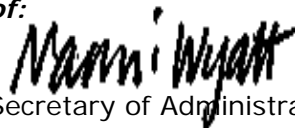


MANAGEMENT DIRECTIVE

Commonwealth of Pennsylvania Governor's Office

Subject: Maintenance, Access, and Release of Employee Information	Number: 505.18 Amended
Date: July 26, 2010	By Direction of:  Naomi Wyatt, Secretary of Administration
Contact Agency: Pennsylvania Office of Administration, Office of Human Resources Management, Bureau of Enterprise Services and Operations, Business Information and Support Division, Telephone 717-787-8001	

This directive establishes policy, responsibilities, and procedures for the maintenance, access, and release of employee information. In addition, this amendment updates policy to reflect compliance with the Pennsylvania *Right-to-Know Law (RTKL)* requirements for release of employee records. Marginal dots are excluded due to major changes.

1. **PURPOSE.** To establish policy, responsibilities, and procedures for the maintenance, access, and release of employee information.
2. **SCOPE.** This directive applies to all departments, boards, commissions, and councils (hereinafter referred to as "agencies") under the Governor's jurisdiction and SAP agencies. Legislative and judicial activities and other executive agencies are encouraged to use the same policy and procedures.
3. **OBJECTIVES.**
 - a. To provide a uniform system of maintaining, accessing, and releasing employee information.
 - b. To preserve and protect the privacy of all current and past employees and to provide for the public's right to know.
4. **DEFINITIONS.**
 - a. **Agency Human Resource (HR) Records Custodian.** The Human Resource (HR) Director in each state agency that has custody, possession or control of employee information.

b. Employee Information. Personnel information related to employment that is in the possession, custody or under the control of the Agency HR Records Custodian and/or Pennsylvania Office of Administration (OA).

c. Non-Public Employee Records.

(1) In accordance with *Section 708(b)(7)* of the RTKL, *65 P. S. §§ 67.101 et seq.*, the following employee information is generally not considered public:

(a) Reference letters, unless prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.

(b) An Employee Performance Review or similar rating or review.

(c) The result of a civil service or similar test administered by a commonwealth, legislative or judicial agency.

(d) The result of a civil service or similar test administered by a local agency, if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.

(e) The employment application of an individual not hired.

(f) Workplace support services program information.

(g) Written criticisms of an employee.

(h) Grievance material, including records related to discrimination or sexual harassment.

(i) Information regarding discipline, demotion or discharge contained in the Official Personnel Folder (OPF) or other personnel file, other than information regarding the final action of an agency that results in demotion or discharge.

(j) An academic transcript.

(2) Information regarding individual sex and gender may be provided in aggregate form, as such information is solely compiled under provisions of *The Public Law 88-352, Title VII of the Civil Rights Act of 1964*, as amended by the *Equal Employment Opportunity Act of 1972* for reporting purposes and employees who provide this information are informed that this information is solely accumulated for that purpose; the information by individual may generally be exempt under *Section 708(b)(2) and (6)* of the RTKL.

(3) Information regarding an employee that is not a "public record" as defined in the RTKL, *65 P.S. §67.102*.

- d. **Official Personnel Folder (OPF), Form STD-301.** The official repository of employee information, which includes permanent employee information and temporary employee information, that documents the employment work record. Permanent employee information is maintained in the OPF when an employee transfers or separates. Temporary employee information is to be retained in accordance with appropriate records retention and disposition schedule. The Pennsylvania State Police enlisted personnel employee information may be maintained in a comparable folder.
- e. **Permanent Employee Information.** Formal documentation of a person's current employment status and employment record.
- f. **Pre-Employment Records.** Includes transfers, promotions, and other personnel action that may cause a change in position.
- g. **Public Employee Information.** Pursuant to *Section 614 of The Administrative Code of 1929 (71 P. S. § 234)*, public employee information pertaining to most commonwealth employees for the purpose of this directive consists of employee agency; last name; first name; organization name; job (class) code, job (class) name; headquarter agency address, headquarter agency telephone number; work e-mail; bargaining unit; birth year; biweekly salary; hourly rate; per diem rate; pay schedule, pay level; pay scale group; and years of service.
- h. **Temporary Employee Information.** Information that does not make a significant contribution to a person's employment record or that becomes outdated or inaccurate because of the passage of time.

5. POLICY.

- a. **Employee Information.** All employee information, hard copy and electronic, of active and inactive state employees are Commonwealth of Pennsylvania records and are to be retained and disposed of consistent with the General Records Retention and Disposition Schedule.
- b. **Access and Release.** Access and release of employee information other than that defined as Public Employee Information or described in this directive are to be forwarded to OA, Office of Enterprise Records Management (OERM), unless request made by the employee, authorized employee or is made for litigation or RTKL, including requests from the press. OERM, in conjunction with OA, Office of Human Resources Management (HRM), and the Office of General Counsel (OGC), will coordinate review of the request, and determine whether the requested information is public. OA, HRM and/or OGC will take any appropriate measures to notify any affected agencies to notify their employees, should the determination be made that the information is accessible and releasable to the requester.

(1) **Employee.** An employee may inspect his or her own employee information during regular work hours, in accordance with *The Act of November 26, 1978, P. L. 1212, No. 286 (43 P. S. § 1322)*.

(2) **Authorized Employees.**

(a) OPFs and other employee information are to be secured and only accessible to the following list of authorized employees **when needed in the performance of their duties:**

- 1 Governor and Lieutenant Governor (for all employees).
- 2 Agency head and designees.
- 3 Agency Equal Employment Opportunity staff.
- 4 An employee's immediate supervisor and those in direct chain of command above the immediate supervisor.
- 5 Staff of OA, Office of Human Resources Management.
- 6 Staff of the Office of Inspector General.
- 7 Designated staff of the State Civil Service Commission (SCSC).
- 8 Staff of investigative agencies.

(b) An employee and persons with the written permission of the employee have the right to review that employee's OPF and other information related to that employee, as defined by applicable policy. Such reviews must be conducted in the presence of the Agency HR Records Custodian or designee at times amenable to both, and an employee may have a union or other representative present. Employees may request copies of documents in their folders but are not allowed to alter, remove, add, or replace any documents without permission from the Agency HR Records Custodian. Agency HR Records Custodian may charge reasonable fees consistent with fees charged under the RTKL when requested to provide copies of all materials contained in the OPF or when frequent requests for copies of materials are received from the same employee.

(c) An automated employment verification service that allows employees to have their employment and salary verified is available through TALX Corporation. The Work Number for Everyone, Customer Service Center (1-800-996-7566 or www.theworknumber.com) is available to answer questions from both employees and lenders/verifiers for such activities as mortgage applications, reference checks, loan applications, and apartment leases or anything that requires proof of employment. Requests for employment/salary verification are to be referred to this number. Specific procedures for accessing the system also can be obtained from Agency HR Office.

- (d) An employee home address may be furnished to law enforcement or court officials upon agency receipt of a written request showing that an indictment has been returned against an employee or a complaint, information, accusation, or other writ has been filed against an employee and the home address is needed to serve a summons, warrant, or subpoena. The home address may also be provided to authorized staff in case of emergencies.
 - (e) An employee social security number and home address may be furnished to taxing authorities upon written request.
 - (f) Medical information may be furnished consistent with HIPAA and other relevant guidelines for release of personal information:
 - 1 When it is needed to aid medical treatment and an employee is not able to provide the information; or
 - 2 To a federal or state investigative agency when requested information is required to verify adherence to regulations. Employees need not be notified of the release of this information to federal or state investigators who must periodically verify the receipt of physical examinations by direct care employees.
 - (g) Employee information subject to disclosure to an employee from his or her own OPF may be released to someone who is not the employee upon written authorization of the subject employee.
 - (h) Information may be released to state investigative personnel when needed in the performance of their official duties. Proper identification must be provided and requesters must state specifically what information is needed. The following agencies are to be provided nonpublic information on request in accordance with this paragraph. (**Note:** The following list is not all-inclusive. This list also could include other investigative agencies with subpoena authority.)
 - 1 Pennsylvania Human Relations Commission.
 - 2 Auditor General.
 - 3 Office of General Counsel.
 - 4 Pennsylvania State Police.
 - 5 Capitol Police.
- (3) **Non-RTKL.** Requests for access and release of employee information defined as Public Employee Information are subject to the same provisions as requests for employee information under the RTKL including requests from the press, unless made by the employee, authorized employees, or for litigation purposes. Access and release of Non-Public Employee Information is approved by OA, Office of Chief Counsel and Secretary of Administration through provisions provided in the RTKL.

- (a) An employee home address may be furnished to law enforcement or court officials upon agency receipt of a written request showing that an indictment has been returned against an employee or a complaint, information, accusation, or other writ has been filed against an employee and the home address is needed to serve a summons, warrant, or subpoena. The home address may also be provided to authorized staff in case of emergencies.
- (b) An employee social security number and home address may be furnished to taxing authorities upon written request.
- (c) Medical information may be furnished consistent with HIPAA and other relevant guidelines for release of personal information:
 - 1 When it is needed to aid medical treatment and an employee is not able to provide the information; or
 - 2 To a federal or state investigative agency when requested information is required to verify adherence to regulations. Employees need not be notified of the release of this information to federal or state investigators who must periodically verify the receipt of physical examinations by direct care employees.
- (d) Employee information subject to disclosure to an employee from his or her own OPF may be released to someone who is not the employee upon written authorization of the subject employee.
- (e) Information may be released to state investigative personnel when needed in the performance of their official duties. Proper identification must be provided and requesters must state specifically what information is needed. The following agencies are to be provided nonpublic information on request in accordance with this paragraph. (**Note:** The following list is not all-inclusive. This list also could include other investigative agencies with subpoena authority.)
 - 1 Pennsylvania Human Relations Commission.
 - 2 Auditor General.
 - 3 Office of General Counsel.
 - 4 Pennsylvania State Police.
 - 5 Capitol Police.
 - 6 Office of Attorney General.
 - 7 Office of Inspector General.
 - 8 State Ethics Commission.
 - 9 Parent Locator Service, Department of Public Welfare.

- (4) **RTKL.** Requests for access and release of employee information under the RTKL will be processed in accordance with this directive and [Management Directive 205.36, Right-to-Know Law Compliance](#), which establishes policy and procedures for agencies when responding to requests made pursuant to the RTKL. Access and release of Non-Public Employee Information is approved by OA, Office of Chief Counsel and Secretary of Administration through provisions provided in the RTKL.
- (5) **Subpoena or Judicial Order for Employee Information.** OGC, through OA, Office of Chief Counsel, is to be notified immediately when any agency receives a subpoena or other written judicial order for employee information, as defined in this directive as relating to personnel information held by the Agency HR Records Custodian or OA, HR Records Custodian. All responses to such subpoenas shall be coordinated through OA, Office of Chief Counsel. While the commonwealth will usually make the requested records available if the subpoena is lawfully issued and not defective on its face, there are many circumstances wherein the subpoena would not appropriate authority for the production of the records requested. Therefore, before complying with a subpoena, which should only be done upon the direction of OGC, the Agency HR Records Custodian shall take all reasonable steps to advise an employee whose records are being subpoenaed that a subpoena has been served, that the commonwealth may comply with the subpoena, and provide the employee with five days to consult with a private attorney to seek to have the subpoena quashed. Should the Agency HR Records Custodian be unable to contact the employee, the Agency HR Records Custodian will, by certified mail, return receipt requested, mail notification of the subpoena to the employee's last known address.

c. Maintenance.

- (1) An employee's supervisor and/or manager may retain copies of employee information that is included in an OPF and other employee information for reference purposes. However, the employee information is to be maintained in accordance with the General Records Retention and Disposition Schedule.
- (2) An OPF is to be established for each employee upon initial hire or retrieved from the State Records Center (SRC) or former agency or field facility upon rehire.
- (a) OPFs for active employees are to be maintained in headquarters HR offices except for employees in:
- 1** State Correctional Institutions.
 - 2** Department of Public Welfare field facilities.
 - 3** Department of Transportation.
 - 4** Department of Military and Veterans Affairs Veterans Homes.
 - 5** Wage employees in the Department of Conservation and Natural Resources. (OPFs are located in designated sites.)

- (b) Employees have a right to submit rebuttals to any material in their OPFs. Rebuttals are to be acknowledged by Agency HR Records Custodians. Rebuttals and acknowledgements become part of the OPFs in the same permanent or temporary category as the material being rebutted. If rebuttals are submitted by inactive employees, the most recent employing agency will acknowledge the rebuttal and send both the rebuttal and the acknowledgement to the SRC for inclusion in the inactive employee's OPF.
- (3) Maintenance and release of employee health information are to be in compliance with the Federal *Health Insurance Portability and Accountability Act (HIPAA)*. The Pennsylvania Employees Benefit Trust Fund Administrative Manual contains administrative guidelines pertaining to HIPAA.
- (4) The SRC is the official storage facility of all hard copy OPFs on inactive employees, except for employees age 72 or older.
- (5) Pre-employment background investigation reports including the criminal history check report, should be contained in a sealed envelope and are to be removed before employees or persons with written permission of employees review the OPFs. Employees are to be informed that summaries of reports, if requested, will be made available to them in a reasonable time frame.
- (6) The following employee information is specifically **prohibited** from being placed in the OPF and is to be maintained separately according to applicable directives and agency policies and with the General Records Retention and Disposition Schedule:
 - (a) Arrest reports or criminal history records.
 - (b) Investigative material regarding a civil, criminal, or administrative investigation of alleged wrongdoing by an employee that resulted in the acquittal of the employee. The agency retains discretion with regard to this provision when an employee requests in writing that such information be retained in order to support his or her defense of future allegations or charges that may be made. Ongoing investigative material relative to arrests/allegations is to be maintained in a confidential sealed envelope until the issue is resolved and the envelope is to be removed prior to review of the OPF by anyone who does not have a need to know the status of the investigation.
 - (c) National identification (other than Immigration and Naturalization Form I-9).
 - (d) Birth certificates/baptismal certificates.
 - (e) Racial identification.
 - (f) Ethnic information.
 - (g) Political affiliation.
 - (h) Religious affiliation.

- (i) Photographic identifications.
 - (j) Written criticisms of which an employee is not aware.
 - (k) *State Ethics Act* and *Code of Conduct* financial disclosure forms and supplementary employment information.
 - (l) Workplace Support Services Program information, including State Employees Assistance Program (SEAP) information, except for the Condition of Continued Employment (COCE), Commercial Drivers License (CDL) and Department of Corrections (DOC) agreement forms that are to be placed in a sealed envelope with access limited to positions listed on the envelope.
 - (m) Hazardous chemical exposure records under the RTKL.
 - (n) Health and medical information including disability related information (accident reporting forms without attached medical information are permitted) and any HIV/AIDS information as outlined in [*Management Directive 505.26, HIV/AIDS and Other Bloodborne Infections/Diseases in the Workplace.*](#)
 - (o) Grievance materials, including documents related to discrimination or sexual harassment. Exceptions include grievance settlements related to leave or pay adjustments and modification of personnel actions.
 - (p) Employee medical information is to be maintained in a separate confidential employee medical file and provided only to those on a need to know basis and with proper authorization and consistent with HIPAA and other relevant guidelines.
- d. OA will review compliance with this directive. Agencies will be advised of areas of noncompliance and corrective action required.
 - e. If any procedure in this directive conflicts with any provision in a collective bargaining agreement, which provision is otherwise lawful, the provision of the collective bargaining agreement is controlling.

6. RESPONSIBILITIES.

- a. **OA, Deputy Secretary for Human Resources Management** is required by [*Management Directive 505.7, Personnel Rules,*](#) to maintain a record of all employees and positions and develop adequate standards for the establishment and maintenance of employee records in operating agencies. This requirement is separate and distinct from those records maintained by SCSC for Civil Service employees pursuant to *Section 206(4), Civil Service Act of August 5, 1941, P. L. 752, as amended.*
- b. **The Agency Head** must ensure that appropriate procedures are established for employee awareness of the content of this directive, such as annual reminders, and that necessary procedures and safeguards are implemented in accordance with this directive.

- c. **The Agency HR Director** must ensure that appropriate procedures are established for employee awareness of the content of this directive, such as annual reminders, and that new employees are apprised of the rules and procedures regarding public disclosure of employee information.
- d. **OA** will coordinate the design of electronic information systems and establish policy and procedures for the electronic maintenance and release of employee information.
- e. **The SRC** will store and control OPFs of inactive employees until the year of the individual's 75th year of birth. At that time, the folders are to be shredded or otherwise confidentially disposed of, in accordance with the General Records Retention and Disposition Schedule.
- f. **OA, HRM** will monitor the implementation of this directive and review complaints and appeals concerning delays or denials of employee information requests outside of RTKL.

7. PROCEDURES.

a. Official Personnel Folder Maintenance.

- (1) **Permanent.** The following types of information are permanent and must be included in OPFs. This is not an all-inclusive list of information appropriate for maintenance in OPFs. Maintenance of other employee information shall be in accordance with the General Records Retention and Disposition Schedule.
 - (a) Latest agency employment application/resume provided by the employee.
 - (b) Employee notifications regarding appointment, promotion, demotion, involuntary retirement, resignation by reason of abandonment of position, furlough, reassignment, transfer, salary changes (except general pay increases and longevity increments), dismissal, suspension, change in Civil Service status, and temporary assignment in a higher classification.
 - (c) Out of ordinary leave records, such as adjustments to leave service credits, requests and approval/disapproval notification for special extension of sick leave, and leaves of absence of longer than one full pay period.
 - (d) Records of absence are to be maintained in accordance with [Manual 530.7, Absence Program](#), or stored alphabetically by year in the same location where OPFs are stored or consistent with instructions for use of electronic leave requests. The forms are to be maintained for four years and then purged. **Medical documentation to support leave should not be filed in the OPF.**
 - (e) Last three annual Employee Performance Reviews and the latest probationary/interim report if not superseded by an annual employee performance review report.

- (f) Employee initiated acknowledgements of temporary employment or unusual conditions of employment, such as the certificate required of minors.
- (g) Employee requests and agency responses concerning voluntary retirement, voluntary separation, transfer, and demotion.
- (h) Records of employee benefits eligibility and enrollment are to be maintained until these records are available electronically through SAP. **Medical records related to benefit claim complaints, problems, or resolution, should not be filed in the OPF.**
- (i) Current payroll deduction authorizations including, but not limited to, group life insurance, retirement, health benefits, workers' compensation, federal and state withholding tax, earned income tax, union dues, credit union, State Employee Combined Appeal (SECA), direct deposit, family care account, deferred compensation, and tax sheltered annuities.
- (j) Letters of commendation, cost reduction awards, management improvement awards, limited sick leave acknowledgements/certificates, exceptional increments, performance bonuses, Governor's Award for Excellence, cost reduction awards, PRIME awards, professional organization or society awards, and any other form of official recognition given to an employee that relates to his or her duties and responsibilities with the commonwealth.
- (k) Pre-employment background reports developed by the Pennsylvania State Police, SCSC, Office of Attorney General, and other agencies to determine an employee's suitability for employment. In addition, agency background reference checks for employees required by their job duties to have a CDL are to be maintained. Pre-employment background reports and background reference checks should be maintained in a confidential envelope within the OPF and removed prior to review of the OPF by the employee/representative.
- (l) Investigative reports prepared as a result of alleged wrongdoing by an employee. If the employee is determined to be not guilty, reports are to be purged immediately.
- (m) Department of Defense, Discharge Papers and Separation Documents, Forms DD 214 when used for commonwealth employment purposes.

- (n) Significant and mandatory training records. These records should be maintained together on the inside cover of the OPF. However, when training received is maintained on an automated training record system, a printout or access to the automated training record must be provided to honor requests for training records by an authorized requestor. When an employee separates/transfers, a printout or electronic availability of the employee's training record should be incorporated into the transferred folder to SRC or the gaining agency.
- (o) Agency and commonwealth sign-off forms attesting to the employee's receipt of information that include, but are not limited to, agency orientation checklist, CDL employee and supervisory training acknowledgement forms, employee handbooks/manuals, Workers' Compensation Rights and Duties Acknowledgement form, and Internet/E-mail user agreement. In accordance with [Management Directive 210.12, Electronic Commerce Initiatives and Security](#), agencies may choose to use an electronic record of receipt (i.e., storing employee acknowledgements of the Internet/E-mail user agreements). These electronic acknowledgements utilize the User ID/Password as a verifiable electronic signature. Electronic versions of this record must be held in a database and be retrievable upon management's request. Confidentiality provisions of applicable regulations and policies also apply to scanned or copied documents used and/or released.
- (p) Current annual CDL accident and motor vehicle violation check forms. Agencies may elect to maintain a separate subject file for these forms.
- (q) Immigration and Naturalization Form I-9.
- (r) Permanent restrictions regarding use of weapons or other work-related functions.
- (s) Current residence and mailing addresses, and any local address for commuting purposes are to be maintained until these records are available electronically through SAP. However, emergency contact information should still be maintained in hard copy in the OPF and in accordance with your agency's emergency preparedness plan. Employees are to be informed that it is their responsibility to ensure that address information is accurate and current. **Post Office box addresses are not acceptable for resident addresses.**

NOTE: If a personnel action is amended, only information concerning the amended action is to be maintained in the OPF. The original personnel action and any rescinded personnel actions are to be removed from an employee's OPF and employee information maintained separately in accordance with the General Records Retention and Disposition Schedule.

(2) Temporary. The following types of information are temporary and are to be disposed from OPFs in accordance with the General Records Retention and Disposition Schedule.

- (a) Letters of reference. (If submitted during background/reference check, they should be maintained with that information in a sealed envelope.)

- (b) Letters of caution, reprimand, admonishment, warning, or temporary restrictions.
- (c) Employee Performance Reviews.
- (d) Records of absence.
- (e) Professional affiliations.
- (f) Out-service and in-service training of limited significance to an employee's development.
- (g) Outdated forms superseded by current information.

NOTE: Supervisors' or managers' notes and records on matters such as discipline or performance on specific work assignments may be maintained separately from the OPF in accordance with the appropriate General Records Retention and Disposition Schedule record series. These notes may be subject to access by employees if they are used to support discipline and may be shared with replacement supervisors/management. In instances where these records are utilized to effect disciplinary action against an employee, upon issuance of such discipline, the employee and/or union is entitled to review and be provided with a copy of such records upon request.

b. Access and Release of Employee Information.

- (1) **Public Employee Information.** Public Employee Information is accessed via OA's Web site, [Records and Directives](#), including press and RTKL requests. RTKL requests for Public Employee Information shall follow the procedures set forth in *65 P.S. §67.704*, as appropriate.
- (2) **Non-Public Employee Information/Record.** Upon approval of Secretary of Administration via coordination with HRM, OERM, and OGC, access and release instructions will be provided in the approval response.

c. Pre-Employment Employee Information. Requests from employees or persons with written authorization for information contained in pre-employment background investigations are to be handled as follows:

- (1) Requests are to be sent to OA, Deputy Secretary for Human Resources Management.
- (2) OA in conjunction with agency staff and OGC will develop appropriate responses and summaries of information contained in the reports.
- (3) A permanent record of the release of this information, showing to whom it was provided and the date of release is to be maintained in an employee's OPF and sent to employee.

- d. Employment/Transfer.** SRC and Agency HR Records Custodian are to release pertinent employment information when an employee is being considered for employment/transfer, from one state agency to another, or within an agency, or when an employee is to be reemployed by the commonwealth. The following information, consistent with purging requirements outlined in this directive, in addition to public information, is to be provided in these cases upon written request indicating the employee is being considered for employment/transfer:
- (1) Employee Performance Reviews.
 - (2) Letters of caution, reprimand, admonishment, warning, or temporary restrictions.
 - (3) Letters of suspension and dismissal.
 - (4) Letters of commendation.
 - (5) Records of absence.
 - (6) Training records.
 - (7) Employment history data (consists of the above data on file from each agency in which the employee was employed by the commonwealth). The Agency HR Records Custodian is to notify an employee of what information has been referred to the requestor. If an individual is not subsequently accepted for transfer or reemployment, all information is to be returned to the forwarding agency/SRC. Use of this information for any other purpose is strictly prohibited.
- e. Unions.** Union official's request for release of employee information for the union's representation of the employee who is subject of requested employee information due to grievances. Information is to be provided within a reasonable period of time. Unless excessive costs are involved in compiling/mailling the information, the information should be provided without charge.
- f. Official Personnel Folder Reviews.** **OPFs are to be reviewed at least once every other year or when an employee transfers or separates.** Purged information should either be returned to employees or a notice should be sent advising them that they may request the return of the purged information. If the employee does not request the purged information, it should be shredded or otherwise disposed of in accordance with the General Records Retention and Disposition Schedule, which requires disposal procedures that protect the confidentiality of the information. Information within the files is to be maintained in an organized manner. Temporary information four years old or older is to be removed. Letters of caution, reprimand, admonishment, or warning are to be purged after two years if no similar incidents occur, unless:
- (1) The letter constitutes a basis upon which a subsequent, i.e., progressive level of discipline was imposed; or

- (2) There is a grievance pending over the letter or over a subsequent discipline for which the letter served as a basis. In such situations, the letter should remain in the employee's OPF for two years from the date of the subsequent discipline or, if a grievance has been filed, until the grievance is resolved; or
 - (3) Another officially agreed upon removal date has been designated. Agency HR Offices should establish tickler files to ensure date sensitive information is removed in a timely manner. Employees are to be notified when documents are removed from their folders and are to be given 10 calendar days to request such documents. Agency Labor Relations Offices also are to be notified of the removal of temporary information. Documents not needed for current or pending disciplinary or grievance actions or not requested by employees are to be shredded or otherwise confidentially disposed of, in accordance with the General Records Retention and Disposition Schedule.
- g. Requests to review OPFs by employees located at facilities other than where the folders are maintained are to be responded to as follows:
- (1) Employees are to be advised that they may choose to travel to the location where the OPF is maintained. Travel expenses and administrative leave **will not be authorized** for this purpose.
 - (2) Upon request, the contents of an employee's OPF are to be duplicated and forwarded for review, generally without cost to the employee. Employees may be charged reasonable fees for the cost of reproducing and mailing material in their OPFs, if such requests become excessive.
 - (3) The Agency HR Records Custodian will attach a signed statement to the file certifying that the entire contents of the folder were copied and are contained in the folder sent to the employee.
 - (4) Access procedures for employee electronic records or files will be provided as agencies receive authorization for such files.
- h. **Transfer of Official Personnel Folders.** Before OPFs of transferring employees are sent to gaining agencies or those of terminated employees to the SRC, Agency HR Records Custodian are to ensure that they contain all appropriate permanent documents, and that the terminated employee's name, social security number, employee number, and year of birth are correctly entered on the file folder. If the employee is 72 years or older, **do not** send the OPF to the SRC. It should be retained for four years after the date of separation and then shredded or otherwise confidentially disposed of, in accordance with the General Records Retention and Disposition Schedule. Folders are to be safeguarded during transit and receipted for by gaining agencies. Losing agencies may retain the names, addresses, social security numbers, and printouts of IPPS history screens of transferred and separated employees. Those agencies using U. S. mail to transfer folders to the SRC should use third or fourth class rates.

- i. OPFs of transferring employees are to be provided to gaining agencies when such agencies are under the Governor's jurisdiction. When they are not, copies of all materials in the folder may be provided if they are requested. Similarly, commonwealth agencies should request from agencies not under the Governor's jurisdiction copies of material in the OPF. The Agency HR Records Custodian should notify the employee of information provided to the requesting agency. Medical files should be transferred to the gaining agency or provided to the employee, depending on the need for the gaining agency or commonwealth to maintain the information. If information is required to be maintained by the losing agency for audit or similar purposes, copies should be retained and then shredded or otherwise confidentially disposed of, in accordance with the General Records Retention and Disposition Schedule when no longer needed.
- j. **Dual Employment.** If an employee has dual employment with another state agency and resigns from one agency, the OPF should be transferred to the remaining agency. While the employee retains dual employment, both agencies should have record of the dual employment in the OPF.
- k. **Intergovernmental Personnel Assignments** A basic employee file containing a record of the Intergovernmental Personnel Assignments (IPA) assignment, address for emergency contact information, and documentation relating to the employee's performance should be maintained and provided to the government jurisdiction at the conclusion of the assignment. A copy of the file should be maintained in the agency.
- l. OPFs of separated employees are to be sent to the SRC within 60 calendar days of separation, except those of employees with pending grievances, appeals, or other formal actions requiring retention in an agency. When the formal action is resolved, the folder should be sent to the SRC immediately. Each agency is to provide the SRC with a list of agency personnel authorized access to inactive folders.
- m. Procedures for the maintenance and release of electronic records or files for transferred employees will be provided as agencies receive authorization for such files.
- n. **Access to Inactive Official Personnel Folders.** The SRC will provide access to inactive OPFs as follows:
 - (1) Public information will be provided within a reasonable period of time upon request pursuant to the provisions of this directive.
 - (2) Any previous employing agency will be provided access to OPFs. OPFs will be made available only to persons authorized by an agency to have access.
 - (3) Folders will be made available to agencies in which an inactive employee **has not** had previous agency employment upon:
 - (a) written request by the agency indicating the employee has been employed by the commonwealth and the folder is needed for active employment use; or upon

- (b) written authorization from the most recent employing agency; or upon
 - (c) authorization by the employee.
- (4) Procedures for the maintenance and release of electronic records or files for transferred/separated employees will be provided as agencies receive authorization for such files.

This directive replaces, in its entirety, *Management Directive 505.18*, dated February 14, 2003 and *Management Directive 505.12, Annual List of Employees*, dated June 26, 2001.