



Unified Government Human Resources Guide

Effective 04-01-05

EMPLOYEE PRIVACY AND ACCESS TO PERSONNEL RECORDS

- I. General: It is the policy of the Unified Government to establish a centralized system of personnel files for all employees. This will enable a centralized response to requests for information about employees, and the development of access and copying procedures. As used in this policy, employee includes both current and former employees.
- II. Policy
 - A. The Director of Human Resources is the official custodian of the individual personnel records for current and former employees of the Unified Government. The originals of the individual files for all Unified Government employees shall be in the physical custody and control of the Director of Human Resources.
 - B. It is the intent of the Unified Government to comply with provisions of the Open Records Act while protecting the individual employee from the unwarranted invasion of personal privacy.
 - C. A department head or his/her designee may provide the following information regarding an employee in response to a request: name, dates of employment, position and verification of compensation. No further information shall be given out except with the approval of the Human Resources Department.
 - D. An employee's access to his/her personnel file:
 1. The employee may, upon written request, examine his/her own personnel file in the presence of Human Resources personnel or department designee, except that viewing certain types of documents may be restricted. Such restrictions shall include but not be limited to:
 - a. pre-employment letters of reference;
 - b. results of pre-employment testing; and
 - c. legal advice about the particular employee.
 2. An employee may request a copy of a non-restricted document by utilizing the Request to Access Personnel Records form.
 3. An employee may challenge any information within his/her personnel file, and his/her written response will be added to the file, subject to approval by the Human Resources Director or designee.
 - E. Access to the employee's individual personnel file may only be given to:
 1. designated employees in Human Resources;
 2. the Administrator or a designated representative;
 3. the employee's supervisor—if written authorization has been given by the department head;
 4. the employee's division and department head or their designee;



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5. the head of a division or department which is considering accepting the transfer of the employee to such division or department;
 6. legal counsel authorized by the Legal Department;
 7. a duly authorized representative of a law enforcement agency or court of law; or
 8. anyone who, in the judgment of the Director of Human Resources, establishes a valid need for any of the information in the file. Such request shall be written.
- F. Information regarding the medical condition or history of any job applicant or employee obtained as a result of a medical examination or injury shall be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that:
1. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
 2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment, and
 3. Government officials investigating complaints with the Americans with Disabilities Act or Kansas Act Against Discrimination shall be provided relevant information on request.
- G. Breaches of the confidentiality of personnel files and other employee information shall be subject to discipline, up to and including discharge.
- H. Information regarding any employee's or their dependent's health condition, health insurance enrollment, coverage information, or any medical claims history may be obtained from the Unified Government's Employee Benefit Plan (the Plan), through assistance of the Human Resources Department, in accordance with the Unified Government's applicable Privacy Policy(ies) adopted pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPPA). The employee should contact the Plan's Privacy Official in the Human Resources Department to receive a copy of these policies or to address any other HIPPA related questions.

RELATED FORM(S): Request to Access Personnel Records