

## 120 – PERSONNEL RECORDS

### A. Personnel Files

1. The State Court Administrator's Office maintains a personnel file for each employee.
2. Supervisors are encouraged to place in the employee's personnel file information of a positive nature, including information received from outside, competent, and responsible sources. Anonymous letters or other information may not be placed in the employee's file.
3. Any document addressing an employee's character or performance or a grievance filed against the employee may be placed in the personnel file with the employee's signed acknowledgment stating that it has been read. The employee's signed acknowledgement does not signify agreement with the contents.

If the employee refuses to sign the acknowledgment, both the person who discussed the document with the employee and a witness must verify in writing on the document that the employee was shown the document, was asked to sign the document, and refused to sign the document.

4. An employee has the opportunity to respond to the document that is to be placed in the employee's personnel file. The employee's response must be attached to the file copy. This information may not be used as a basis for subsequent adverse personnel action.
5. If the employee takes this matter through the grievance procedure, any material found to be without merit or unfounded must be removed from the file and may not be used against the employee.

### B. Working Files

1. A supervisor will not maintain a separate personnel file regarding any employee. However, a supervisor may keep a working file on an employee to track work in progress, conduct, and performance-related information. A supervisor's working file typically contains documents of ongoing work such as notes of conversations, assignments, status reports, and milestones to support annual performance evaluations. A supervisor's working file is not part of the employee's official personnel file and should be kept sparingly only in situations involving close and direct supervision.
2. The supervisor's working file is a confidential file that is typically kept in a secure area near the employee's immediate supervisor. It should be stored in a locked area when not in use. The contents of a working file should be destroyed once the information is no longer needed.
3. Because a supervisor's working file is not considered part of the official personnel file, any personnel action can only be based on what is in the personnel file. If any information in the supervisor's working file is to be used as the basis for a timely

personnel action, it must be placed in the employee's official personnel file. Any information on which the supervisor intends to take formal action should be moved into the personnel file in the form of a performance evaluation, preliminary notice, or other documentation relating to commendation or corrective action, and a copy given to the employee.

C. Removal of Records

1. An employee may request the removal of records related to a corrective action from the employee's personnel file if it has been more than three years since the corrective action ended and there have been no further corrective actions within the same timeframe.
2. A written request must be made to the Human Resource Director. The Human Resource Director, in consultation with the appointing authority, shall decide whether to grant the request.

D. Personal Information

1. Personal information may not be released without the written consent of the employee.
2. Personal information means an employee's month and day of birth; home address; home telephone number or personal cell phone number; photograph; medical information; motor vehicle operator's identification number; public employee identification number; payroll deduction information; the name, address, telephone number, and date of birth of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any account number at a bank or other financial institution. Information regarding the type of leave taken by an employee is exempt, although the amount of leave taken or accrued, and the dates of the leave taken, is public record. Information regarding leave applied for but not yet taken is exempt until the leave is taken.

E. Review of Personnel Files

1. Employee Access

An employee may review the employee's personnel file by contacting the Human Resource Director during business hours. An employee is entitled to see all records in the file. An employee may obtain a complete copy of the file on request but a complete copy will not be provided more than once per year.

2. Supervisor Access

A supervisor in the employee's chain of command or another supervisor who is considering an employee's application for another position within the Court System may review the employee's personnel file on request to the Human Resource Director. A supervisor may view all records except restricted personal information.

3. Other Access

A person who is not the subject of the file may request to review an employee's personnel file by filing a written request with the Human Resource Director. Access to view the file:

- a. Will be granted by anyone to whom the employee has given written permission in accordance with the access-level allowed by the employee; or
- b. Will be granted without the employee's written permission to the extent that it is required by subpoena or court order; or
- c. Will be granted in all other circumstances, but limited to these records:
  - (1) Salary history;
  - (2) Job performance evaluations signed by the employee and supervisor;
  - (3) Training attendance records;
  - (4) Commendations; and
  - (5) Corrective actions resulting in a formal performance improvement plan.
- d. When access is gained under Section E.3., the employee must be notified by the Human Resource Director.

4. Request to Copy or Transmit Contents of Personnel File

Requests to provide photocopies of documents or to transmit them electronically will not be granted except in those circumstances where distance prohibits an on-site review.

Approved by the Supreme Court 4/1/12; amended 7/2/15; amended 9/27/17