

Personnel Rule 10.1 – Personnel File

10.1.0 Authority

SMC 4.04.040 and subsequent revisions thereto, Administration

SMC 4.04.050 and subsequent revisions thereto, Rule-making Authority

SMC 3.104.010 and subsequent revisions thereto, Fees for copies.

RCW 42.17.310 and subsequent revisions thereto, Disclosure—Campaign finances—Lobbying—Records.

RCW 49.12.240 and 250 and subsequent revisions thereto, Employee inspection of personnel file—Erroneous or disputed information.

RCW 40.14.070 and subsequent revisions thereto, Destruction, disposition of local government records—Preservation for historical interest—Local records committee, duties—Record retention schedules.

WAC 296-126-050(1)-(3) and subsequent revisions thereto, Employment Records

The Immigration Reform and Control Act of 1986

The Americans with Disabilities Act of 1990, Titles I and V

10.1.1 Definitions

- A. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent, or chief.
- B. "Confidential file" shall mean any files created and maintained for the purpose of holding as appropriate 1) protected class information 2) I-9 forms 3) medical information such as workers' compensation claims and related materials, medical certifications to substantiate absences from work, physician evaluations of fitness for duty, information related to drug/alcohol testing, requests for accommodation, and applications for medical leaves of absence.
- C. "Employment file" shall mean files that include employment related information. Employment information shall include, but may not be limited to, except as herein provided, the following items: application for employment or resume; related background information and skills test results, if applicable; job offer/acceptance correspondence, employee name, address and emergency information; payroll deduction and benefit selection records, domestic partner affidavit, beneficiary designations for final paycheck, retirement, and benefit payment; classification

and salary change information; training information; commendations; disciplinary action; non-medical leave requests and performance evaluations.

- D. "Internal applicant" shall mean a regularly appointed City employee who applies for another position of City employment.
- E. "Personnel file" shall mean the compilation of records regarding employees that consists of three separate composite components designated as employment, confidential, and supervisor files.
- F. "Regularly appointed employee" shall mean an individual with a probationary, regular or exempt appointment to a position of City employment.
- G. "Supervisor file" shall mean files maintained by the employee's supervisor which may include, but are not limited to, documents reflecting workplace or performance expectations, the employee's performance or conduct, communications between employee and supervisors, counseling efforts and discipline. A supervisor file shall not contain any documents containing confidential employee medical information.

10.1.2 Application of this Rule

- A. The provisions of this Rule apply to regularly appointed employees.
- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any recognized and established practice relative to the members of the bargaining unit.
- C. This Rule does not apply to individuals who are employed under the terms of a grant that includes employment provisions that conflict with this Rule.
- D. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week, nor does it apply to individuals hired under contract to the City.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of this Rule.

10.1.3 Development of Files

- A. Employment and confidential personnel files for each employee shall be established by the appointing authority upon initial employment with the City and shall be maintained in a secure and central location.
- B. Upon the employment of each subordinate, supervisors may establish a supervisor's file.

10.1.4 Maintenance of File

- A. Each employee is responsible for providing his or her appointing authority or designated management representative with current home address and emergency contact information in a timely fashion when changes occur.
- B. If, upon review of his or her personnel file, an employee finds a document that he or she believes is incorrect, the employee may request it be removed. The appointing authority shall determine whether the relevant document is erroneous and may direct its removal. Removal of documents from personnel files is at the sole discretion of the appointing authority. An employee shall not personally remove any documents from his or her personnel file. If the employee's request for the removal of a document from his or her personnel file is rejected by the appointing authority, the employee may insert a written response to the record in question into his or her file.
- C. The appointing authority shall maintain the employment and confidential personnel files in a secure and central location until the employee moves to another department or separates from City service.

10.1.5 Access to File

- A. Employees shall have access to their personnel files including any and all records filed in the employment, confidential, and supervisor file components at a frequency determined by the department but at least annually.
 - 1. An employee wishing to review his or her personnel file must be prepared to show photo identification to the management representative responsible for managing the files.
 - 2. A management representative shall remain with the employee while he or she reviews any or all of the components of his or her personnel file to ensure that the employee does not remove or alter any file documents.
 - 3. An employee may request a copy of any document in his or her personnel file. The first copy of any document shall be made available to the employee free of charge.
- B. A hiring supervisor considering an internal applicant in a selection process shall be permitted to review the employment file component of the internal applicant's personnel file if that employee is in the final consideration process.
- C. In compliance with federal Department of Transportation regulations, confidential personnel file records regarding drug and alcohol testing for holders of commercial drivers licenses shall be released to a prospective employer, as directed by the employee's specific written consent.
- D. An employee's current first-line supervisor or higher-level manager may review the employee's employment file at any time.
- E. Management and safety staff may be informed of an employee's medical restrictions to the extent necessary to effect an accommodation. Only Americans with Disabilities Act Coordinators or human resources staff acting in that capacity may review the employee's medical documentation.

10.1.6 Retention of File

- A. In the event an employee transfers to another City department, the former department shall transfer all components of the employee's personnel file to the hiring department.
- B. When an employee leaves City service all components of his or her personnel file shall be transferred to the Seattle Department of Human Resources for retention and disposal. Unless otherwise required by law, contents of the personnel file retained by the Seattle Department of Human Resources shall be disposed of 6 years following an employee's separation.