



**STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES
DEVELOPMENT
POLICIES AND PROCEDURES**

POLICY NO./DIVISION ABBREVIATION 701.001 ERD/PTO	NO. of PAGES 15
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TITLE:

OFFICIAL PERSONNEL FOLDERS

APPROVED:

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I. POLICY

The integrity of official personnel folders (OPF) shall be maintained in a confidential and secure manner and in accordance with collective bargaining agreements and state and federal laws, regulations, and rules.

These guidelines shall be used in conjunction with applicable provisions in collective bargaining agreements, executive orders, and chapter 92F, HRS, other applicable state and federal laws and regulations, and other HRD policies and procedures.

II. RATIONALE

The purpose of this policy is to ensure accurate employee personnel records and that the personnel records maintained in the OPF are used solely for their intended purposes.

III. DEFINITIONS

“Custodian of records” means the departmental personnel officer (DPO) or the designee of the department head directly responsible for the establishment, maintenance, storage, and disposal of official personnel folders and other employment-related files.

“Informational personnel file” means a separate file of all or a portion of the OPF and/or employment-related files that are maintained by a manager or supervisor.

“Official personnel folder” means the official repository of records and reports of personnel actions effected during an employee's service with the state executive branch. An “Active OPF” means an OPF of an employee currently employed with a department in the state executive branch. An “Inactive OPF” means an OPF of a employee who has separated from employment with a department in the state executive branch.

“Program” means any division, branch, staff office, or attached agency of a department.

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“Records officer” means the designated person acting in the capacity of the custodian of records at a program that has been delegated authority to maintain the OPF and employment-related files of its employees.

“State records center (SRC)” means the department of accounting and general services (DAGS), archives division, records management branch that is responsible for the retention and storage of separated employees’ OPF.

IV. SCOPE

This policy covers the official personnel folders of all employees of the executive branch except for board of education employees of the department of education, board of regents employees of the university of Hawai‘i, and employees of the Hawai‘i health systems corporation.

V. RESPONSIBILITIES

A. DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT.

The department of human resources development has delegated the custody of OPF to the department head of each state department. HRD’s personnel transactions office (PTO) has administrative responsibilities for the custody of all OPF and shall provide overall direction and guidance on the custody of OPF.

B. DEPARTMENTS.

Each department head shall designate a custodian of records and document the designation by completing HRD Form OPF-1, *Designation of Custodian* (Attachment 1). The form shall be kept on file with the custodian of records and a copy sent to the HRD, employee relations division, personnel transactions office.

The department head may designate additional custodians of records as needed for the efficient maintenance of employee personnel files. Such designation shall be documented by completing HRD Form OPF-1 and subject to approval by the personnel transactions office, HRD.

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C. CUSTODIAN OF RECORDS.

The custodian of records shall:

1. Be responsible for the establishment, maintenance, storage, security, and disposal of the OPF files and related electronic personnel data;
2. Be responsible for the periodic training of staff who are authorized access to personnel files;
3. Purge derogatory material from the OPF in accordance with provisions of the collective bargaining agreements, executive orders, and personnel policies and procedures;
4. Respond to requests for information contained in the OPF such as, but not limited to, subpoenas, employment verifications, and requests for employment data for service awards, and grievance investigations;
5. Recall the OPF from the SRC for former employees of the executive branch;
6. Transfer the OPF when an employee moves employment to another department or program within the executive branch and insures that the OPF contains the documents identified in these guidelines; and
7. Consult with the personnel transactions office when guidance is needed regarding the release of information contained in the OPF.

D. RECORDS OFFICER.

The custodian of records may delegate the responsibilities contained in this policy and procedures to a records officer.

E. DEPARTMENTAL PERSONNEL OFFICE STAFF.

An employee who is assigned access to the OPF as part of the employee's routine duties shall ensure that such access to and use of the information is limited to the purposes of performing the employee's work.

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F. EMPLOYEE.

An employee shall ensure that the employee's personal information contained in the employee's OPF, such as address, marital status, income tax exemptions, emergency contact, name, is complete and up-to-date and shall notify the proper authority of any changes.

G. MANAGER OR SUPERVISOR.

A manager or supervisor who maintains informational personnel files shall:

1. Ensure that the copies of personnel documents are used for reference purposes only;
2. Ensure that all informational personnel files are kept in a secured area and that access to such files are limited to designated and authorized program staff;
3. Destroy superceded or obsolete documents contained in the manager or supervisor's informational personnel files; and
4. Destroy the entire informational personnel file upon the employee's separation from employment or as provided by procedures established by the appointing authority.

VI. GENERAL PROVISIONS

- A. Each employee shall have a single OPF which follows the employee from department to department within the executive branch. An informational personnel file may be maintained by individual programs for reference purposes only.
- B. The information maintained in the OPF may be used to make management decisions such as determining an employee's qualifications, length of service, benefits, and pay.

VII. PROCEDURES

A. ESTABLISHMENT OF AN OPF AND CONTENTS.

1. An OPF shall be established when an employee is hired, except for movements between departments and for employees with former service in the executive branch. The

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OPF for a former or rehired employee shall be recalled from the SRC.

2. The OPF contains the documents that provide an employee's official employment history with the executive branch. The OPF shall include only employment records or documents required by state and federal statutes, regulations, or rules.
3. OPF documents shall be filed in reverse chronological order based on the effective date of the action.
4. The following documents shall be included in an active OPF, as applicable:
 - a. Initial application and applicable HRD approval;
 - b. Subsequent employment application used when the employee is selected for another position;
 - c. Notification of personnel action, HRD Form 5, or employee personnel action report (EPAR), or equivalent document and supporting documentation;
 - d. Oath of Loyalty;
 - e. Agreement of temporary employment (Contract);
 - f. In/out-service training record;
 - g. Attendance and leave record, State DHRD Form 7;
 - h. Application for transfer of vacation and sick leave credit or payment in lieu of vacation, Form G-2;
 - i. Notification of temporary assignment, DPS Form 10, or equivalent;
 - j. Performance appraisal and supporting documents;
 - k. Sabbatical leave contract;
 - l. Request for intergovernmental movement;
 - m. Reporting of changes to employee information or equivalent;
 - n. Letter and certificate of commendation;
 - o. Disciplinary letter and related correspondence;
 - p. Letter of unauthorized absence;
 - q. Employment separation documents;
 - r. Reduction-in-Force (RIF) documents that were sent to the employee (See HRD RIF Guidelines); and
 - s. Any document deemed critical to record or monitor employment history.
4. The following documents may be filed separately and apart from the OPF at the department's discretion:

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- a. Employment eligibility verification (Form I-9); and
 - b. Application for leave of absence (Form G-1) with or without pay and supporting documents.
5. Documents that are not considered part of an OPF and shall be filed separate and apart from the OPF include, but are not limited to:
- a. Suitability DPS 329C, Request for criminal history record clearance for state civil service employment;
 - b. Physical examination/personal health information form;
 - c. Health benefit related documents, such as health benefit enrollment applications;
 - d. Family and medical leave applications and supporting documents;
 - e. Leave sharing applications and supporting documents; and
 - f. Drug and alcohol test records.

See policy no. 701.002, Employment-Related Files.

B. PHYSICAL SECURITY FOR OPF.

1. The OPF shall be maintained and stored in a secure manner, in accordance with procedures established by the custodian of records for the access and security of OPF, that will guard against unauthorized access and the disclosure, damage or loss of confidential and private employee information.
2. The custodian of records shall be responsible for the department's physical security measures used to protect confidential employee information. The custodian of records shall:
 - a. Identify the location of OPF;
 - b. Ensure the physical security of the OPF;
 - c. Identify and authorize the individuals who may have access to the physical OPF;
 - d. Develop and implement procedures for access to the OPF files; and
 - e. Establish training and periodic retraining on the confidentiality and security procedures for employees responsible for maintaining OPF.

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3. The OPF shall be stored in cabinets or storage areas that shall be locked and secured after normal work hours. Locking of the office's entry doors is not sufficient to meet this security requirement.
4. The custodian of records shall designate and document the location of the department's OPF and the employees responsible for locking or unlocking file cabinets or the doors to secured file areas on HRD Form OPF-2, *OPF Physical Security* (Attachment 2). The form shall be kept on file with the custodian of records and a copy sent to HRD, personnel transactions office (PTO), employee relations division (ERD).
5. The OPF shall be accessible only to authorized personnel office staff. Such authorized personnel shall receive training and periodic retraining on security procedures and their responsibilities to protect the confidentiality of the documents filed in the OPF. See Attachment 3, *Employee Certification, Official Personnel Folder, Privacy Training*, HRD form OPF-3.

C. MAINTENANCE OF OPF

1. Documents maintained in the OPF shall be retained in accordance with the DAGS general records schedule, collective bargaining agreements, and as described in these procedures.
2. Documents filed in the OPF shall be purged and destroyed in accordance with the GRS or as required by state or federal laws, rules or regulations, or collective bargaining agreements.

Certain documents and employment records are considered to be employment history records which shall not be altered, destroyed, or removed from an employee's OPF. In determining what documents constitute an employee's employment history record, consider that an employment history record is any document that shows an employment action for an employee during the employee's service, which includes, but is not limited to, the following:

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- a. Notification of personnel action, form 5;
 - b. Employee personnel action record (EPAR);
 - c. Criminal history record;
 - d. Employment application(s) when employee is selected for an appointment;
 - e. Application for leave of absence, G-1;
 - f. Suitability documents and correspondence;
 - g. Performance appraisals;
 - h. Correspondence concerning extension of probational period;
 - i. Notice of substandard performance;
 - j. Termination letter due to substandard performance;
 - k. In/out-service training records;
 - l. Leave record, form 7; and
 - m. Employee history/roster card.
3. Notwithstanding section VII. C. 2, any removal and destruction or sanitation of derogatory materials contained in the OPF shall be done after the specified retention period in accordance with the applicable collective bargaining agreement provisions and/or personnel policy and procedure.
- a. The documentation of disciplinary action taken against an employee, e.g., letters of suspension, written reprimand or documentation of oral reprimand, other than employment history records, are considered derogatory materials.
 - b. The recordation of an unauthorized absence is not derogatory. However, if the employee is notified in writing that he/she is being placed on unauthorized leave and such notification provides details of the incident that led to such a leave, that written notification could be considered derogatory. For example, the written notification might indicate that the employee is being placed on unauthorized absence because he was insubordinate when he left the worksite even when his vacation leave request was denied.
4. The redacting of derogatory material from the OPF and other employment history records pursuant to collective bargaining agreements shall be as follows:

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A suspension is the only derogatory personnel action that is reported on the Employee Personnel Action Record (EPAR) or Form 5 and roster card. The file copies of the EPAR, Form 5, and roster card shall be amended as follows:

- a. EPAR.
 - (1) White out the information with correction fluid or tape in Actn/Rsn field, Actn Desc field, and statements that would indicate the action is a suspension.
 - (2) Make a copy of the amended EPAR and type in Actn/Rsn field: "LOA – NCR." (NCR means non-creditable.)
 - (3) Only the sanitized EPAR shall be maintained in the OPF. If other copies of the EPAR are kept in the department, replace those copies with the amended EPAR.

- b. Form 5.
 - (1) White out the information with correction fluid or tape in box 15, Nature of Action and NOA code; box 17, legal authority; and box 50, and statements that would indicate the action is a suspension.
 - (2) Make a copy of the amended Form 5 and type in box 15, Nature of Action, type: "LWOP– non-creditable."
 - (3) Only the Form 5 maintained in the OPF shall be sanitized. Other copies of the Form 5 kept in the department shall be replaced with an amended copy of the Form 5.

- c. Employment History or Roster Cards.

White out the nature of action information with correction fluid or tape and replace with "LWOP – non-creditable."

D. RETENTION OF INACTIVE OPF

- a. The custodian of records shall retain and transfer inactive OPF to the SRC for storage in accordance with the GRS and HRD Memorandum dated June 7, 1996, Subject: Procedures

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for Storage of Official Personnel Folders at the State Records Center.

- b. The custodian of records shall destroy inactive OPF in accordance with the GRS.

E. ACCESSIBILITY AND USE

- a. OPF Access by an Employee.

- (1) An employee shall be permitted to access his or her OPF upon submission of a request in accordance with the department's procedures or applicable collective bargaining agreement. The custodian of records or authorized staff shall require that an employee provide personal identification to access the employee's OPF.
- (2) An employee may review his or her OPF and may request copies of documents in accordance with applicable provisions of state or federal statutes, regulations, and rules or collective bargaining agreement. Fees for processing copies of documents may be charged in accordance with section F, *Fees for Processing Record Requests*, of these procedures.
- (3) If an employee disagrees with information contained in any of the documents maintained in the OPF, the employee may request in writing that a correction be made of the incorrect information or a written statement explaining his/her position may be attached to the document.

- b. OPF Access By Exclusive Representative.

The OPF of the employees included in a bargaining unit shall be accessible to the bargaining unit's representative in accordance with the provisions of the bargaining unit's collective bargaining agreement and chapter 92F, HRS. The exclusive representative shall ensure the confidentiality, security, and custodial control of the information contained in the personnel file documents obtained from the employer in accordance with chapter 92F, HRS.

- c. OPF Access by Departmental Personnel.

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The custodian of records may authorize or grant the following departmental employees access to the OPF necessary for the performance of their official duties and responsibilities:

- (1) Department Director and Deputy Director;
- (2) A secondary custodian of records and records officer;
- (3) Specified personnel staff positions; and
- (4) Supervisory and management employees who have an employment-related need in order to carry out their duties.

d. OPF Access Restrictions.

Authorized departmental personnel shall not be allowed to freely review any document in an OPF.

- (1) The access of authorized personnel office staff shall be limited to the specific duty or task required for the access to the OPF.
- (2) The custodian of records shall determine if the request of other departmental staff to access the OPF is for a reason necessary for the performance of their official duties and responsibilities. Access shall be limited to the requested documents.
- (3) The custodian of records or designated personnel office staff shall monitor the review of the OPF by the employee, bargaining unit representative, or other authorized departmental staff to maintain the integrity of the OPF.

e. Verification of the identity and authority of the person requesting access to the OPF may be required if the identity or authority of the person is unknown to the custodian of records. (See Attachments 4 and 5 for samples of an access request and access log.)

f. Information contained in the OPF may be released to individuals other than the employee, union representatives, and departmental personnel in accordance with Chapter 92F, HRS. Situations under which information may be released include:

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- (1) Upon written permission of the employee;
- (2) Upon receipt of a court order or subpoena after consultation with the Attorney General;
- (3) To comply with applicable federal and state laws and regulations; and
- (4) Personal emergencies where compelling circumstances affect the health or safety of an individual.

- g. Information contained in the OPF, as required by chapter 92F, HRS, shall be made available upon request and appointment for public inspection and duplication during regular business hours.
- h. Any individual who upon request is denied access to an OPF may file an appeal with the custodian of records.

F. TRANSFER OF OPF TO ANOTHER STATE DEPARTMENT

1. The transfer of the OPF to another State department shall be coordinated with the receiving department to ensure the confidentiality and security of the OPF.
 - a. The receiving department shall request the transfer of an employee's OPF from the losing department in writing.
 - b. The OPF shall not be transferred to another jurisdiction.
2. To prepare the OPF for transfer, the losing department shall:
 - a. Remove all unnecessary documents from the employee's folder such as temporary records.

Temporary records are documents which lead to a formal action but do not require a record of it nor make a substantial contribution to the employee's record. These documents should be removed from the folder after the required retention period or upon storage of the folder at the SRC. For more information on temporary records and the required retention periods, refer to the DAGS General Records

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Schedule.

- b. Gather the employee's records which are filed apart from the employee's OPF and include the documents with the OPF. Such employment-related personnel records include:
 - (1) Health information (i.e., health benefits enrollment forms, physical examination, participation in wellness programs, alcohol and substance abuse, physical health conditions, psychiatric conditions and workers' compensation reports and correspondence);
 - (2) Criminal history record check(s);
 - (3) Employment Eligibility Verification (I-9 Forms); and
 - (4) Application for Leave of Absence (G-1), if applicable.
3. If the OPF is to be sent through the U.S. Postal Service or other delivery service, the OPF shall be sent as certified mail or other similar type of delivery to insure that the OPF is delivered and received by the authorized individual at the proper destination.
4. If an OPF is being transported to or from a neighbor island by an individual designated by the Custodian of Records or Records Officer, the individual shall keep the OPF in his or her sole possession. The OPF shall not be checked-in as baggage unless absolutely necessary. Upon arrival to the neighbor island program, the OPF shall be hand-delivered to the individual who has been designated to receive and secure the OPF.

G. FEES FOR PROCESSING RECORD REQUESTS

Fees for processing records requests and copying documents shall be charged to the requestor in accordance with chapter 92F, HRS, or the applicable collective bargaining agreement.

H. ELECTRONIC PERSONNEL FILES

The same confidentiality and security policies and considerations provided for OPF shall be applied to the personnel information

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maintained electronically in the HRD Human Resource Management System and departmental computer systems.

VI. BACKGROUND

The development of these guidelines is based upon the resolution of a number of class grievances filed by the United Public Workers concerning the removal of materials from the OPF.

VII. REFERENCES

The following references were used in the development of this policy and procedure.

1. Chapter 76, HRS, Civil Service Law
2. Chapter 89, HRS, Collective Bargaining in Public Employment
3. Chapter 92F, HRS, Uniform Information Practices Act (Modified)
4. Department of Human Resources Development memorandum dated January 28, 1996, Subject: Storage of Official Personnel Folders at the State Records Center
5. Department of Human Resources Development memorandum dated June 7, 1996, Subject: Procedures for Storage of Official Personnel Folders at the State Records Center
6. Department of Human Resources Development memorandum dated January 28, 1997, Subject: Removal of Employee Information from Official Personnel Files
7. Department of Human Resources Development memorandum dated January 28, 1997, Subject: Storage of Official Personnel Folders (OPF) at the State Records Center
8. General Records Schedules (GRS) - No. 1-11, 2002, Department of Accounting and General Services (DAGS)
9. Collective Bargaining Agreements of the Hawai'i Government Employees Association, United Public Workers, and Hawai'i Fire Fighters Association, July 1, 1999 – June 30, 2003

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10. Memorandum of Agreement, Implementation of Arbitrator Yim's Decision and Award in UPW (BU 1 and 10) Grievances GWR 96-19 and GWR 96-20 dated July 19, 1999
11. Memorandum of Agreement, UPW (BU 1 and 10) Grievances GWR-96-7 and GWR-96-8 and Prohibited Practice Complaints CE-01-307, CE-10-306 and HLRB Decision No. 409 dated August 8, 2000
12. Office of Information Practices Guideline No. 2 dated June 6, 2001

VIII. ATTACHMENTS

- 1 Designation of Custodian of Records
- 2 Official Personnel Folders Physical Security
- 3 Employee Certification Official Personnel Folder Privacy Training
- 4 Request for Access to Official Personnel Folder
- 5 Official Personnel Folder Access Log