain them in a timely manner and purge them of derogatory material as mandated by contract or rule.
 - 2. must attend to all legitimate requests for information, including employment verification forms* and requests for service and retirement awards.
 - 3. must recall the Folders of any new employee with previous service with the City.
 - 4. must route the Folders to the other agencies for all inter-departmental movements and to Personnel for all separations.

VI. ESTABLISHMENT, MAINTENANCE, AND STORAGE

- A. Each agency shall maintain an Employee Personnel Folder for each of their active employees.

*Employment verification forms requiring payroll data not available

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from the agency shall be transmitted to the Department of Finance-Payroll Section for completion. No item on the form shall be completed; however, an indication of the agency's name would assist the Finance-Payroll staff in completing the form.

1. A new Folder shall be established by the hiring agency when the employee is hired, except for movements between agencies and employees rehired within seven years from date of separation. The latter exception requires the employing agency to recall the Folder from the Department of Personnel within the seven years. Personnel will forward new employee paperwork to the agency for the establishment of the folder.
 2. Employee Personnel Folders should be legal size manila file folders.
- B. All Employee Personnel Folders shall be maintained and stored in a manner which will safeguard them against unauthorized access and to protect them against damage or loss.
1. Each agency shall appoint a Records Officer who shall be responsible for the establishment, maintenance, and storage of the Folders and for the determination of who may have access to them.
 2. All Folders shall be stored in lockable metal file cabinets or similar securable storage devices which shall be secured after regular work hours unless special permission is obtained from the Records Officer.
 3. Files of Employee Personnel Folders shall be physically separated from other record files to enhance security.
 - a. Where practical, Folders shall be stored in a restricted area.
 - b. Where feasible, the desk of a supervisor or other responsible employee shall be located at the entrance to a restricted area.
- C. Each Records Officer shall maintain the destruction schedule for derogatory and temporary records listed under Part VIII, D.
1. To ensure timely destruction of outdated materials, each agency should establish and maintain an inventory

of derogatory materials by whatever means necessary so that an annual purging of records can be accomplished with the least amount of effort.

2. Other temporary records may be destroyed at the time of filing of the latest form as provided in Part VIII, D., whichever is later.
3. Before access is allowable any person other than authorized agency personnel, Folders shall be screened by the Records Officer, or designated representative, to ensure outdated derogatory and temporary records have been purged.

VII. ACCESSIBILITY AND LIMITATIONS THEREOF

- A. Any Employee Personnel Folder shall be accessible to the individual to whom it pertains in a reasonably prompt manner** and in a reasonably intelligible form. To ensure access to the proper person, the agency shall require reasonable identification of the employee. Refer to HRS 92F, Uniform Information Practices Act (UIPA) and rules to be adopted by the Office of Information Practices (OIP) thereunder.

**Per HRS 92F-23, such request must be acted upon and completed within ten (10) working days from the date of request, subject to written extension of twenty (20) working days.

- B. Agency access to Employee Personnel Folders shall be restricted only to duly authorized personnel.
 1. Such agency personnel include the Records Officer, any employee responsible for filing and working with the Folders on a regular basis, and the agency or department head.
 2. Other employees must obtain clearance from the Records Officer before viewing any Folder.
- C. Personnel records disclosable to the public:
Refer to (OIP) Guidelines #1 (5/1/91) Disclosure of Personnel Records, Part C.
- D. General principles about personnel records:
 1. An agency IS NOT required to disclose information in a personnel record which falls within any of the

following exceptions to disclosure provided in HRS '92F-13, unless D.2 below applies:

- a. Records which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy.
 - b. Records that would not be discoverable when pertaining to the prosecution or defense of an action in which the State or county may be a party.
 - c. Records that must be confidential in order for the government to avoid the frustration of a legitimate government function.
 - d. Records which are protected from disclosure pursuant to state or federal law, including a court order.
2. An agency IS required to disclose a personnel record which would otherwise be exempt from public inspection or duplication when:
- a. The agency is required to make an accessible personnel record available to the individual to whom it pertains.
 - b. The personnel record is disclosed to another government agency under any one of the permissible conditions described in HRS '92F-19.
 - c. The requesting person has the prior written consent of all individuals to whom the record refers.
 - d. Compelling circumstances affecting the health or safety of any individual are shown.
 - e. Disclosure is authorized by federal law, a statute of this State, an order of a court, or a subpoena from the state legislature.
3. Subpoenas. When an agency receives a subpoena for personnel records covered by an exception listed in D(1) above, the agency should contact its Deputy Corporation Counsel for advice about objecting to disclosure of the records on the basis of the applicable UIPA exception. However, the agency shall disclose the records if a court orders disclosure.

4. For further information or guidance, refer to OIP Guidelines #1.

F. Agencies should assess the following fee schedule for duplicated copies of any folder, per RO 1990, '6-11.1:

For the first page or copy \$.50

Each additional page or copy \$.25

1. Monies collected shall be deposited with the Department of Finance.

2. Exceptions (No charge):

a. Government agencies requiring the records for official purposes, and

b. Employees, their authorized representatives or appropriate staff members requiring a copy of any material used in connection with a grievance or a personnel hearing.

3. Fees for searching, reviewing, and segregating records shall be established in rules to be adopted by the OIP under the UIPA.

VIII. CONTENTS

A. The Employee Personnel Folder shall include only those records generated from the civil service or employment laws, including Chapter 6, Revised Charter of Honolulu, and Chapters 77, 78, 79, 80, 81, 82, 83, 85 and 89 of the Hawaii Revised Statutes.

B. Records shall be filed in chronological order by the effective date of the action. Supporting documents shall be organized behind the official action documents (CS 13C and 14 forms).

C. Permanent Records

1. Employment Application, i.e., open competitive promotion, transfer, demotion (CS-3), registration (CS-3R), reemployment (CS-18), or priority placement (CS-20)

2. INS Form I-9, Employment Eligibility Verification

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3. CS-01, Oath of Loyalty
4. CS/PR&T, Conditions of Employment (only latest form)
5. DF-T-7, GS-44, Employee's Designation of Beneficiary (only latest form)
6. CS-13C, Notification of Personnel Action
7. CS-14, Personnel Action Authorization
8. CS-15, Notification of Separation
9. Form No. 42/43 Probationary Performance Evaluation Report (including letters extending probation)
10. Form No. 44, Performance Evaluation Report
11. Certificates of Training
12. D-1A, Request for Demotion
13. CS-T/D, Request for Interdepartmental Transfer
14. IGM (intergovernmental) letter
15. Letter of Commendation
16. Nomination Papers for City Employee/Manager of the Year Award
17. Grievance Settlement
18. Military Leave Request Letter
19. Authorization Active Duty
20. Military Certificates of Training
21. Basic Personal Services Contract forms, including Statement of Duties and Responsibilities (for contract hires)
22. Additional Terms, Conditions, and Covenants of Employment (for contract hires)
23. CS-45, Resignation Form, and/or Letter of Resignation

***24. Letters of Suspension and/or Dismissal

25. Other documents authorized by internal rules and regulations of agency, e.g., HPD-15A, Applicant's Personal History Questionnaire

D. Temporary Records

1. Derogatory materials

a. Definition: Any disparaging item relevant to the employee's employment, other than the official personnel action documents (i.e. CS 13C or CS 14 forms) or material considered part of the employee's employment history record.

b. A copy must be provided the employee and the employee afforded an opportunity to submit explanatory remarks for the record.

c. An employee may request destruction of derogatory material after two years.*** The department head will decide the relevancy of the material. The decision may be appealed to the Director of Personnel which is final and binding and/or through the grievance procedure for union members.***

d. Derogatory material more than five years old*** will be purged.

2. The retention periods for temporary records shall be nullified for those employees affected by enforcement actions or discrimination charges filed by the U. S. government. Such records shall be maintained until the final disposition of all charges or action.

E. Other personnel documents and records not indicated above may be filed in the Employee Personnel Folder if a copy is provided the employee or upon request by the employee.

F. Where there is a conflict with collective bargaining agreement (cba) provisions, the cba shall prevail.

***May be different for each bargaining unit. Refer to appropriate collective bargaining contract for included employees.

IX. TRANSMITTAL OF FOLDERS

A. Reasonable security precautions should be employed by each

agency in the transmittal of Employee Personnel Folders.

- B. Employee Personnel Folder and separate medical records file should be transmitted in the following manner:

Intra-agency (transfer): sealed confidential folders or folders, wrapped, sealed and stamped "confidential".

Agency to Department of Personnel (termination): inter-office mail.

- C. Transmittal and storage of Out-of-Service Folders

1. On a calendar month basis, agencies shall transmit their separated Employee Personnel Folder and separate medical records file to the Department of Personnel, Audit and Records Branch, for storage with the Records Center.
2. Employee Personnel Folders must be filed alphabetically by last name. (If any earlier folder or folders is/are located, do not mix with current batch but send under separate cover.)
3. Folders may be recalled at any time up to seven years from the year of separation at which point the records are purged and microfilmed.