



STATE OF WYOMING

PERSONNEL RECORDS

POLICY

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TABLE of CONTENTS

Section 1. Authority	1
Section 2. Purpose	1
Section 3. Interpretation.....	1
Section 4. Definitions	1
Section 5. Access.....	2
Section 6. Contents of Personnel Files.....	3
Section 7. Contents of Medical Files.....	4
Section 8. Form I-9, Employment Eligibility Verification Records.....	4
Section 9. Other Employee Files	5
Section 10. Transfer of Records Between Agencies	6
Section 11. Corrections to Employee Records.....	7
Section 12. Reference Checks	7
Section 13. Purging of Personnel Records	7
Appendix A. Authorization for Release of Records.....	8
Appendix B. Authorization and Release to Provide Personnel Documentation and Information...	9
Appendix C. Written Request for Copy of Personnel Documentation and Information	11

Section 1. Authority

This Employee Records Policy is established by the Human Resources Division (HRD), Department of Administration and Information (A&I), State of Wyoming, in accordance with W.S. § 9-2-1022(a)(ii).

Section 2. Purpose

The purpose of this policy is to establish an official personnel file and to provide a procedure governing the access, dissemination and purging of information contained within the file. Personnel records are confidential and are the property of the State of Wyoming. Records to be kept in the personnel file include those relied upon to evaluate the employee for hire, promotion, demotion, performance, transfer, termination, or change in compensation.

Section 3. Interpretation

The A&I HRD Administrator or designee is solely responsible for providing official interpretations of this Employee Records Policy in cases of apparent internal conflict between policies, or when questions arise concerning their application to specific situations or procedures.

Section 4. Definitions

- a) Personnel Records. Personnel records shall be defined as all documents maintained for each employee by the agency Human Resource Office including the employee's personnel file, medical file and any other documents relating to the employment of the employee by a state agency. Documentation may be retained in paper, microfilm, microfiche, or electronically.
- b) Personnel File. The official personnel file shall be defined as the employment file containing personal information relevant to the employee's employment which is maintained by the agency Human Resource Office. The official personnel file shall be the only file considered official in matters relating to wages and salary, employee selection and employee relations. A personnel file shall be maintained for each employee by the employing agency. These personnel files contain confidential documents and shall be managed and maintained by the employing agency. Personnel files shall be kept in a secure location.
- c) Medical File. A medical file shall be maintained in a separate file by the employing agency. The contents of a medical file are confidential except to Human Resource staff as designated by the agency Human Resource Office, supervisors within the chain of command of the employee and the employee whose records are retained in the file. These files are kept in a separate file from the Personnel File and in a secure location.

- d) **Supervisor File.** Supervisor files are any confidential files maintained by the supervisor or any supervisor in the chain of command of an employee. This policy does not prohibit supervisors through the chain of command from maintaining written notes or records of an employee's performance separate from the personnel file for the purpose of evaluating job performance.

Section 5. Access

Employees shall have access to their personnel records upon providing proper identification and reasonable time for the agency Human Resource Office to gather the records. An employee may view his or her personnel records by contacting the agency Human Resource Office during normal business hours. A third party shall be given access to an employee's personnel records upon providing a signed release by the employee. See Appendix A or B for model release forms. Excluding routine administrative payroll and personnel documentation, no material will be placed in an employee personnel file without providing a copy to the employee.

- a) Employees shall be permitted to inspect their own personnel records in the presence of an agency Human Resource Office employee. An employee may request a copy of the documents in their personnel records upon making a written request and providing the appropriate written authorization (see Appendix C) subject to payment of a nominal and reasonable charge for retrieval and administrative costs.
- b) An employee may not alter or remove any document in his or her personnel records. No document shall be removed or altered without approval of the agency Human Resource Manager or designated representative.
- c) Supervisors in the chain of command shall be granted access to personnel records only on a need to know basis and in the course of performing their job functions in accordance with W.S. § 16-4-203 Public Records Act.
- d) In the event of a subpoena, the agency Human Resource Manager shall consult legal counsel within the Office of the Attorney General prior to response to such subpoena.
- e) Former employees who make a written request and provide the appropriate authorization (see Appendix C) shall be provided a copy of their personnel record subject to availability of records and payment of a nominal and reasonable charge for retrieval and administrative costs.
- f) Staff of HRD shall have access to personnel records when gathering summary data on personnel programs or systems, auditing the agency records functions to provide technical assistance at the request of the agency, or if such is reasonably necessary in fulfilling its responsibilities as authorized pursuant to the State of Wyoming Personnel Rules.

- g) Personnel records shall be available for inspection by agencies during the process of interviewing for employment when the employee has provided a signed written release (see Appendix A or B).
- h) Third parties shall be permitted access to personnel records only as allowed by law.
- i) Employees shall not have access to supervisory notes and files.

Section 6. Contents of Personnel Files

Personnel files shall contain the same core documents. Personnel files are confidential and shall be maintained in a secure location. Personnel files are the property of the State of Wyoming. An individual personnel file may contain unique documents to the person and position. Physical management and locations of files may vary by agency. However, the core personnel documents contained within the personnel file shall, at minimum, contain the following:

- a) Original and most current signed job application
- b) Employment agreements, letters of job offers, job changes such as promotions, transfers, demotions and temporary assignments
- c) Payroll/personnel information forms completed when an employee is initially hired
- d) Payroll/personnel change forms completed during employment
- e) Consent to payroll deductions
- f) Signed acknowledgements of Rules, Policies, Procedures and Executive Orders
- g) W-4 and other tax withholding forms
- h) Automatic payroll deposit authorization
- j) Performance Appraisal Reports
- k) All disciplinary actions
- l) Termination records
- m) Attendance and leave records
- n) Positive/negative correspondence received on the employee

- o) Employment status documentation such as at-will, probationary, temporary, etc.
- p) Awards and recognitions of employee
- q) Other documentation approved by the agency Human Resource Manager or designated representative

Section 7. Contents of Medical Files

Medical files are confidential and shall be maintained in a separate file apart from the personnel file in a secure location. Medical files are the property of the State of Wyoming. Documents to be kept in the medical file include those relied upon to provide information on a variety of medical issues. In the event of the proper service of a subpoena, the agency Human Resource Manager shall consult legal counsel within the Office of the Attorney General prior to response to such subpoena. Medical records shall include the following:

- a) Medical diagnostic and prognostic records or reports
- b) Family Medical Leave Act documentation
- c) Americans with Disabilities Act documentation
- d) Medical provider documentation on employee work status
- e) Medical clearance to return to work
- f) Authorization to release medical records, and
- g) Other documentation approved by the agency Human Resource Manager or designated representative

Section 8. I-9 Form, Employment Eligibility Verification Records

The I-9 form is a record of the examination of documents to determine eligibility of an employee to legally work in the United States. The form shall be kept and made available for inspection by authorized officials of the Department of Homeland Security, U.S. Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Agencies shall retain the completed I-9 form for all employees for three (3) years after the date they hire an employee, or one (1) year after the date employment is terminated, whichever is later. The I-9 form can be retained in paper, microfilm, microfiche, or electronically.

Section 9. Other Employee Files

Agencies may maintain other folders or filing systems for the following:

- a) Benefits enrollment/declination documentation including:
 - 1) Health Insurance
 - 2) Life Insurance
 - 3) Vision Insurance
 - 4) Long Term Disability
 - 5) Short Term Disability
 - 6) Long Term Care
 - 7) Dental Insurance, and
 - 8) Flexible Benefits Enrollment
- b) Performance Appraisal Reports (some agencies may elect to keep all Performance Appraisal Reports in a separate file)
- c) Worker's Compensation claim, injury report, investigation and other related non-medical documentation
- d) Employee training records
- e) Drug testing records
- f) I-9 forms (some agencies may elect to keep all I-9 forms in a separate file)
- g) Fingerprint and background investigations

- h) Security clearance
- i) Letters of reference are confidential per W.S. § 16-4-203 Public Records Act, and
- j) Pre-employment background or medical files

Section 10. Transfer of Records Between Agencies

Agencies shall transfer the following information from an employee's personnel records upon inter-agency transfer:

- a) Screen print of latest Employee Status Maintenance payroll action (ESMT)
- b) Copy of employee's current W-4
- c) Original retirement form
- d) Original I-9 form
- e) Copies of insurance forms including:
 - 1) Health Insurance
 - 2) Life Insurance
 - 3) Vision Insurance
 - 4) Long Term Disability
 - 5) Short Term Disability
 - 6) Long Term Care
 - 7) Dental
 - 8) Flexible Benefits Enrollment
- f) Employees Group Insurance Transfer form, and

- g) Wyoming Retirement System Transfer form.

Section 11. Corrections to Personnel Records

Employees may submit corrections such as home address, telephone number, W-4, and other related information. Corrections or additions to attendance and leave reports, performance appraisal reports, termination records, etc. must be made with the knowledge of the supervisor. If there is a dispute between the supervisor and the employee concerning any addition or correction to a record, the agency Human Resource Manager will resolve the disagreement.

Section 12. Reference Checks

Reference checks or inquiries made regarding current or former public employees can be released if the information is classified as public (non-confidential), or if the subject of the records has signed and provided a release form (see Appendix A or B). Information concerning an employee's or former employee's name, title, gross salary, hire date, separation date and agency where employed shall be considered public information for a reference check.

Section 13. Purging of Personnel Records

State agencies shall periodically review and purge personnel records from their filing systems in accordance with the State Records Retention Guidelines and any applicable Federal or program guidelines.

**APPENDIX A
AUTHORIZATION FOR RELEASE OF RECORDS**

I, _____, do hereby authorize
_____ to release my personnel
records, including the following: (Place a check next to items to be released.)

____ Employment application information

____ Testing and training documents

____ Records relating to my certifications and licensure

____ Disciplinary records;

____ Performance and evaluation records

____ Attendance and leave records

____ Awards

____ Any and all other documents and data they should request concerning my
employment

Please provide copies of the above checked documents to the following:

I agree to pay \$_____ for the cost of the retrieval and copying of these documents.

Signature: _____ Date: _____

APPENDIX B

AUTHORIZATION AND RELEASE

TO PROVIDE PERSONNEL DOCUMENTATION AND INFORMATION

I, _____, authorize and request that the State of Wyoming, (Agency) _____ release any and all personnel related documentation and information to (Agency) _____ as requested concerning my employment from inception to date.

I hereby release and discharge all causes of action, claims or demands for damages, fees or costs that may be asserted against the State of Wyoming, (Agency) _____, or their officials, employees and agents for providing any and all of the above requested documentation and information to be provided as indicated.

This Authorization and Release is given in compliance with the State of Wyoming Public Records Act, specifically W.S. § 16-4-203, and any other applicable State or Federal law.

I agree to pay \$_____ for the cost of the retrieval and copying of these documents.

A photocopy of this Authorization shall be as valid as the original. This release shall expire six (6) months from the date of signature.

DATED this ____ day of _____, 20__.

Signature

STATE OF WYOMING)

)ss.

COUNTY OF _____)

Subscribed and sworn to before me by _____ on this
____ day of _____, 20__.

Witness my hand and official seal.

Notary Public

My Commission expires:

APPENDIX C

**REQUEST FOR COPY OF PERSONNEL DOCUMENTATION
AND INFORMATION**

I, _____, hereby request a copy of any and all personnel related documentation and information concerning my employment at the State of Wyoming, (Agency) _____, from the inception to date.

I hereby release and discharge all causes of action, claims or demands for damages, fees or costs that may be asserted against the State of Wyoming, (Agency) _____, or their officials, employees and agents for providing any and all of the above requested documentation and information to be provided as indicated.

This Authorization and Release is given in compliance with the State of Wyoming Public Records Act, specifically W.S. § 16-4-203, and any other applicable State or Federal law.

I agree to pay \$_____ for the cost of retrieval and copying of these documents.

A photocopy of this Authorization shall be as valid as the original. This release shall expire six (6) months from the date of signature.

DATED this _____ day of _____, 20__.

Signature: _____

STATE OF WYOMING)
) ss.
COUNTY OF _____)

Subscribed and sworn to before me by _____ on this
_____ day of _____, 20__.

Witness my hand and official seal.

Notary Public

My Commission expires: