

Employee Personnel Files

The City of Baltimore (“City”) recognizes that the retention and maintenance of employee personnel files for all City employees is vital to the management decisions made by Agencies.

I. PURPOSE

The purpose of this Policy is to establish guidelines on the retention, maintenance and access to personnel files of City employees as a basis for personnel decisions regarding transfer, promotions, disciplinary actions, termination, demotions, training, attendance monitoring, benefits, leave, and other personnel matters.

II. SCOPE

This Policy applies to all employees and individuals involved in the City’s operations, including, but not limited to, full-time and part-time employees, temporary employees, probationary employees, seasonal employees, and contractual employees.

III. TYPE OF FILES

A. Official Personnel File

The Agency’s Human Resources Office shall be the custodian of official personnel files, which are the property of the City. There shall only be one (1) official personnel file per employee. The City’s decision on the use, maintenance, and dispersion of personnel files is final, subject to Federal, State, and Local laws and regulations. The Agency’s Human Resources Office must limit the documents in the official personnel file to:

1. Employee application that resulted in the appointment, reappointment, promotion, transfer, or demotion;
2. Employment history, including personnel action documents affecting appointment, reappointment, promotion, transfer, demotion, salary change, or other personnel action;
3. Employee identifying information and emergency contact information;
4. Payroll withholding documents;
5. Documents submitted by the employee with the employee’s application for employment or promotion to show that the employee has a degree, license, or certificate required for the current or desired job;
6. Performance evaluations for the last five (5) years;
7. Commendations; and
8. All disciplinary actions within the last three (3) years, excluding oral reprimands.

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B. Supervisory File

Supervisors within an Agency shall maintain a file for each employee they supervise that contains documents related to the employee. A supervisor may maintain a supervisory file in an electronic format. The supervisor may include in the file:

1. Copies of records contained in the department operating record;
2. Commendations and complaints from customers concerning the employee’s job performance or conduct;
3. Notes made by the supervisor during a performance review or other counseling sessions with the employee;
4. Copies of the employee’s completed work assignments, draft documents, or work in progress; and
5. Written communications between the employee and the supervisor concerning performance or conduct issues.

A supervisor may maintain informal notes regarding performance or other information about an employee under the supervision of that supervisor. Supervisory notes are not considered part of the employee’s official personnel file and are not subject to review unless in the course of litigation against the City.

C. Medical File

Medical files shall be maintained in a separate file and are not part of an employee’s personnel file. Medical files are confidential and must be maintained in a secure location within the Agency’s Human Resources Office apart from other employee files.

D. EEO/OSHA Files

EEO and OSHA-related files shall be maintained in a separate file and are not part of an employee’s personnel file.

IV. FILE RETENTION

Employee personnel files should be retained for at least three (3) years after the employee’s separation. Arrangements should be made with the City Archivist to store records after the three (3) year retention date is passed. Documents may have different retention requirements. In cases where an employee personnel file contains reference documents for an EEO case, relevant documents should be retained for one (1) year from the final disposition of the charge or action for Title VII. Records of environmental monitoring of exposure to hazardous materials should be retained for three (3) years after exposure for the Occupational Safety and Health Act.

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V. CONFIDENTIALITY

All employee files are confidential. Anyone handling employee files shall maintain confidentiality of the material at all times, including during the course of file transmission. Any disclosure of information maintained in the employee’s personnel file must comply with the Privacy Act of 1974 and Public Information Act.

A. Privacy Act

According to the Privacy Act, information should be collected and used for a specific purpose only. Employees must have access to any personal files about them and be permitted to review and respond to any information in their files. To protect the Agency against libel and slander suits, the following are recommended:

1. Inform employees of the types and instances of disclosure;
2. Obtain authorization from the employee before disclosing any information not required by law; and
3. Refer only to the last performance evaluation for responding to reference checks and not disclose information of a subjective nature.

B. Public Information Act (“PIA”)

Agencies may provide information on City employees upon receipt of a written inquiry. The inquiry must be written, identifying the employee, and contain precise information. The following information may be supplied as public information under the law:

1. Current and previous classifications;
2. Entry and all promotion dates;
3. Departments, Bureaus, and Divisions;
4. Types of Appointment; and
5. Dates of leaves of absence; or Salary, including merit increases.

The following information is not public information, and is therefore restricted:

1. Any information contained on an application, including address, telephone number, previous employment history, scholastic history, race, and sex;
2. Medical information;
3. Inter- or intra-agency memorandums, including returned certification and tickets;
4. Leave balances;
5. Payroll deductions;
6. Letters of reference or verification;
7. Performance appraisals;
8. Grievance history, including findings of hearings;
9. Letters, warnings, and commendations given to the employee;

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- 10. Documents containing justification for personnel actions; and
- 11. Financial disclosure information.

Request for restricted information must be made in writing with the reason for the request and any other required authorization. All restricted information may be given to an employee’s supervisor providing the supervisor’s position is verified. Requests for restricted information by an attorney or a union must be accompanied by a signed release. Restricted information not contained in an employee’s personnel file will not be disclosed. Agencies must consult with the Law Department prior to fulfilling the PIA request.

C. Verification of Employment

All requests for verification of employment for current or former employees must be directed to the Agency’s Human Resources Office. Information about former employees shall be limited to dates of employment and job classification. Responses to written requests should be communicated in writing.

VI. SOCIAL SECURITY IDENTIFICATION

Employee personnel files or data from personnel files is characteristically stored by social security number. The Federal Privacy Act places various restrictions on Federal, State, and Local Governments request for an employee’s social security number. Any governmental Agency which asks disclosure of the social security number must:

- State whether the disclosure is mandatory or voluntary;
- State what law or authority gives approval to solicit; and
- How the number will be used.

VII. TRANSFERRING EMPLOYEE PERSONNEL FILES

The employee personnel file for an employee who is transferred or promoted to a position in another Agency must be given to the receiving Agency’s Human Resources Office. All informational requests should be addressed to the employee’s current Agency.

VIII. EMPLOYEE’S ACCESS TO PERSONNEL FILES

At the request of an employee or designee of the employee, the Agency’s Human Resources Office must allow the employee or designees to review and/or receive a copy of the official personnel file, supervisory file, or medical file. If the employee is represented by their respective Union, the Union representative may also request to access the employee’s personnel file. To review and/or receipt a copy of the official personnel file, supervisory file, or medical file, the employee or designee of the employee must schedule an appointment with the Agency’s Human Resources Office.

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IX. COMPLIANCE

The Agency’s Human Resources Office shall review the record periodically to assure compliance with this Policy. Violations of this Policy may result in disciplinary action, including termination of employment.

X. AUTHORITY

This Policy was issued pursuant to *AM 002-1* and *002-1-2 Administrative Manual* wherein the Department of Human Resources recommended changes to the Administrative Manual to the Board of Estimates for approval.

XI. INTERPRETATION

The Department of Human Resources reserves the right to revise or eliminate this Policy at any time. The City’s Board of Estimates reserves the right to approve proposed policy revisions or eliminations as determined by the Department of Human Resources.

XII. RELATED POLICIES