



ADMINISTRATIVE DIRECTIVE

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I. **PURPOSE**

This directive delineates the information maintained in the city's employment records and prescribes the rules regarding access, retention and release.

II. **POLICY**

Effective personnel administration requires the gathering and use of information concerning employees. Files containing employment records shall be established and maintained in a manner consistent with employee privacy and associated legal considerations.

Employment records are the property of the city. Each appointing officer is responsible for filing employment information in the appropriate file as set forth in this Administrative Directive.

To avoid inappropriate disclosure of records pertaining to city employees, all requests including subpoenas and public records requests for personnel information shall be referred to the Human Resources Department, and all requests including subpoenas and public records requests for insurance, risk management, pension and payroll information shall be referred to the Finance Department.

III. **DEFINITIONS**

- A. Access - permission, liberty, or ability to examine, obtain information from, or add to personnel files as defined in this directive.
- B. Custodian of Records - the person(s) designated by the City Manager to be in charge of official employee records. The Director of Human Resources is designated the custodian of personnel records. The Director of Finance is designated the custodian of insurance, risk management, pension and payroll records.
- C. Department Personnel File - a file containing employment records maintained on current city employees by the employee's department.
- D. Employment Record - any documentation maintained on a city employee. Employment records may be maintained in official personnel files, department personnel files, insurance files, payroll files, pension files and risk management files. Employee medical information will be maintained Human Resources in files separate from the official personnel files, except for medical information related to occupational health and/or on-the-job injuries which will be maintained in risk management files.
- E. Maintain - collect, file, update, use, or disseminate.
- F. Official Insurance File - a file containing insurance and benefits information on current and retired city employees maintained by the Finance Department.



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- G. Official Payroll File - a file containing payroll information on current and retired city employees maintained by the Finance Department.
- H. Official Personnel File - a file containing employment records on current or former city employees maintained by the Human Resources Department.
- I. Official Pension File - a file containing records maintained by the Retirement Division to determine an employee's estimated future pension benefit amount or documentation of a retiree's pension benefit amount.
- J. Public Records Request - a request to examine or be furnished copies, printouts or photographs of a public record under A.R.S. § 39-121.02.
- K. Risk Management File - a file containing occupational health information on current city employees maintained by the Finance Department.

IV. OFFICIAL PERSONNEL FILES

- A. The Human Resources Department shall maintain an Official Personnel File for each employee.
- B. The Official Personnel File should contain the following information unless the information is maintained electronically:
 - 1. Name
 - 2. Social Security Number
 - 3. Emergency contact information
 - 4. City of Tucson Personnel Action Request Forms (PARFs) and supporting documentation
 - 5. Performance Appraisal forms and employee rebuttals permitted by city policy and current union contracts
 - 6. Documentation of all formal disciplinary actions and grievance actions not alleging discrimination.
 - 7. Outside employment documents
 - 8. Employment application(s)
 - 9. Loyalty Oath
 - 10. Commercial Driver's License documents
 - 11. Relevant credentials and/or verification of transcripts or diplomas as stated on the application;
 - 12. A copy of the City of Tucson Drug-Free Workplace Agreement signed by the employee
 - 13. Electronic Mail Procedure Acknowledgement
 - 14. Preventing Workplace Harassment Acknowledgement
 - 15. Employee Consent to City of Tucson's Disclosure of Employment Information and Release of Liability form



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16. Applicant Consent to Release Liability and Reference Information form and accompanying reference check documentation
17. Eligibility for Reinstatement of Sick Leave Hours form
18. Exit Interview and Check List Form
19. A-4 forms and W-2 forms

C. Records maintained by Human Resources in files separate from the Official Personnel Files:

1. Pre-employment medical examination report
2. I-9 documentation
3. Family and medical leave records
4. Medical information not related to occupational health or industrial injuries.

V. DEPARTMENT PERSONNEL FILES

- A. Department personnel files are maintained by the employee's current department and should contain items 1-8 listed in the Official Personnel Files (Section IV B 1-7), plus the following:
1. Employee time and leave records including leave request documents and time sheets
 2. Educational reimbursement application forms
- B. In addition, employees may provide work-related documents such as letters of commendation, school transcripts, and updated resumes for inclusion in the department file.
- C. Each department should also maintain copies of the non-medical portions of Risk Management files related to workers compensation reports and supervisor's copy of accident/injury reports. (See section VI A 1-2)
- D. Department Personnel Files are relocated to the receiving department upon employee transfer. The transferring department may retain only the following information:
1. Name
 2. Address
 3. Social Security Number
 4. City of Tucson Personnel Action Forms and supporting documentation
- E. As a general rule, departments shall maintain only the employee records listed in this section. Questions regarding the contents of department files should be referred to the Director of Human Resources. For the purpose of employee performance evaluations and pending disciplinary actions, notations related to identified performance factors may be placed in a supervisory working file provided the performance issue has been discussed with the employee and the notation(s) are removed after the performance evaluation or discipline has been issued and is final.



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VI. RISK MANAGEMENT FILES

- A. Risk Management Files are maintained by the Finance Department and should contain the following information:
1. Workers' compensation reports -
 - a. Initial reports (supervisor's report of industrial accident/injury, employer's report of industrial injury)
 - b. Work status documentation from health care provider
 2. Accident/injury reports
 3. Fitness-for-duty examination reports
 4. Commercial Driver's License (CDL) drug screening reports
 5. Non- Commercial Driver's License drug screen reports

VII. OFFICIAL INSURANCE, PAYROLL AND PENSION FILES

- A. The Finance Department shall maintain these files. The following information should be included in the files as listed unless the information is maintained electronically.
- B. Official Insurance Files:
1. Dental membership records
 2. Life insurance membership records
 3. Beneficiary information
 4. Disability membership and payment information including date of disability, payments made, and correspondence from disability insurance carrier
 5. Benefit allowance and/or incentive records
 6. Other supplemental benefit records
- C. Official Payroll Files:
1. W-4 forms
 2. Authorizations for deductions (employee authorized, court ordered, federal or state ordered deductions)
 3. Authorization to stop payroll deductions (for employee authorized deductions only)
- D. Official Pension Files:
1. Any and all forms necessary to maintain and administer the city's Defined Benefit Plan (Tucson Supplemental Retirement System), including all contributing members' Designation of Beneficiary form, pension contribution history, pension service credit records, and final average pay records required to calculate a member's retirement benefit payment. In addition, the member's original signed selection of retirement option, the actual benefit computation and the member's designation of beneficiary(ies), as well as any tax exempt withholding elections or other forms necessary for proper administration of pension benefit payment.



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2. Any and all forms necessary to maintain and administer the city's Defined Contribution Plan (Deferred Compensation Plan under IRC § 457), including all participating member's Designation of Beneficiary forms, records of member deferrals for the City Plan, and any information necessary to report member account balances and payments to eligible participants.
3. 1099 R forms

X. ACCESS TO EMPLOYMENT RECORDS

- A. Employment records shall not be disclosed except as required by law. The following persons may be allowed access to employment records as listed below, during normal working hours for appropriate business purposes.
 1. Any employment record
 - a. City Manager or designated administrator
 - b. City Attorney or designated attorney
 - c. The employee or the employee's designated representative who has written authorization from the employee
 - d. Internal, state and federal auditors in the course of their duty, when required, and only after presentation of proper identification and notification of audit
- B. In addition, the following persons may be allowed access to the following records:
 1. Official Personnel files:
 - a. Authorized city administrators and attorneys with the approval of the Director of Human Resources or designee
 - b. Human Resources staff.
 - c. The employee's current or prospective city appointing officer or designee
 2. Department personnel files:
 - a. Authorized city administrators and attorneys with the approval of the Director of Human Resources or designee
 - b. The appointing officer and authorized departmental staff
 3. Payroll and Pension files:
 - a. Director of Human Resources or designee
 - b. Authorized city administrators and attorneys with the approval of the Director of Finance or designee
 - c. Finance staff.
 4. Risk Management files:
 - a. Human Resources Director or designee
 - b. Authorized city administrators and attorneys with the approval of the Director of Finance or designee
 - c. Risk Management staff.



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5. Insurance file information is protected information under the Health Insurance Portability and Accountability Act (HIPAA) and can not be released unless required by law or with the employee's or retiree's consent.
- C. Appointing officers, the Director of Finance and/or the Director of Human Resources shall require reasonable identification of individuals requesting information to assure that records are disclosed only to the proper persons.
- D. The Human Resources and Finance Departments shall respond to civil subpoenas for any employment records as follows:
 1. Notify the affected employee, unless a release signed by the employee is attached or accompanies the subpoena.
 2. Notify the City Attorney; however, employee names, dates of service, positions held, and compensation may be released without legal inquiry.
 3. Comply with the subpoena as required by law, or as advised by the City Attorney.
- E. Each employee and/or her/his authorized representative have the right to review the employee's employment records. Authorized representatives must provide a written authorization signed by the employee, a copy of which will be placed in the record being reviewed. With reasonable notice given to either the Human Resources or Finance Departments, files may be reviewed in the presence of authorized staff.
- F. Employees shall be provided with copies of their own employment records at no cost. All other requestors shall be charged a fee not to exceed the actual cost of providing the copy, or the prescribed statutory fee, if any, whichever is less.
- G. The Director of Human Resources and the Finance Director may provide access to persons other than those cited in this directive such as law enforcement and governmental organization's investigatory staff in the course of their duty and only after presentation of proper identification and upon determination that such persons in the course of their official duties have a valid need-to-know. The information released pursuant to this section shall be limited to employee names, dates of services, positions held and compensation.

XI. RETENTION OF EMPLOYMENT RECORDS

- A. Official and department personnel files, payroll, and insurance files shall be retained in accordance with the Records Retention and Disposition Schedule for Arizona Municipalities set forth at http://www.dlapr.lib.az.us/records/pdf/Muni_RD.pdf, or federal law, whichever requires a longer period of retention.
- B. Risk Management files shall be retained in accordance with Occupational Safety and Health Act Regulations.



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XII. PUBLIC RECORDS REQUESTS

- A. Employment records are public records protected from disclosure under certain circumstances.
- B. Employee names, dates of service, positions held, and compensation may be released without legal inquiry.
- C. Employee requests and employee authorized representative requests (pursuant to a written authorization signed by the employee) for records from the employee's employment record may be released without inquiry.
- D. All other Public Records Requests for employment records shall be referred to the City Attorney who will assist the department in responding to the request in accordance with state law.

XIII. RELATED INFORMATION

References

Records Retention and Disposition Schedule for Arizona Municipalities
See: http://www.dlapr.lib.az.us/records/pdf/Muni_RD.pdf

Health Insurance Portability and Accountability Act (HIPAA)

Family Medical Leave Act (FMLA)

Title VII, Civil Rights Act of XXXC, as amended

Fair Labor Standards Act

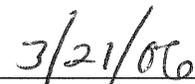
Review Responsibility and Frequency

The Directors of Finance and Human Resources shall review this policy annually based on the date of publication.

Authorized



City Manager



Date