

Official Personnel Files

Policy Number: 2021-0014
Issue Date: 07-28-2021

PURPOSE

This policy establishes guidelines for the creation, organization, and maintenance of King County Official Personnel Files and applies to both paper and electronic records.

POLICY APPLICABILITY

The county's Official Personnel File policy applies to all executive branch departments, offices, divisions, and agencies, including the Assessor's Office and King County Elections. In the event any provision of this policy conflicts with an applicable provision of a collective bargaining agreement (CBA) or binding past practices, the latter shall prevail.

POLICY

Official Personnel Files are intended to fully document the employment relationship between the county and each employee, from the initial employment application through departure from employment. Official Personnel Files are public records and are subject to disclosure under [Washington's Public Records Act](#). However, certain individual documents within an Official Personnel File may be exempted from public disclosure.

Questions about disclosing personnel files or responding to public records requests should be directed to the county's [Public Records Program](#). Questions about the retention or disposition of personnel files should be directed to the county's [Records Management Program](#).

General Guidelines

Executive branch agencies shall create and maintain an Official Personnel File for each employee. The Official Personnel File shall provide a factual record of an employee's employment history with King County and include records documenting the employee's history, performance, and other components of the employee's experience which are relevant to the county's ability to make employment-related decisions.

The Official Personnel File shall include the complete and final versions of documents that fall into one of three broad categories: *General Employment History* records, *Employee Performance and Development* records, and *Restricted Access* records. Documents shall be filed by category and document type. Access to documents that contain sensitive or personally identifiable information ("restricted access records") shall be controlled.

Authorized personnel are responsible for ensuring the information in an Official Personnel File is used for business purposes only and must take the necessary precautions to safeguard access by unauthorized personnel. Prior to being granted access to records, each employee shall complete a form acknowledging their understanding of these responsibilities.

Examples of Records Included in the Official Personnel File

General Employment History records include, but are not limited to:

- King County job application and hiring materials, such as resumes, cover letters, employment verification documents, pre-employment physicals, verification of military service, copies of

required licenses, certificates or credentials, job descriptions, employment offer letters, and starting salary approval documentation;

- Signed policy acknowledgements;
- Any agreement relating to a county-provided asset, including county-owned vehicles;
- Any records documenting a change in employment status, including transfers, promotions, reclassifications, demotions, layoffs/recalls, terminations, medical separations, etc.;
- Any other documentation related to employment including, but not limited to:
 - Work arrangement documentation such as Alternative Work Schedule agreements, Telecommuting agreements or approved Leave of Absence requests,
 - Records documenting the employee's training,
 - Personnel Change Notices (PCNs),
 - Authorization for Official Personnel File access; and
- End-of-employment documentation, such as a resignation letter, termination form, and an exiting employment checklist.

Employee Performance and Development records include, but are not limited to:

- Performance appraisals;
- Records documenting direct communication to the employee related to performance actions (e.g., Performance Improvement Plan letters, individual development plans, letters of expectation, corrective counseling, letters requiring training or retraining);
- Employee's rebuttal of information contained in performance documents;
- Documentation of corrective action in accordance with the *King County Personnel Guidelines* and/or applicable CBA's;
- Letters of proposed discipline and final decision(s) to impose discipline;
- Correspondence related, but not limited, to position responsibilities, position requirements, or job performance; and
- Employee recognition including letters of commendation and awards.

Records related to a pending performance action shall be excluded from the Official Personnel File (see *Records to be Excluded* section below). Review the applicable CBA, Coalition Labor Agreement¹, or *King County Personnel Guidelines* to determine how long a record documenting a disciplinary or performance action can remain in the Official Personnel File and what records must be removed (if any). For additional guidance, contact the Office of Labor Relations (OLR) or Department of Human Resources (DHR).

Restricted Access records are employment-related documents containing sensitive or personally identifiable information such as marital status, dependent information, Social Security number, medical information, genetic information, immigration status, national origin, race, religion, sexual orientation, gender identity or expression, criminal history, financial history, or garnishments. Restricted access records will be accessed only by employees who have legitimate business reasons to view them. Examples of *Restricted Access* records include but are not limited to:

- Medical and disability records including, but not limited to:
 - Fitness for duty medical certification records (if an employee is medically separated the separation letter would be maintained in the employee's Official Personnel File, but the medical report would not);
 - Documents related to serious health conditions including illness or injury;
 - Requests for reasonable accommodation pursuant to the Americans with Disabilities Act or Washington Law Against Discrimination;
 - Other medical certifications associated with protected leave requests under the Family Medical Leave Act (FMLA) or other applicable law;

¹ Formerly referred to as Master Labor Agreement (MLA).

- Drug and Alcohol testing records including test results;
- I-9 forms and copies of supporting documents;
- Background check documentation.

Records to be Excluded from the Official Personnel File

The following types of records shall be excluded from the Official Personnel File:

- Transitory records kept by supervisors to prepare and support the annual performance evaluations of employees under their supervision;
- Transitory records kept by supervisors to document the ongoing progress and conduct of employees under their supervision; and
- Records related to employee disciplinary matters, investigations of misconduct, or employee grievances.

For guidance on the filing and retention of these types of records, consult your agency's [Records Officer](#).

Access to Official Personnel Files

State law allows employees to request access to their Official Personnel File or to receive a copy of their Official Personnel File. Generally, the opportunity to review Official Personnel Files will be provided within ten (10) business days of the request. Many CBA's contain provisions around access to personnel-related documents in an Official Personnel File. Review the applicable CBA to ensure compliance.

Employees, or their authorized designee, will be allowed an opportunity to review the employee's Official Personnel File at reasonable times, provided that an agency representative is present to ensure that the contents of the employee personnel records are not disturbed. An employee does not have to file a public records request to gain access to review or receive a copy of their Official Personnel File. Agencies may require reasonable notice before providing employees an opportunity to review their Official Personnel File.

Agencies may also determine the location where such reviews will take place; set hours for review; or require review by appointment. Employees may be charged a reasonable rate for a copy of personnel record(s) as defined by King County Code 2.12.130 and RCW 42.56.070.

Supervisors shall obtain authorization from their agency's Human Resources Manager or designee prior to accessing records in an Official Personnel File. Supervisors shall only be granted access to the records of employees under their supervision.

Agencies shall maintain a log of requests for access to employees' Official Personnel Files.

Other Provisions Related to the Official Personnel File

Public Records Requests - When documents in an individual employee's personnel, payroll, supervisory, training, safety, or medical file are the subject of a public records request, the county will provide the employee notice of the request in advance of the intended release date. If the county receives a public records request for personal information for the entire membership of the Union working for the county, the county shall notify the Union as soon as possible and prior to the release of the information.

Union requests for personnel files, subpoenas or discovery requests for personnel files will be addressed under applicable law. Employees may not be given notice when their personnel files are requested by a Union request for information, discovery request or subpoena.

Requests to Add Material to the Official Personnel File - Any present or former employee can place a rebutting or correcting statement relating to material considered inaccurate or misleading in their own Official Personnel File. A former employee shall retain the right of rebuttal or correction for up to two years after their separation.

Secure Transfer of the Official Personnel File - Whenever an employee moves from one agency to another, their Official Personnel File shall be forwarded, or electronic access transferred, to the receiving department in a manner that ensures standard practices for workflow, security, and confidentiality.

RESPONSIBILITIES

Human Resources Managers are responsible for the administration of this policy including the maintenance and security of their agency's paper and electronic Official Personnel Files.

The King County Department of Human Resources is responsible for managing this policy as well as maintaining the security standards for controlling access to executive branch Official Personnel Files.

QUESTIONS

Refer questions or comments to your department's [Human Resources Manager](#) or the Department of Human Resources.