General Order 16.7 - Personnel Records

PURPOSE: Establish the types of records maintained on employees and provide guidelines for access, storage, and security.

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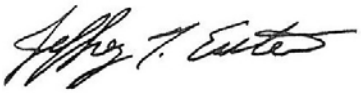
ISSUED BY : Sheriff Jeffrey T. Easter
REVIEWED BY: Standard Review Committee



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16.7.1 PERSONNEL RECORDS SYSTEM

A. The policy of the Sedgwick County Sheriff's Office is to only maintain files internally on employees as outlined in this general order.

B. Although Sedgwick County files are mentioned in this general order, these files do not fall under the immediate control of the Sedgwick County Sheriff's Office. Access to these files is determined by the department or section that maintains the specific file.

C. Records are maintained on all employees and applicants for a variety of reasons:

1. To document accomplishments, training, disciplinary actions, and work history; and

2. To assist in determining suitability for employment, disciplinary actions, retention in service, and promotion.

D. Diversity of purpose and level of confidentiality requires that certain files and information be segregated, resulting in multiple employee files being maintained.

E. Currently, the following types of employee files are maintained:

1. Applicant files;
2. Sedgwick County files;
3. Training files;
4. Professional Standards Unit files; and
5. Division folders.
6. Medical Files.

Each employee may have one (1) or more of the above listed file types.

F. Employee files are maintained at various locations, as outlined in this general order. The sheriff's administration component will be the repository of terminated employee files. Other units of Sedgwick County government may forward appropriate files on terminated employees.

G. Except as noted within this general order, files on employees are generally available for review by the employee. Review by all other personnel will be determined on a "need to know" basis, and will generally be immediate supervisors for evaluation and/or disciplinary purposes. "Need to know" will be determined by a bureau commander or higher rank, as specified. This provision does not preclude personnel assigned to the professional standards unit from accessing files on an "as needed" basis.

1. Review or release of records to entities outside of the Sedgwick County Sheriff’s Office will only occur:
    a. In the normal course of business as required by applicable law;
    b. In compliance with a legal subpoena;
    c. Upon the direction of a bureau commander or higher authority; however
    d. Files will be made accessible to the county counselor's office as requested.

16.7.2 APPLICANT FILES

A. Applicant files are maintained on all persons seeking employment under Civil Service. Control of the files resides in the training section.

1. Access to applicant files is restricted to those individuals actively involved in the applicant and selection process.

B. Material in the applicant file is gathered under an umbrella of confidentiality as part of the pre-employment process. For this reason applicant files are not available for review

by the applicants. Section 32.1.3 outlines the information that is gathered for an applicant file.

1. Once an individual has been hired, material that may be reviewed by the individual employee will be placed into the appropriate file(s), where the employee may access the information.

2. **(R)** Once the individual has been hired information in the applicant file may be available for criminal investigation on a need to know basis, which will be determined by the Sheriff or designee. This provision does not preclude personnel assigned to the professional standards unit from accessing files on a need to know basis.

C. Upon being hired, the training section staff will review the applicant file of the new employee and distribute the contents as follows:

1. The application, military DD-214 (if applicable), medical information (physical, psychological, drug screen) and educational records (high school, G.E.D., college), will be sent to the Sedgwick County Bureau of Human Resources, Personnel Department;

2. Records reflecting specialized training (such as military training), will be placed in the employee's training file;

3. All other material will be retained and maintained as a separate "post applicant" file by the training section. Release and or review of this file will be regulated by section 16.7.2 (A,B).

a. Upon an employee's termination of employment, this post applicant file will be forwarded to the sheriff's administration component.

D. **(R)** Applicant files of individuals who are not hired or are disqualified will be retained for a period of three (3) years after completion of processing. At the end of the retention period, the files may be destroyed.

1. Applicant files that are involved in litigation will be retained until the county counselor's office determines the files may be destroyed.

16.7.3 SEDGWICK COUNTY FILES

A. These are files maintained by other county departments. They include such things as personnel files, Risk Management files, payroll files, etc.

B. Upon an employee's termination of employment, these personnel files will be forwarded to the sheriff's administration component, once all appropriate steps are completed to "close" the files.

16.7.4 TRAINING FILES

A. Training files are maintained by the training section. Training files are available for review by the individual employee and his/her supervisor(s).

B. Upon initial appointment to the training section, a training file will be created for each Civil Service employee. See section 33.1.19 for more detailed information.

    1. Upon an employee's termination of employment, this training file will be forwarded to the sheriff's administration component once all appropriate steps are completed to "close" the file.

C. Training given to non-civil service employees will be recorded and tracked as it is reported to the training section.

16.7.5 PROFESSIONAL STANDARDS UNIT FILES

A. PSU files are maintained by the professional standards unit, and are highly confidential in nature. Except as authorized specifically by the sheriff, only personnel assigned to the professional standards unit may access these files. See sections 52.2.2 and 52.2.7.

    1. Employees that desire to review their file must make written request through channels to the sheriff.

B. PSU files on terminated employees will remain in the Professional Standards Unit.

16.7.6 DIVISION FOLDERS

A. A division folder will be maintained on individual employees. This file will be controlled by the division commander of the individual employee.

    1. This file is available for review by the individual employee and his/her supervisor(s). Should the employee request copies of material contained in the folder, the procedure outlined in section E below shall be followed

    2. As the employee is transferred and/or promoted within the department, the division folder shall be transferred to the control of the appropriate division commander.

    3. Division folders on captains and above shall be controlled by the appropriate level of the sheriff's staff.

B. The division folder will be a repository for work history of the individual employee that is not documented in other files outlined in this general order.

C. The primary purpose of the division folder is to assist supervisors in performing evaluations as per general orders 35.1, 35.2 and 35.3, and determining appropriate use of the disciplinary system as outlined in section 26.1.3 and 26.1.9.

    1. Information that will be stored in the division folder shall include:

        a. Information Technology Use Agreement

        b. Possession of Firearms Qualification Inquiry (where applicable).

        c. Productive Work Environment Advisories.

        d. Release of Information for Motor Vehicle Records.

        e. Time Sheet Employee Acknowledgement Form

2. Evaluations for the past two years shall be retained in the division folder.
3. Disciplinary actions will be retained in the division folder for the duration of the reckoning period.
4. All other information in the division folder shall be removed by the supervisor conducting the employees performance evaluation interview (General Order 35.3.5) after the appeal period has lapsed (General Order 35.2.4)
5. Information removed from the division folder after the employees annual evaluation shall be archived and stored electronically or in a secure area. This information shall be accessible by a lieutenant or higher rank when circumstances necessitate the retrieval of the archived information for purposes other than the employee's annual evaluation.
    a. Evaluations older than two years shall be archived.
    b. Archived files will be transferred with the employee's division file.
    c. Archived files will be maintained until five (5) years after the employee leaves sheriff office employment.

D. Upon an employee leaving employment, the division folder shall be forwarded to the Sheriff's Administration component.
    1. Information related to the termination of employment shall be forwarded to the sheriff's administration component.

E. Copies of material in the division folder will be provided to employees upon request according to the following guidelines:
    1. A copy of the employee's most recent evaluation will be provided at no cost.
    2. Up to fifteen (15) pages of material (in addition to the evaluation) will be provided at no cost. For the purpose of counting pages, a 2-sided document shall count as two pages.
    3. If the number of requested pages (not counting the evaluation) totals sixteen (16) or more, the employee shall be notified that he/she will be required to pay for the copies.
    4. The amount charged shall be at the existing rate which the Records Section charges for copies. The supervisor can contact Records to determine the exact amount which will be due.
    5. If the employee agrees to pay the cost, the supervisor shall have the copies made.
    6. When the copies have been made, the supervisor and employee will go to the Records Section, where the employee shall make payment. Once payment has been made, the copies will be released to the employee.
    7. Records personnel will handle the transaction in the same manner as any other payment for copies.

8. The supervisor providing the copies shall note in the folder that copies were supplied, the date supplied, by whom, and any associated payment received.

16.7.7 MEDICAL FOLDERS

A. In accordance with the Americans With Disabilities Act (ADA) and the Health Insurance Portability and Accountability Act (HIPAA), a medical folder will be maintained on individual employees. This folder will be separate from other employee folders and will be controlled by the division commander of the individual employee.

1. This file is available for review by the individual employee and his/her supervisor(s) who have a need to know for the purpose of accommodations regarding work assignments, schedules, and review of issues regarding attendance or work performance.

2. As the employee is transferred and/or promoted within the Sheriff's Office, the medical folder shall be transferred to the control of the appropriate division commander.

3. Medical folders on captains and above shall be controlled by the appropriate level of the sheriff's staff who have a need to know for the purposes of work assignments, scheduling, review of potential disciplinary action because of attendance or performance issues.

B. The primary purpose of the medical folder is to maintain a secure place to store all medical related paperwork regarding an individual employee's current medical condition. All medical paperwork pertaining to that condition will be collected and forwarded to Human Resources for placement in the ADA file.

1. Copies of the medical information may be obtained from Human Resources.

C. Copies of material in the medical folder will be provided to employees upon request according to the guidelines under 16.7.6 (Division Folders) E.

16.7.8 PERSONNEL PAPERWORK DISTRIBUTION

A. To assist in the smooth flow of personnel paperwork, the following chart should be utilized:

ITEM	ORIGINAL TO:	ROUTING:	COPIES TO:
Accident, County Vehicle, Reports	Risk Management	Division to Admin Risk Management	Division Folder, Bureau Commander, Accident Review Board

ITEM	ORIGINAL TO:	ROUTING:	COPIES TO:
Administrative Inquiry/Review	Professional Standards	None	None
Administrative Investigation	Professional Standards	None	None
Applicant Files	Training	None	None
Awards Committee Special Orders	Administration Files	Sr. Admin. Officer	Sheriff, Bureau Commanders, Division Commanders, Professional Standards, Division Folder
Blood Borne Pathogens	Risk Management	Chain of Command	Training
Certificates & Awards	Employee	Admin. To Human Resources (HR)(copy)	Human Resources, Division Folder
Change of Address/Phone	Division Folder	Division Clerical	Sheriff Admin.
Change of Name	Division Folder	Division Clerical	Sheriff Admin.
Commendation Letters	Employee	Admin. HR(copy)	HR, Division Folder
Compensation Correspondence	Employee	HR to Admin. To Employee	None
Criminal Investigations (Involving personnel)	Professional Standards	Investigations to Professional Standards	None
Demotions	Admin	Admin. To HR	Division Folder, Division Commander, Bureau Commander, County Legal, Training, Professional Standards
Evaluations	HR	Chain of	Division Folder

ITEM	ORIGINAL TO:	ROUTING:	COPIES TO:
		Command	
Field Training Program Documentation	Training	Division to Training	None
Injury Reports, On-the-job	Risk Management	Division to Admin. To Risk Management	ADA File, Bureau Commander
PSU Files	Professional Standards	None	None
Medical/Doctor Records	Human Resources	Division to HR	(ONLY Job Restrictive to Medical File)
Overtime Slips	Division (Retain for 3 years)	None	None
Personal Lawsuits, Notification of	Sheriff	Chain of Command	Professional Standards, County Legal
Personnel Complaints & Supervisory Responses	Professional Standards	None	None
Productive Work Environment Advisory	Division Folder (Not to be Purged)	With Annual Performance Evaluation/Chain of Command to Admin.	None
Requests for Bureau Transfers	Sheriff Admin. - Transfer File	Chain of Command	Bureau Commanders
Resignations	Sheriff	Chain of Command to Sheriff Admin. To HR	Prof. Standards, Civil Service Board, Training
Personnel Action Forms	Human Resources	Admin. HR	Division Folder, Training
Personnel Action Forms	Human Resources	Admin. HR	DivisionFolder

ITEM	ORIGINAL TO:	ROUTING:	COPIES TO:
Suspension Letters	Employee	Admin	Division Folder, Division Commander, Bureau Commander, County Legal, HR, PSU
Terminations	Admin	Admin. To HR	County Legal, PSU, Bureau Commander, Division Commander, Training
Training Files	Training	Upon Termination to Admin.	None
Vacation Requests	Division Folder 5 years	Chain of Command	None
Verbal Counseling Report	Division to retain	None	Professional Standards Unit
Workers Comp.Case Paperwork	Human Resources Sheriff	Division to Admin. Risk Management	RiskManagement, County Legal, Sr. Admin.Officer
Written Reprimands	Employee	Chain of Command	Division Folder, Bureau Commander, County Legal, Professional Standards,HR