

PERSONNEL INFORMATION

8.01 PURPOSE

- A. This regulation provides standards and guidance to Department personnel concerning the maintenance, release, and access of personnel records and information, and ensures that the Department complies with laws and regulations that govern the handling of personnel information.
- B. State, federal, and Commonwealth of Pennsylvania laws and regulations that govern personnel information include, but are not limited to:
 - 1. Commonwealth Management Directive 505.18, Maintenance, Access, and Release of Employee Information.
 - 2. Commonwealth Manual 505.4, Personnel Records Retention and Disposition Schedule.
 - 3. Commonwealth Management Directive 205.36, Right-to-Know Law.
 - 4. Pennsylvania Right to Know Law - Act 3 of 2008, 65 P.S. § 67.101, et seq.
 - 5. Pennsylvania Inspection of Employment Records Law Act of 1978, P. L. 1212, No. 286 (43 P. S. § 1321-1324).
- C. Personnel information exists in numerous forms and in many locations within and outside the Department. The personnel information referred to in this regulation is held primarily, but not exclusively, in the Official Personnel Folder (OPF) or electronic Official Personnel File (e-OPF).

8.02 DEFINITIONS: The following definitions pertain to this regulation. For purposes other than this regulation, these words and terms may have different meanings.

- A. **Abledoc:** The software used to upload information in the e-OPF.

- B. Authorized Access: The ability to examine Confidential Employee Information by an individual that has permission to view such information either by law, policy, or written permission of the employee.
- C. Authorized Personnel: Personnel that have authorized access.
- D. Confidential Employee Information (CEI): Information pertaining to personnel that is held by the Commonwealth in the role of an employer or in the role of a provider of employment-related services. Examples include social security number and date of birth. Where federal or state law requires the protection of employee information, such information is CEI for the purposes of this directive.
- E. Confidential Folder: A secured file that is the official repository of confidential, investigative materials which may be stored either as a separate envelope in the OPF/e-OPF in a separate secure electronic file location that is accessible only by authorized personnel.
- F. Confidential Medical Folder: A secured file that contains medical information related to absence requests, including sick, parental, family care, military caregiver, or Workers' Compensation absences, and records required to be maintained for medical monitoring of employees who are or have the potential to be exposed to hazardous materials.
- G. Custodian: An individual with authority to possess, maintain, access, or release information from the OPF/e-OPF. The Commissioner is the legal custodian of Department personnel information. The Public Safety Human Resource Delivery Center, or designee, has custody, possession, or control of employee information.
- H. Employee Information: Information related to an employee's employment that is in the possession, custody, or control of the Records Custodian and/or the Office of Administration (OA) or State Records Center (SRC).
- I. Non-Public Employee Records: The following employee information is generally not considered a "public record":
 - 1. Reference letters, unless prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.

2. An Employee Performance Review or similar rating or review.
 3. The result of a civil service or similar test administered by a commonwealth, legislative, or judicial agency.
 4. The result of a civil service or similar test administered by a local agency, if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.
 5. The employment application of an individual not hired.
 6. Workplace Support Services Program information.
 7. Grievance material, including records related to discrimination or sexual harassment.
 8. Written information regarding discipline, demotion, or discharge of an employee contained in the OPF/e-OPF or other personnel file, other than information regarding the final action of an agency that results in demotion or discharge.
 9. Academic transcripts.
 10. Written criticism of an employee.
- J. Official Personnel Folder (OPF): The hard copy or electronic (e-OPF) repository of employee information, which includes permanent employee information and temporary employee information that documents the employment work record.
- K. Permanent Employee Information: Formal documentation of a person's current employment status and employment history.
- L. Programs: Functions and services administered or managed by Human Resources (HR) offices.
- M. Public Employee Information: Public employee information pertaining to most Commonwealth employees for the purpose of this regulation consists of employing agency; last name; first name; organization name; job (class) code; job (class) name; headquarter agency address; headquarter agency telephone

number; bargaining unit; biweekly salary; hourly rate; per diem rate; pay schedule; pay level; pay scale group; and years of service.

- N. Release: Disclosure of confidential employee information.
- O. Retention: The duration of time for which records must be kept in storage. This applies to both hard copy documents and electronic copies of documents.
- P. Storage: The method and location in which records are retained.
- Q. Temporary Employee Information: Information which does not make a significant contribution to a person's employment record, or which becomes outdated or inaccurate because of the passage of time.

8.03 POLICY

- A. Personnel records are to be retained in accordance with *Manual 505.4, Personnel Records Retention and Disposition Schedule*.
- B. Policy and procedures regarding the management of Commonwealth records are to be consistent with this regulation.
- C. Maintenance and release of employee information must be in compliance with applicable federal and state law and regulations.
- D. Personnel may review or inspect his/her own OPF in accordance with section 8.10 of this regulation.

8.04 RESPONSIBILITIES

- A. Commissioner: The Commissioner shall ensure necessary procedures and safeguards are implemented in accordance with this regulation.
- B. Public Safety Human Resource Delivery Center (PSHRDC): The PSHRDC, or designee, has custody, possession, or control of employee information and shall ensure:

1. An OPF is established for each member/employee upon initial hire.
 2. Personnel information is filed, disclosed, withheld, and purged in accordance with this regulation.
 3. Guidance is provided to Troop/Bureaus designees on filing documents in the e-OPF.
- C. Troop Commander or Bureau/Office Director: Each Troop Commander or Bureau/Office Director is the custodian of the Troop/Bureau/Office personnel file. The custodian or designee shall ensure:
1. A Troop/Bureau/Office personnel file is established and maintained for each member/employee under their command.
 2. A designee is assigned to file documents in the e-OPF or designated location on the O-Drive.
- D. Designee assigned to file documents in the e-OPF shall ensure:
- Documents identified in sections 8.05F and 8.05G are uploaded to the e-OPF via Abledoc or saved on the O-Drive.
- E. Authorized Personnel shall:
1. Use CEI to perform job duties and shall not disclose CEI to anyone other than as authorized.
 2. Secure and protect CEI within their workspace.
 3. Safeguard, disclose, withhold, and dispose of information in accordance with this regulation and ensure that information under their control is not accessible to unauthorized persons or used for non-work-related purposes.

8.05 OFFICIAL PERSONNEL FOLDER

- A. All personnel records of active and inactive employees are the property of the Commonwealth. The OPF and/or e-OPF are the official repository of personnel records.

- B. OPFs for active personnel have been converted to electronic files and are maintained in SAP.
- C. The State Records Center is the official repository of all personnel records for inactive employees that do not have an e-OPF. Records for employees age 72 or older that do not have an e-OPF should be retained by the agency for four years after the date of separation and then destroyed.
- D. Documents maintained in OPFs/e-OPFs are classified as permanent or temporary information. Permanent member/employee information will, in all cases, remain in the OPF when a member/employee transfers or separates. Temporary member/employee information is to be retained for four years, unless otherwise required by policy or law, and then is to be purged in accordance with section 8.05G.
- E. The following employee information is specifically prohibited from being placed in OPFs/e-OPFs:
 - 1. Arrest reports or criminal history records.
 - 2. Investigative material regarding a civil, criminal, or administrative investigation of alleged wrongdoing by an employee where the charges were not sustained. However, when an employee requests in writing that such information be retained in order to support his or her defense of future allegations or charges that may be made, the agency may retain such material. Material related to ongoing investigations of matters regarding arrests/allegations is to be maintained in the confidential folder until the matter is resolved; the content is to be removed prior to review of the OPF by anyone who does not have a need to know the status of the investigation.
 - 3. National identification (other than IRS I-9 form).
 - 4. Birth certificates/baptismal certificates.
 - 5. Racial identification.
 - 6. Ethnic information.
 - 7. Political affiliation.
 - 8. Religious affiliation.

9. Photo identification.
 10. Written criticisms of which a member/employee is not aware.
 11. State Ethics Act and Code of Conduct financial disclosure forms and supplementary employment information. (Maintain in separate file.)
 12. Employee health and medical information including health enrollment forms, Workers Compensation records, medical information to support an absence, employer-based SEAP referral documents, disability related information, medical monitoring records, Right to Know hazardous chemical exposure records, and any HIV/AIDS information. (Maintain in confidential medical folder and release only on a need-to-know basis with proper authorization and consistent with HIPAA and other relevant guidelines.)
 13. Grievance materials, including documents related to discrimination or sexual harassment, are to be maintained in a separate file. Exceptions include grievance settlements related to absence or pay adjustments and modification of personnel actions.
 14. Separate secure subject files containing employee information that are prohibited from being placed in OPFs are to be maintained consistent with the policies applicable to the relevant subject matter.
 15. Supplementary employment information.
 16. Family Medical Leave Act medical documentation.
- F. Permanent Information Maintained: The following types of member/employee information are permanent records and must be included in the OPF/e-OPF:
1. Personnel Orders and other Agency notifications notifying a member/employee of:
 - a. Appointment.
 - b. Promotion.

- c. Demotion.
 - d. Transfer.
 - e. Salary changes (except general pay increase and longevity increments).
 - f. Resignation by reason of abandonment of position.
 - g. Dismissal.
 - h. Suspension (letter).
 - i. Change in Civil Service status.
 - j. Temporary assignment in a Higher Classification
2. Extraordinary leave records, such as adjustments to leave service credits, requests, and approval/disapproval notification for special extension of sick leave and leaves of absence of longer than one full pay period.
 3. Member/employee-initiated acknowledgements of temporary employment or unusual conditions of employment, such as the certificate required for employment of minors.
 4. Member/employee requests and agency responses concerning voluntary retirement, voluntary separation, transfer, and demotion.
 5. Any form of official recognition given to a member/employee that relates to his or her duties and responsibilities with the Commonwealth.
 6. Pre-employment background reports developed by the State Police, State Civil Service Commission, Office of Attorney General, and other agencies that are used to determine an employee's suitability for employment. In addition, agency background reference checks for employees required by their job duties to have Commercial Driver's License (CDL) are to be maintained. Pre-employment background reports and background reference checks should be maintained in a confidential folder within the OPF and removed prior to review of the OPF by the employee/representative.

7. Department of Defense Forms, DD 214, when used for Commonwealth employment purposes.
8. Agency and Commonwealth sign-off forms attesting to the member's/employee's receipt of information, including:
 - a. Orientation Checklist, Parts I and II, Forms SP 3-363A and SP 3-363B.
 - b. CDL member/employee and supervisory training acknowledgement forms.
 - c. Member/employee handbooks/manuals.
 - d. Workers' Compensation Rights and Duties Acknowledgement form.
 - e. Internet/Email user agreement. In accordance with *Management Directive 210.12, Electronic Commerce Initiatives and Security*, agencies may choose to use an electronic record of receipt (i.e., storing employee acknowledgements of the Internet/Email user agreements). These electronic acknowledgements utilize the User ID/Password as a verifiable electronic signature. Electronic versions of this record must be held in a database and be retrievable upon management's request.
 - f. Awards issued in accordance with AR 4-13, Awards and Special Recognition.
 - g. Final Statement, Form SP 3-407.
 - h. Acknowledgement of Receipt of the Commonwealth of Pennsylvania's Sexual Harassment Policy.
9. Current annual CDL accident and motor vehicle violation check forms.
10. United States Citizenship and Immigration Services Form I-9, Employment Eligibility Verification.
11. Permanent restrictions regarding use of weapons.

- G. Temporary Information Maintained: Temporary information is to be retained as indicated. The following temporary information, when available, shall be maintained in the OPF:
1. Written reprimand and written record of an oral reprimand: Retain copy for two years, then destroy if there are no similar occurrences.
 2. Crash Report Endorsement: Retain copy of endorsements to crash report involving a Department vehicle for five years.
 3. Employee Performance Review, Form 363L: Retain all Performance Reviews for the last three years.
 4. Member Performance Evaluation, Form SP 3-341.
 5. Probationary Trooper Evaluations.
 6. Enforcement Officer Assessment, Form SPLE-45.
 7. Request for release of personnel information (when authorized in writing by personnel): Retain for four years.
 8. Any other temporary personnel information designated by another regulation to be maintained in the OPF.
 9. Rebuttal by personnel to any information listed above.
- H. The following personnel information is to be maintained separately from the OPF/e-OPF:
1. Attendance records, which are to be extracted directly from SAP.
 2. Supervisors' or managers' notes and records on matters such as discipline or performance on specific work assignments. These documents shall be maintained in a Supervisor File as specified in AR 4-22, Employee Performance Review Program.
- I. If a personnel action is revised, only information concerning the revised action is to be maintained. Record of the original personnel action or records of any rescinded personnel actions

are to be immediately removed from a member's/employee's OPF.

8.06 TROOP/BUREAU/OFFICE PERSONNEL FILE

- A. Location: The Troop personnel file shall be located within the Troop Headquarters. The Bureau/Office personnel file shall be maintained within the Bureau/Office or Division, at the discretion of the Bureau/Office Director.
- B. Utilization: The Troop/Bureau/Office personnel file shall be utilized to file and maintain both permanent and temporary information not maintained in the OPF/e-OPF.
- C. The following information, when available, shall be maintained in the Troop/Bureau/Office personnel file:
 - 1. Coach/Trainee Evaluation Report, Form SPLE-39: Retain for two years.
 - 2. Preference Transfer Request, Form SP 3-316: Retain until transfer is received or the request is withdrawn.
 - 3. Any other temporary personnel information designated by another directive to be maintained in the Troop/Bureau/Office personnel file.

8.07 ACCESS TO INFORMATION

- A. All member/employee records containing CEI, whether in paper or electronic format, may be accessed and used only by authorized personnel whose authorized access shall be limited to the minimum information necessary to fulfill the functions of their position.
- B. CEI shall not be removed from the worksite unless necessary for authorized personnel to perform their job duties.
- C. When CEI is used it must be kept inaccessible to and out of sight of unauthorized personnel.
- D. Custodians and designees shall have access to OPF/e-OPF/CEI or Troop/Bureau/Office personnel files. When needed in the performance of their duties, the following shall

have access to all information in the OPF/e-OPF and Troop/Bureau/Office personnel files:

1. Commissioner or designee.
 2. Equal Employment Opportunity Officer.
 3. An individual's Troop Commander or Bureau/Office Director.
 4. An individual's immediate supervisor and those in direct chain-of-command above the supervisor.
 5. Authorized Department personnel.
 6. Other state officials as specified in Management Directive 505.18, amended.
- E. Access to CEI and medical information is granted on a need-to-know basis and in accordance with appropriate governing laws and Commonwealth policies affecting those documents. All requests for access are to be made to the PSHRDC, HR Records Custodian, or designee.
- F. Personnel and persons with written permission of a member/employee are permitted, upon request of the member/employee, to review that member's/employee's OPF/e-OPF.

8.08 REQUEST FOR INFORMATION:

All requests for CEI and OPFs/eOPFs shall be referred to the PSHRDC.

8.09 RELEASE OF INFORMATION

- A. For general awareness, the release of information is handled as follows:
1. Non-Public Employee information may be released in accordance with Management Directive 505.18.
 2. PSHRDC Records Custodians are authorized to release pertinent employment information when an employee is

being considered for employment/transfer from one Commonwealth agency to another, or within an agency, or when an employee is to be reemployed by the Commonwealth. The following information, in addition to public employee information, is to be provided in these cases, upon written request, indicating the employee is being considered for employment/transfer:

- a. Employee Performance Reviews.
- b. Records of discipline, such as letters of caution, reprimand, admonishment, warning, or temporary restrictions.
- c. Letters of suspension and dismissal.
- d. Letters of commendation.
- e. Records of absence.
- f. Training records.
- g. Employment history data (consists of the above data on file from each agency in which the employee was employed by the Commonwealth).

NOTE: The PSHRDC Records Custodian is to notify an employee of what information has been referred to the requestor. If an individual is not subsequently accepted for transfer or reemployment, all information is to be returned to the forwarding agency/SRC. Use of this information for any other purpose is strictly prohibited.

3. Replies to inquiries from prospective employers shall include only dates of employment and whether the separation was voluntary or involuntary. Particular circumstances or issues involved in an involuntary separation, discipline, and other documents in the OPF/eOPF are not to be disclosed without prior written authorization of the current/former member/employee.
4. Requests from union officials for member/employee information are to be honored when the information requested is relevant and necessary to the union's responsibilities in representing the bargaining/supervisory unit, consistent with the provisions of the

Public Employee Relations Act, Act of July 23, 1970, P.L. 563, No. 195, as amended (43 P.S. §§ 1101.101 - 1101.2301), and applicable collective bargaining agreements/memoranda of understanding. If a union request seeks information that is CEI or may otherwise be subject to protection from disclosure, consultation with labor relations and/or legal staff should occur. Information is to be provided within a reasonable period of time. Unless excessive costs are involved in compiling/mailling the information, the information should be provided without charge.

5. Any requests for the compilation of public employee information are to be addressed in accordance with AR 6-2, Right-To-Know Law.
6. In the event of unauthorized release of non-public member/employee information, the PSHRDC shall report the disclosure to the agency's Office of Chief Counsel. The agency's Office of Chief Counsel will work with the Office of General Counsel to respond accordingly.

B. Electronic Employment and Salary Verification:

1. The Commonwealth has contracted with TALX Corporation to automate employment and salary verifications through the use of a service called "The Work Number for Everyone." TALX Corporation operates the nation's largest database of multi-employer payroll records. The database is available for access by individuals and institutions that have authorization from personnel to obtain employment and salary verification.
2. "The Work Number for Everyone" provides faster, more efficient, and more complete responses to employment and salary verification requests. Employment verification information is accessible 24-hours a day, 7-days a week, and is strictly confidential.
3. Employment and salary information is divided into three category levels: Basic Information, Basic Plus Information, and Full Information.
 - a. Basic Information provides:
 - (1) First name, middle initial, and last name.

- (2) Current employment status.
 - (3) Total time with the Commonwealth.
 - (4) Job title.
 - b. Basic Plus Information provides:
 - (1) All Basic Information.
 - (2) Current pay rate.
 - c. Full Information provides:
 - (1) All Basic Plus Information.
 - (2) Gross earnings year to date.
 - (3) Gross earnings for past two years.
4. Procedures:
 - a. To grant access to employment and salary information, personnel shall provide the lender/verifier with the Commonwealth Code 10574, their Social Security number, and the number to call for verification (1-900-555-WORK). For Basic Plus and Full Information, personnel must also provide the lender/verifier with an Authorization Code/Salary Key.
 - b. To obtain an Authorization Code/Salary Key, personnel must dial 1-800-EMP-AUTH or access the website www.theworknumber.com. When prompted, enter the Commonwealth Code 10574, their Social Security number, and their confidential Personal Identification Number (PIN). The PIN is the employee number plus the last two digits of their birth year. A six-digit Authorization Code/Salary Key will be generated and may be provided for use by the lender/verifier.
 - c. A maximum of three Authorization Codes/Salary Keys may be active at one time, each for the duration of six months. Authorization Codes/Salary Keys used by a lender/verifier may not be

used again. Personnel may cancel unused Authorization Codes/Salary Keys by calling 1-800-EMP-AUTH or by accessing the website www.theworknumber.com.

- d. Personnel shall inform individuals and institutions requiring employment and salary verification about the automated process, thereby eliminating the completion of manual forms.
- e. Manual verification request forms received by Troop/Bureau/Office administrative personnel shall be returned to the requester with correspondence explaining the automated process (refer to Appendage A).
- f. Troop Commanders and Bureau/Office Directors shall ensure personnel are informed of the automated employment and salary verification process. Detailed instructions for use of the automated process are described on posters, brochures, and wallet-size cards previously distributed to Troops/Bureaus/Offices. "The Work Number for Everyone" posters shall be posted in areas accessible for personnel to view. Existing supplies of pamphlets, or previously distributed wallet-size cards, shall be duplicated, as necessary, as informational pamphlets are not available for reorder (refer to Appendage B).
- g. "The Work Number for Everyone" employment and salary verification process shall be the subject of benefits orientation for new Cadets and employees.

8.10 REVIEW OF OFFICIAL PERSONNEL FOLDER/FILE

- A. Policy: Members/employees, and persons with written permission of those individuals, may examine the contents of their OPF. Personnel may review or inspect his/her own employee information during regular work hours, or during nonwork hours, if applicable, such as reviewing a duplicated OPF, or online version of an e-OPF. Any request by a member/employee to review or inspect their own employment

files will be done in accordance with The Act of November 26, 1978, P.L. 1212, No. 286,43 P.S. § 1322.

- B. Requests: Personnel who desire to examine the contents of their folders or files shall submit their requests via Department Correspondence, Form SP 3-201, in duplicate, through channels to the PSHRDC.
- C. Review:
1. Personnel may travel to Department Headquarters to review their OPF/eOPF.
 2. Upon request, the contents of an employee's OPF/e-OPF are to be duplicated and forwarded for review, generally without cost to the employee. Employees may be charged reasonable fees for the cost of reproducing and mailing material in their OPF/e-OPF if such requests become excessive.
 3. The custodian will attach to the OPF/e-OPF a signed statement certifying that the entire contents of the folder were copied and are contained in the folder sent to the employee.
 4. As records are certified during the uploading process, personnel will have access to the e-OPF through Employee Self Service (ESS).
 5. Personnel may not remove, add, annotate, or in any other manner alter or disturb the contents of any personnel records they view.
 6. Personnel may submit written rebuttals to any information in their personnel records and it shall become part of the record.
 7. Personnel may make notes, transcribe, or copy any information examined.
 8. Personnel may have a representative present during the examination.

8.11 RETENTION

- A. OPFs/e-OPFs shall be reviewed and purged according to the records retention schedule. Personnel should be notified prior to the information being purged from the OPF/e-OPF.
- B. The PSHRDC should ensure date-sensitive information is removed in a timely manner.
- C. If the member/employee does not request the purged information, it should be shredded or disposed of confidentially.
- D. The Director, PSP Employee Relations Division, PSHRDC, shall be notified prior to the removal of letters of caution, reprimand, admonishment, or warning. These letters are to be purged after two years if no similar incidents have occurred, unless:
 - 1. The letter constitutes a basis upon which a subsequent (progressive) level of discipline was imposed; or
 - 2. There is a grievance pending over the letter or over a subsequent discipline for which the letter served as a basis. In such situations, the letter should remain in the employee's OPF for two years from the date of the subsequent discipline or, if a grievance has been filed, until the grievance is resolved; or
 - 3. Another officially agreed-upon removal date has been designated.
- E. Transfers: When a member/employee permanently transfers to another Troop/Bureau/Office, their Troop/Bureau/Office personnel file shall be immediately forwarded under confidential cover to the appropriate Troop Commander or Bureau/Office Director.
- F. Separations: Within 30 calendar days after the separation date, the Troop/Bureau/Office personnel file shall be delivered to the PSHRDC, except when a grievance or other formal action is pending. The file may be retained in the Troop/Bureau/Office until after such action is completed. No purging is necessary at the Troop/Bureau/Office level.