



Approved:  
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Subject:

# 822. Personnel Files

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## 822.1: PURPOSE AND SCOPE

This section governs the maintenance, retention, and access to personnel files.

### 822.1.1: PERSONNEL FILES DEFINED

Personnel files shall include any file maintained under an individual member's name relating to:

- a. Personal data, including marital status, family members, educational and employment history, or similar information;
- b. Medical history, including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions;
- c. Election of employee benefits;
- d. Employee advancement, appraisal, or discipline;
- e. Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties;
- f. Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

## 822.2: POLICY

It is the policy of the Albany Police Department to maintain, retain, and access personnel files in accordance with established law, and to maintain confidentiality of these personnel records pursuant to [ORS 192.355](#).

### 822.3: EMPLOYEE RECORD LOCATIONS

Employee records will generally be maintained in any of the following:

- a. **Department File** - That file which is maintained in the office of the Chief of Police as a permanent record of an employee's employment with this department.
- b. **Working File** - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.
- c. **Training File** - Any file which documents the training records of an employee.
- d. **Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.
- e. **Medical File** - That file which is maintained separately that exclusively contains material relating to an employee's medical history.

### 822.4: CONFIDENTIALITY OF PERSONNEL FILES

Certain information contained in personnel records is confidential and shall not be subject to disclosure except as provided by the [Records Maintenance and Release: Policy 601](#), the provisions of the Oregon Public Records Law, or pursuant to lawful process ([ORS 181A.674](#)).

### 822.5: REQUESTS FOR DISCLOSURE

- a. No requests for the disclosure of any information contained in any personnel record shall be considered received unless it is in written form.
- b. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the watch supervisor, the custodian of records, or other person charged with the maintenance of such records.
- c. Upon receipt of any such request, the responsible person shall notify the affected employee(s) as soon as practical that such a request has been made (Oregon Revised Statutes 181.854).
- d. The responsible person shall further ensure that an appropriate response to the request is made in a timely manner and consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.
- e. All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

**822.5.1: RELEASE OF CONFIDENTIAL INFORMATION**

- a. Except as provided by [Records Maintenance and Release: Policy 601](#) or pursuant to lawful process, no information contained in any peace officer personnel file shall be disclosed to any unauthorized employee or other person(s) without the expressed prior written consent of the involved officer ([ORS 181A.830](#)).
- b. If an investigation of a public safety employee of this department results from a complaint, the department may disclose to the complainant the disposition of the complaint and if necessary, provide a written summary of the information obtained in the investigation (ORS 181A.830).

**822.6: EMPLOYEE ACCESS TO OWN FILE**

- a. An employee or former employee may request to review their own personnel file.
  - 1) The request should be made to the individual(s) responsible for maintaining such files.
  - 2) The individual(s) responsible for maintaining such files should ensure that the employee is provided a reasonable opportunity to review their personnel file or, if requested, receive a certified copy of the records per [ORS 652.750](#).
- b. Employees will be advised in writing whenever their performance is deemed to be unsatisfactory, and the written notice will be provided to the employee in a timely manner.
- c. If an employee believes that any portion of the material is mistakenly or unlawfully placed in the employee's personnel record, the employee may submit a written request to the Chief of Police that the mistaken or unlawful material be corrected or deleted.
  - 1) The request must describe the corrections or deletions requested and the reasons supporting the request and provide any documentation that supports the request.
  - 2) The Chief of Police must respond within 30 days from the date the request is received.
  - 3) If the Chief of Police chooses not to make any changes, the Chief of Police shall ensure that a written response to the request is made. The Chief of Police shall ensure that the request and response is placed in the employee's personnel record (ORS 652.750 (7)).

**822.7: TYPES OF PERSONNEL FILES**

Personnel files can be located in any of the following places:

- a. Department file;
- b. Working file;
- c. Internal affairs file;
- d. Training file; or
- e. Medical file.

**822.7.1: DEPARTMENT FILE**

The department file should contain, but is not limited to, the following:

- a. Performance evaluation reports regularly completed by appropriate supervisor(s) and signed by the affected employee shall be permanently maintained.
- b. Documents related to disciplinary action:
  - 1) Disciplinary action resulting from sustained complaints or observation of misconduct shall be maintained in the individual employee's department file for the duration outlined in the discipline. Such discipline will also be maintained by the Human Resources Department for at least three years for non-sworn employees and for at least ten years after separation of employment for sworn employees. If the disciplinary action results in an employee's termination from this agency, the record of that action will be maintained for ten years after the separation in accordance with [OAR 166-200-0090\(6\)](#) and [OAR 166-150-0160\(6\)](#).
  - 2) Investigative files relating to complaints or discipline shall not be placed in the employee's department file but will be separately maintained for the appropriate retention period in the Internal Affairs File.
- c. All documents related to employee performance, once the employee has had the opportunity to read and initial the document.
  - 1) No employee may place an adverse comment in the personnel records of an employee unless the employee has first read and signed the document containing the adverse comment. If an employee refuses to sign a document containing an adverse comment, the employer may place the document in the employee's personnel records with a notation that the document was presented to the employee and the employee refused to sign it ORS 652.750 (6).
  - 2) An employee may write a response within 30 days of being presented with a document containing an adverse comment. If an employee writes a response to a document containing an adverse comment, the Police Business Manager must ensure that the response is attached to the original document and placed in the employee's personnel records (ORS 652.750 (6)).
- d. Employee Personnel Records not related to discipline shall be retained for six years after separation (OAR 166-150-0160(7)).
- e. Commendations shall be retained in the employee's department file, with a copy provided to the involved employee(s).
- f. Personnel Action forms reflecting assignments, promotions, and other changes in the employee's employment status.
- g. A photograph of the employee.

**822.7.2: WORKING FILE**

The working file is stored in Guardian Tracking as well as a physical working file containing documents prior to May 1, 2021. The contents of the working file will be maintained for three years and anything older than three years will be shredded unless a current similar pattern of behavior still exists. Employees may request and will be permitted to review their working file consistent with Article 13(C) of the [Collective Bargaining Agreement](#). The Guardian Tracking system stores the following documents that are accessible for employees to view once approved by their supervisor:

- a. The documentation to demonstrate performance trends, work habits, significant events, and/or as required by other policies/procedures. For non-probationary employees, the supervisor determines the frequency for documentation, as long as the working file content as a whole is adequate to address the overall performance of the employee. For probationary employees, the supervisor posts minimum monthly narrative statements for the duration of the probationary period.

Counseling memos will be maintained in the supervisory file within Guardian Tracking and accessible to employees for up to twelve (12) months or the next annual written evaluation, whichever is later, if there are no repeat instances of the same or similar conduct.

- b. Training requests and certificates from completed training classes.
- c. Memorandums by the employee or any other correspondence.
- d. Copies of commendations, awards, award nominations, and recognition.
- e. Disciplinary actions such as letters of reprimand, notices of suspension, and complaints. Letters of reprimand may be removed from the working file consistent with Article 9(B)(2)(a).
- f. The performance evaluation report and the self-evaluations.

**822.7.3: INTERNAL AFFAIRS FILE**

The internal affairs file shall be maintained under the exclusive control of the Support Services Captain in conjunction with the office of the Chief of Police.

- a. Access to these files may only be approved by the Chief of Police or the Support Services Captain.
- b. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition.
- c. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002) with an alphabetically arranged index card cross-referenced for each involved employee.

**822.7.4: TRAINING FILES**

An individual training file shall be maintained by the training office or supervisor for each employee.

- a. Training files will contain records of all training and education mandated by law or the department, including firearms qualifications and mandated annual proficiency requalification.
- b. It shall be the responsibility of the involved employee to provide the training officer or immediate supervisor with evidence of completed training/education in a timely manner.
- c. The training officer or supervisor shall ensure that copies of such training records are placed in the employee's training file.

#### **822.7.5: MEDICAL FILES**

The medical file shall be maintained separately from all other files by the Human Resources Department and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

- a. Materials relating to medical leaves of absence;
- b. Documents relating to workers compensation claims or receipt of short- or long-term disability benefits;
- c. Fitness for duty examinations, psychological and physical examinations, follow-up inquiries, and related documents;
- d. Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition;
- e. Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

#### **822.8: PURGING OF FILES**

Generally, personnel files must be maintained by the department according to corresponding Oregon Administrative Rules Archives Division law.

- a. Investigations resulting in disciplinary action or exoneration must be retained for three years after resolution ([OAR 166-200-0350](#)).
- b. Unfounded investigation records and all related files not resulting in disciplinary action and having no pending litigation or other ongoing legal proceedings may be purged after being held for three years ([OAR 166-200-0350](#)).
- c. If the investigation resulted in termination, all related files must be retained for ten years after separation ([OAR 166-200-0350](#)).
  - 1) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the required retention period for reasons other than pending litigation or other ongoing legal proceedings.

- 2) If a supervisor determines that records of prior discipline should be retained beyond the applicable required retention period, approval for such retention shall be obtained through the chain of command from the Chief of Police.
  - 3) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the required retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.
- d. For sworn employees, all personnel records including but not limited to the personnel file, records of complaints, and disciplinary actions, shall be retained in a confidential personnel records file for records retention compliance for ten years after the sworn employee leaves the City's employment and provided to other law enforcement agencies that are considering hiring the sworn employee in accordance with applicable law, regardless of whether the records have been removed from the sworn employee's supervisory, working, administrative, and/or personnel file. Any and all materials removed from the sworn employee's supervisory, working, administrative, and/or personnel file shall be retained by the City in a confidential personnel records file for retention compliance. (Article 13(E) of the Collective Bargaining Agreement)