

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 140.00

DATE: 19 October 2020

SUBJECT: PERSONNEL RECORDS

POLICY DIRECTIVE

PURPOSE:

To establish and maintain proper procedures for confidential personnel records to be maintained on each employee.

REFERENCE:

143CSR1 Title 143 Legislative Rule of the West Virginia Division of Personnel.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 140.00, dated 01 September 2012; DJS Policy 142.00, dated 01 October 2009; and RJA Policy 3024, dated 31 December 1988.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation. This Policy is available for general distribution.

DEFINITIONS:

Employee: Any permanent status employee (including probationary employees) of the State of West Virginia working at Central Office, a correctional facility or other work unit within the West Virginian Division of Corrections and Rehabilitation. For the purposes of this policy, this does not include temporary employees, contractors and their employees or volunteers.

Personnel Records: One or more files maintained by a facility or work unit to organize and secure information pertaining to an individual employee's employment history.

POLICY:

- I. Each facility or other work unit shall maintain a current, accurate, confidential personnel record on each employee.
 - A. The Department of Administrative Services (DAS) shall maintain personnel records on DCR Central Office employees.
 - B. Personnel records should be kept in locked cabinets in a secure area.
 - C. Access to personnel records must be limited to only those employees who need information to properly perform their duties. Those with access are to maintain confidentiality of all information contained in those records.
 - D. Personnel records are considered confidential and may be released only with written consent of the individual.

- II. Personnel files shall be created for each employee showing the employee's name and containing personnel information as may be considered pertinent. For organizational purposes in accessing information, personnel files will be divided into the following sections.
 - A. Pre-Employment & Current Employment
 1. Application for employment
 2. Authority to release information
 3. Temporary appointment agreement (if applicable)
 4. Copies of driver's license and social security card
 5. Verification of education/transcripts
 6. Posting
 7. Register or letter from Division of Personnel
 8. Offer letter
 9. Certification memo
 10. Personnel transaction forms
 11. Emergency contact information

 - B. Payroll/Benefits
 1. Payroll forms
 2. Attendance records
 3. Call-off information
 4. Benefit information
 5. Tax forms

 - C. Performance

1. Employee Performance Appraisals
2. Disciplinary Actions
3. Awards

D. Education/Miscellaneous

- III. Certain employee records should be maintained by human resource staff in files in locations separate from employees' personnel files to protect employees' privacy rights, and to insulate the agency from liability. These records must also be kept confidential, with restricted access or limited disclosure, and then only to designated persons on a need-to-know basis, or as required by law. These records include the following:
- A. Medical records and history, including information obtained as part of the required medical examination; fitness for duty exam results; medical records and history for an employee's family members; and those related to Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), Rehabilitation Act (Rehab Act), or Worker's Compensation (WC) work-related injury and/or illness claims, including documents and records regarding Employee Assistance Programs (EAP).
 - B. Immigration records, including Employment Eligibility Verification Forms (I-9) required by the U.S. Department of Justice, Immigration and Naturalization Service must be kept on file and it is advisable to keep the forms in a separate file to facilitate federal government audits.
 - C. Background check information, garnishment orders, and consumer reports on employees should be kept separate from the employee's application or personnel file.
 - D. Discrimination claims and/or reports, including investigative materials regarding Human Rights complaints, Equal Employment Opportunity complaints and employee grievances.
 - E. Equal employment opportunity documents; and family court documents or orders.
 - F. Investigative reports concerning alleged misconduct.
- IV. Employees are responsible for updating personal information due to changes in name, address, telephone number, marital status, dependents, etc. using the Employee Self Service (ESS) tab on myApps and the Manage My Benefits tab on the Public Employees Insurance Agency (PEIA) website. Promptly making these changes will keep records current and will prevent delays in processing important tax and benefit information. Employees should keep all information regarding beneficiaries for retirement and insurance purposes current as well. Failure to keep beneficiary status current may result in loss of coverage. Keeping the human resources or payroll offices notified of these changes is also recommended.
- V. Any request from an employee to inspect his or her personnel file must be in writing, stating

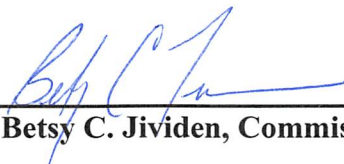
the purpose for the review. Files may only be reviewed during regular business hours. Human resource staff should coordinate the review and must be present at all times during the employee's review of their file.

- A. Employees cannot remove any documents from the file. However, an employee may request copies of any personnel data maintained on him or herself. Requested copies will be provided while they wait, subject to availability of staff time and resources.
 - B. An employee may challenge any information maintained in their personnel file and have it corrected or removed if it is proven to be inaccurate. If a complete resolution is not accomplished, the employee may file a grievance.
- VI. If an employee transfers to another state agency, the employee's personnel file is retained by the former employer. However, the agency is obligated to provide the employing agency with a complete and accurate copy of the personnel file.

ATTACHMENT(S):

None.

APPROVED SIGNATURE:



Betsy C. Jividen, Commissioner

10-7-20

Date