

<b>4.17 Personnel Files</b>	
<b>Application:</b> To All Department of Children's Services Employees	
<b>Authority:</b> TCA 37-1-105; 37-5-105 (3); 37-5-106; 10-7-504, TN Department of Human Resources Policy Memos dated January 24, 1983, March 1, 1985, September 23, 1994, July 2, 1999, May 22, 2002, September 27, 2002, October 9, 2002, March 4, 2004, April 5, 2005; Public Chapter 853 - Pertaining To Public Records	<b>Standards: COA:</b> PA-HR 3.03, 3.05, 7.01, 7.02, 7.03, 7.04; PA-RPM 1, 6.01
<b>Commissioner:</b>	<b>Date:</b>
Original Effective Date: 01/01/98 Current Effective Date: 10/28/20	Supersedes: DCS 4.17 10/07/20 Last Review Date: 10/28/20
<b>Glossary:</b>	

**Policy Statement:**

All Personnel files and employment records shall be maintained on all active employees in a systematic manner for required contents and access to records shall be granted in accordance with federal or state laws, applicable policies and procedures, standards, rules and regulations.

**Purpose:**

To ensure that accurate and complete employee personnel files are maintained and accessed in a coordinated and approved manner for all DCS Regional field offices, the Youth Development Center and Central Office.

**Procedures:**

**A. Responsibility for maintenance of personnel files**

1. The *Human Resource (HR) Director/designee* is the custodian of **ALL** personnel files for the Department of Children's Service's (DCS).
2. The *HR Representative* in each regional office and the Youth Development Center is the designated custodian of the personnel files in the field offices.

3. The *HR Representative* in Central Office is the designated custodian of the personnel files for DCS Central Office.
4. Personnel file documents are maintained by designated HR Representatives **only**. No other division/section of DCS other than an HR office can maintain a personnel file.
5. A supervisor can maintain a file that is comprised of **copies** of no more than the following items:
  - ◆ State application;
  - ◆ Job Performance Plan;
  - ◆ Interim Review;
  - ◆ Annual Evaluation;
  - ◆ Job Performance Improvement Plan (JPIP); and
  - ◆ Disciplinary Action (oral/written warning, suspension, demotion).

## B. Confidentiality and access of Personnel files

1. All personnel files are maintained in a locked secure area with access granted only by the *HR Representative/designee* pursuant to applicable laws, rules, policies and procedures.
2. Official Personnel files are open for public inspection. However, pursuant to *TCA 10-7-504* and *Public Chapter 853*, **specific information** maintained and recorded in the personnel file **must** be **treated** as confidential and must not be opened to public inspection. Information **not** open for public inspection is as follows:
  - a) Social security numbers;
  - b) Bank account information;
  - c) Home and personal cellular telephone numbers;
  - d) Home address; and
  - e) Driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of their job.
3. The same information above applies to the employee, and the employee's immediate family member(s) or household member(s).

## C. Unrestricted access

1. Employees are allowed to review their personnel files without restriction to ensure that they are current and accurate. The procedure for accessing the employee's own information is as follows:
  - a) Proper photo identification must be presented to determine if access is allowable;

- b) Employees are allowed to review their personnel file during the regular business hours;
  - c) A HR Representative must be present while the file is reviewed; and
  - d) If any information contained in the file is inaccurate or omitted, it is added, removed and/or corrected promptly.
2. DCS Human Resources division employees, law enforcement agencies, Courts, DCS Internal Affairs investigators and other governmental agencies when, in the performance of their official duties, may review the file without restrictions.
  3. Employees may allow other parties' unrestricted access to their personnel files by completing form ***PR-0358, Signature Authorization***.

#### **D. Restricted Access**

1. Restricted access to files (with restricted information redacted) is permitted upon completion of form ***PR-0144, Files Checkout Request*** and photo identification.
2. A period of forty-eight (48) hours must be allowed for the courtesy notification of access to employee, audit, copying and redacting of confidential information prior to review.
3. Documents containing restricted information must not be left unattended in an area accessible by the public.

#### **E. Confidential medical information**

1. Under no circumstances will a division/section other than HR maintain a file that contains medical information. All medical documentation is submitted to the appropriate HR representative for review and maintenance immediately upon receipt.
2. The *American's with Disabilities Act* (ADA) prohibits an employer from disclosing confidential medical information to anyone, including co-workers, except as expressly provided in the law. Confidential medical is not open for public inspection. The ADA allows disclosure of this information only in the following circumstances:
  - a) Supervisor and managers may be informed regarding necessary restrictions on the work duties of the employee and necessary accommodations;
  - b) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment;
  - c) Government officials investigating compliance with the ADA are provided relevant information upon request;
  - d) Employee may submit information to State of Tennessee Worker's Compensation Offices, state second injury funds, or Workers' Compensation

- insurance carriers in accordance with State of Tennessee Worker's Compensation laws and rules; and
- e) Employers may use the information for insurance purposes.
3. The confidential file is maintained in a separate secure location apart from the official personnel file.
  4. Form ***PR-0358, Signature Authorization***, a subpoena, or court order allows information to be reviewed or copied with audit (information redacted) for **confidential medical information only**.

#### F. Background Checks

1. Background check information, reference checks and fingerprint information are maintained within the official personnel file.
2. Background check information related to a review of the child abuse registry which contains confidential information related to a child protective services investigation is filed in a confidential file in a separate removable folder.

#### G. Separation/termination and transfers

1. Upon notice of separation from employment in a Regional Office, the official personnel file is audited, and the following information submitted to DCS Central Office HR within forty-eight (48) hours of receipt of notification:
  - a) Completed ***Separated Employee Checklist, CS-4190*** (per the instructions noted on the Checklist).
  - b) Completed ***Employee Resignation Notification***, form ***CS-0730*** or Termination Letter;
2. When an employee transfers within DCS, the contents of the official personnel file is forwarded to the applicable region, YDC, or Central Office HR (includes the attendance and leave folder);
3. When an employee transfers to another state agency, the content of the official personnel file is forwarded to HR in Central Office. The file will contain only the information listed on ***Separated Employee Checklist, CS-4190***.
4. Central Office staff sends the separated file to the Department of Human Resources who acts as the custodian of all separated employee files.

**Note:** Remaining information in the file not listed on the *DCS Employee Checklist* is disposed of as outlined in Section H, below.

#### Forms:

[\*\*\*PR-0144, Files Checkout Request\*\*\*](#) (Human Resources Form)

[\*PR-0358, Signature Authorization\*](#) (Human Resources Form)

[\*CS-0730, Employee Resignation Notification\*](#)

[\*CS-4190 Separated Employee Checklist\*](#)

**Collateral Documents:**

[\*Protocol for Employee Reference Checks\*](#)