



**WEST VIRGINIA
DIVISION OF
JUVENILE SERVICES**

POLICY NUMBER:

142.00

PAGES:

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CHAPTER:

**Administration and
Management**

REFERENCE AND RELATED STANDARDS:

WV Code Chapter §§ 5A-8-21, 49-5-16a and §49-5E-1 et seq.; DOP Administrative Rule 143 CSR 1; ACA 3-JTS-1C-21/22; ACA 3-JDF-1C-19/20; ACA 3-JCRF-1C-14/15

SUBJECT: Employee Personnel Files

DATE: October 1, 2009

POLICY

It is the purpose of this Policy to establish the proper procedures that provide that the facilities maintain a current and accurate confidential personnel record on each employee. Furthermore, there will be a method to provide that employees may challenge the information in their personnel file and have it corrected or removed if it is proven inaccurate.

CANCELLATION

This policy has been reviewed and supersedes Policy 142.00 dated January 1, 2008.

APPLICABILITY

This Policy applies to ALL Division of Juvenile Services' Facilities, offices and employees.

DEFINITIONS

1. **Administrative File:** File maintained on an employee by his or her supervisor. This information may include schedules, attendance records, awards/accommodations documented counseling and other like information.
2. **Employee:** Any person who lawfully occupies a position with the Division of Juvenile Services who is paid a wage or salary and who has not severed the employee-employer relationship.
3. **Employee Acknowledgments:** Forms which are signed by employees indicating knowledge of and agreement to abide by specific mandatory rules, regulations, and policies.

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4. **Employee Eligibility Verification (I-9)**: Forms required by the U.S. Department of Justice, Immigration and Naturalization Service, to be filled out by all new employees. The information on these forms is used for federal audits and includes employee's name, address, date of birth, social security number along with two (2) federally approved documents that establish employment eligibility and identity, preferably a copy of employee's driver's license and social security card. These forms are maintained in a separate file.
5. **Legitimate Business Purpose**: Limited reason for information to be accessed by those persons in the employee's chain of command or by personnel staff with authority to see confidential information.
6. **Personnel File**: One or more files maintained by the Division to organize and secure information pertaining to an individual employee's employment history. All information in an employee's personnel file is confidential.
7. **Restricted Confidential Employee Information (RCEI)**: RCEI files include: Medical Records-such as FMLA request documentation or ADA accommodation information, Workers Compensation claims regarding workplace illnesses and/or injuries, any information regarding Employee Assistant Program (EAP), Grievance documents, and/or Complaints filed with the Human Rights Commission or the Equal Employment Opportunity (EEO) Office.

PROCEDURES

1. The Human Resource Director at the Division's Central Office and person(s) assigned responsibility for employee records in each facility shall establish and maintain permanent, separate and confidential files for each employee of the Division.
2. Personnel files will contain copies of WV-11 personnel transaction forms, benefit information, Employee Performance Appraisals, Criminal Investigative Background (CIB) reports, IRS and State tax forms, formal written discipline, awards and commendation letters, certifications of understanding, employee acknowledgments, and application for examinations, with supporting information.
3. Human Resources staff and other designated employees who are charged with the responsibility and authority to maintain and/or retain employee personnel files and records are required to maintain confidentiality of all information contained in these files.
4. All personnel files and RCEI will be maintained in secure locations, with access limited to authorized persons on a need-to-know basis, or as required by law.

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5. Personnel Record Security: All personnel records shall be maintained in a physically restricted, secured area with locking devices to prevent unauthorized entry. The records should be stored in fire resistant cabinets except during preparation, assembly and review of materials.
6. Information Confidentiality: All information in an employee's personnel file and an employee's RCEI file is to be considered confidential and may be released only with written consent of the individual. This restriction does not include review of the material by Division administration on a need-to-know basis, or as required by law.
7. Restricted Confidential Employee Information: Personnel files shall not include medical records and history. Employee medical information shall be maintained in a separate and secure confidential medical file. Such records shall include those related to any Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), Rehabilitation Act (Rehab), or work-related injury and/or illness claims, and any information regarding use of Employee Referral Programs. Access shall be limited to designated persons on a need-to-know basis, or as required by law.

EMPLOYEE FILE REVIEW

8. Employee Access to Personal Personnel Data. Any request from an employee to inspect his or her personnel file must be in writing, stating the purpose for the review. Files may only be reviewed during regular business hours. Personnel responsible for employee files should coordinate the review and must be present at all times during the employee's review of their file. When files are reviewed, the employee shall sign and date a prescribed form, which shall be maintained in his or her personnel file, documenting the date he or she reviewed the file and the name of the human resources person present during review.
9. An employee may request copies of any personnel data maintained on him or herself. A written record will be made of any copies made and the date provided to the employee. Requested copies will be provided while they wait, subject to availability of staff time and resources.
10. An employee may challenge the personnel data maintained on him or herself if the employee believes any material to be incorrect or misleading. Requests regarding revision or removal of the data will be submitted, in writing, to the employee's Human Resource or appointed authority/designee. The requesting employee will be notified when a determination is made.
11. Certain requests to review files, such as those made during the discovery phase of litigation or in accordance with W. Va. Code § 29B-1-1, et seq., (Freedom of Information

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Act), must be referred to the Division's legal counsel for appropriate action.

12. The personnel file maintained at the Division of Personnel contains information regarding not only the employee's position with the current employer, but also all covered employment with the State of West Virginia. This information typically includes applications, examination scores, training records, and change in status records. Employees who wish to review this personnel file should contact the Division of Personnel at 558-3950, Extension 502 to obtain information on the review and identity verification procedure.
13. Employees should report changes in name, address, telephone number, marital status, or number of dependents to her or his agency human resources or payroll offices as soon as possible. Promptly reporting these changes will keep personnel files current and will prevent delays in processing important tax and benefit information. Employees should keep all information regarding beneficiaries for retirement and insurance purposes current as well. Failure to keep beneficiary status current may result in loss of coverage.
14. Each facility will have in place an operational policy and procedural plan to ensure the standards and practices of this policy are followed.

RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

APPROVED: *Sal Humphreys* *Oct 1, 2009*
 Director Date