

SERENITY BEHAVIORAL HEALTH SYSTEMS

SUBJECT:	OFFICIAL PERSONNEL FILES
POLICY NUMBER:	HR-12.01
EFFECTIVE DATE:	June 1998
SUPERSEDES:	N/A
LAST REVISION DATE:	March 2010

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS) to maintain an employment record for each employee that includes information such as the employee's job application, resume, training records, performance-related documentation, salary history, and other employment-related information. Employment records are the property of SBHS and are subject to the Open Records Act. Employment records will be accessed in accordance with the provisions of this policy by Human Resources. Other personnel files may be maintained by SBHS programs, but are not considered official personnel files.

DEFINITIONS:

- I. "Records" means all documents, papers, letters, maps, books (except books in formally organized libraries), microfilm, magnetic tape, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in performance of functions by any SBHS.
- II. "Retention schedule" means a set of disposition instructions prescribing how long, where, and in what form a record series shall be kept.

FILING GUIDELINES:

- I. Documents that should be placed and retained in official personnel files include, but are not limited to: appointment packet material, performance-related documents and requests for personnel/payroll actions. A more inclusive list provided in Attachment II.
- II. Documents that should be maintained separately from official personnel files include, but are not limited to: supervisory files, competency files, medical information, and criminal history records including investigations, garnishments, and employee grievances. A more inclusive list is provided in Attachment I.
- III. Supervisory files are to be maintained by each employee's program for the duration of employment in the program. When employment in the program ends, supervisory files should be maintained until the end of the calendar year plus one additional calendar year. They should then be destroyed, unless there is an ongoing issue involving the individual employee's employment with SBHS.

CUSTODIANS:

Custodians of official personnel files are the Human Resource staff.

ACCURACY OF INFORMATION:

Employees are required to provide SBHS with accurate, up-to-date personal information to include, but not limited to name, home address, telephone numbers, tax withholding information, marital status, number of dependents, beneficiary designations, and emergency contacts.

CONFIDENTIALITY OF INFORMATION:

The Open Records Act exempts certain confidential information from disclosure. SBHS will strive to ensure the following:

- I. All employment records are securely maintained.
- II. All personal and job-related information is accurate, complete, and relevant for its intended purpose.
- III. All personal and job-related information is handled in a confidential, appropriate manner.
- IV. In collecting, maintaining, and disclosing employment information, SBHS makes every effort to protect every employee's privacy rights and interests and to prevent inappropriate or unnecessary disclosures.
- V. SBHS collects and retains personal information only to the extent necessary to effectively conduct business and administer employment and benefit programs. Wherever possible, if additional personal information is needed, SBHS will notify affected employees and provide them an opportunity to supply the requested data.
- VI. The Chief Executive Officer (CEO) and Human Resources employees may access SBHS employment records and any other records of the State Personnel Board and Georgia Merit System or its successor agencies to the extent necessary to perform their duties. Such access will not be construed as impairing the confidential nature of human resources records or permitting disclosure of information protected by employees' privacy rights.

ACCESS TO INFORMATION:

- I. The Georgia Open Records Act exempts certain confidential information from disclosure.

SUBJECT: Official Personnel Files

Policy # HR 12-01.doc

Page 3 of 6

- II. Certain personal information about employees is not subject to disclosure, and will only be released to authorized officials. This information includes: an employee's social security number, mother's birth name, debit and credit card information, other banking/financial information, insurance and medical information, and birth day/month. All other information maintained in official personnel files is generally accessible under the Georgia Open Records Act.
- III. Under limited circumstances, State law allows the media to access an employee's social security number and birth day/month. This news media exception applies only when a written request, signed under oath, states that the person or entity is gathering information as a representative of a news media organization for use in connection with news gathering and reporting. The CEO must be immediately contacted if a request is received from the media.
- IV. Personal information about current or former SBHS employee is accessible under the following circumstances:
 - A. The custodians have access to the information for maintenance purposes.
 - B. Employees are entitled to review their employment records upon request. The review must take place in the presence of a member of the SBHS Human Resources Department. An employee cannot remove any contents of the file, but photocopies will be provided within a reasonable time after the employee's review of the file and at the employee's expense, pursuant to the Open Records Act.
 - C. SBHS Managers, the CEO, Clinical Director, and employees' supervisors may have access to the information when necessary for employment-related purposes or on a "need-to-know" basis.
 - D. For purposes of investigating employment-related misconduct or for other legal, administrative, or regulatory reasons, information is available to authorized officials with organizations including, but not limited to, the following:
 - 1. Department of Human Resources (DHR) Office of Investigative Services,
 - 2. DHR Office of Audits,
 - 3. DHR Office of Human Resource Management
 - 4. DHR Office of Child Support Enforcement
 - 5. Department of Administrative Services Workers' Compensation
 - 6. Georgia Department of Labor
 - 7. Federal Department of Labor
 - 8. Social Security Administration
 - 9. Georgia Bureau of Investigation
 - 10. Federal Bureau of Investigation
 - 11. Other federal, state, and local law enforcement or investigative agencies with a "need-to-know".

SUBJECT: Official Personnel Files

Policy # HR 12-01.doc

Page 4 of 6

- E. Information may also be released in response to a subpoena or other appropriate inquiry issued in the course of litigation.
- V. Subpoenas and other legal requests for information maintained in official personnel files are to be immediately forwarded to the Human Resource Manager.
- VI. Custodians are to ensure that confidential information is removed prior to allowing access to official personnel files, unless one or more of the conditions in access to information exists.
- VII. Access to official personnel files, which has been authorized, will be permitted during regular business hours (Monday through Friday, 8:00 am through 4:30 pm, excluding holidays and other non-work days).
- VIII. Individuals requesting access to official personnel files should give advance notice. Identification is required prior to authorizing access to confidential employee information.

TRANSFER OF OFFICIAL PERSONNEL FILES:

Official personnel files of SBHS employees who transfer to other State Agencies must be forwarded to the appropriate agency Human Resource/Personnel Office in a timely manner.

PURGED FILES:

- I. Official personnel files may be purged as a result of settlement agreements made with employees who have been terminated from employment.
 - A. In such cases, the official personnel files and any associated work history must be clearly designated with a notation that records have been partially or totally purged as a condition of settlement agreement using SBHS Form 948 Notification of Purged Records. (see attachment III)

NOTE: Termination settlement agreements and requests for data change are to be entered into terminated employees' computer-based work histories.

- B. Notations regarding purged records will be disclosed to any governmental entity requesting information on former employees' work histories for the sole purpose of making hiring decisions.

CLOSED FILES:

SUBJECT: Official Personnel Files

Policy # HR 12-01.doc

Page 5 of 6

- I. Human Resource staff is responsible for properly transmitting closed official personnel files of former employees to storage in accordance with the approved Records Retention Schedule.
- II. When SBHS employment ends, employees' official personnel files are to be withdrawn from the active files area. They are to be maintained by Human Resources until the end of the calendar year plus one additional calendar year. Closed files are then to be transmitted to the storage facility to be retained for four (4) years, and then destroyed.

REFERENCES:

- I. State Law (O. C. G. A. 50-18-70 *et seq.* – Georgia Open Records Act)
- II. State Law (O. C. G. A. 45-1-5 – Purging of Personnel Records)
- III. SBHS Human Resource/Personnel Policy HR-51 – Employment, Reference and other Information Requested
- IV. SBHS Human Resource/Personnel Policy HR-33 – Access to Personnel-Related Public Records Based on the Georgia Open Records Act
- V. State Personnel Board Rule 9—(Records)

ATTACHMENTS:

- I. [Documents To Be Retained In Official Personnel Files](#)
- II. [Documents To Be Maintained Separately From Official Personnel Files](#)
- III. [Notification Of Purged Records Form 948](#)

APPROVAL SECTION:

Chief Executive Officer

Date

Committee Chairperson

Date

RESCISSION SECTION:

Chief Executive Officer
REVIEW SECTION:

Date

Committee Chairperson

Date

Committee Chairperson

Date

Committee Chairperson

Date