



## **PERSONNEL POLICY**

### **SUBJECT: PERSONNEL RECORDS AND RECORD KEEPING – ACCESS AND CONFIDENTIALITY**

DATE: January 1, 2017

Number: 323-16

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#### **I. Statement of Policy**

This policy regulates the access to and confidentiality of County employees' personnel records and record management, retention and storage of personnel records.

#### **II. Access**

Access to personnel records should be restricted to those whose job duties necessitate access and to those with designated authority to review the records, such as a supervisor, department head, or Personnel representative.

Unless necessitated by an employee's job duties, any request to review human resources records, including personnel records, disciplinary records, benefit program records, and medical records, should be submitted as an Open Records Act Request and treated as any other Open Records Act Request.

If an employee wishes to grant a designated representative access to the employee's human resources records, including personnel records, disciplinary records, benefit program records, and medical records, the designated representative must present a written authorization signed by the employee that clearly and specifically describes the records the representative may inspect or copy.

An employee or designated representative may inspect his/her own personnel records in the Department of Human Resources Management or elect to obtain a copy of such personnel records. Charges for compiling and copying personnel records may be assessed in accordance with the Open Records Act.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".

### **III. Confidentiality**

Employees whose jobs provide access to personnel records shall follow the policies and procedures specific to their position for confidential information found in the personnel records and not release it to any person who does not have authorization to receive it. Employees shall not use confidential information of other employees for personal reasons.

### **IV. Categories of Personnel Records**

The Chief Human Resources Officer and Department Head shall be responsible for the preparation, maintenance, security and disposition of any and all types of records and documents relating to personnel activities and functions regarding individual employees, including but not limited to the following categories:

1. Personnel folders for each employee (i.e., records related to personally-identifiable information, such as name, date of birth, home address, emergency contact, social security number, records covering employment, position classification, wage or salary, employee relations, performance management, training, organizational development, attendance and paid time-off usage, etc.)
2. Copies of payrolls and related correspondence
3. Classification and compensation
4. Salary rates and classes
5. Personnel transactions
6. Attendance and leave
7. Recruitment, examination and certification\*
8. Appeals
9. Personnel Board minutes
10. Medical records' file (medical certifications, physician statements, and related information that describe the health and medical history or condition of an employee or an employee's family members)
11. Disciplinary records (e.g., written warnings, reprimands, notices of suspension, etc.) \*
12. Performance Improvement Plans\*
13. Communications regarding an employee's return to work from an extended leave\*
14. Other (e.g., performance evaluations, etc.)

\*Such records, if created by or submitted to the Department, should be forwarded to the Chief Human Resources Officer for inclusion in the Personnel File.

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## **V. Personnel Record Management**

The management and storage of all personnel records shall be conducted in accordance with approved County records retention standards and schedules.

## **VI. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

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## **PERSONNEL PROCEDURE**

### **SUBJECT: PERSONNEL RECORDS AND RECORD KEEPING – ACCESS AND CONFIDENTIALITY**

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#### **I. Maintenance of Personnel Records**

Each employee is responsible for notifying the Department of Human Resources Management in writing whenever changes occur to the following.

- Name
- Home Address
- Home or Cellular Telephone Numbers
- Persons to be notified in case of an emergency

#### **II. Access to Personnel Files**

An Appointing Authority considering an internal Fulton County applicant in a recruitment and selection process shall be permitted, upon request, to review the personnel file (excluding medical records) of the applicant following the first interview.

An employee or designated representative, by submitting an Open Records Request, may inspect his/her own personnel records in the Department of Human Resources Management or elect to obtain a copy of such personnel records. Charges for compiling and copying personnel records may be assessed in accordance with the Open Records Act.

#### **III. Removal of Documents from Personnel File as a Condition of Settlement Agreement**

In accordance with O.C.G.A. § 45-1-5, when an employee is disciplined and, as a condition of a settlement agreement, the personnel file of the employee is to be partially or totally purged, the employee's personnel records, including both the personnel file and any associated work history records, shall be clearly designated with a notation that

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such records have been purged as a condition of a settlement agreement. Such notation shall be disclosed to any subsequent governmental entity seeking information as to a former employee's work history for the sole purpose of making a hiring decision.

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