

## Administrative Policy No. 18.22

**Subject:** Personnel and Payroll Files

**Information Contact:** DSHS HR

**Authorizing Sources:** RCW [41.06](#)  
WAC [357-22](#)  
[Administrative Policy 5.02](#) - Public Disclosure of and  
Access to DSHS Records

**Effective Date:** July 1, 2005

**Revised:** August 15, 2013

**Approved By:** original signed by Glen Christopherson  
Senior Director, Human Resources Division

### Purpose:

This policy identifies personnel and payroll file requirements within the Department of Social and Health Services (DSHS) to maintain and release information from personnel, medical, affirmative action, and payroll files.

### Scope:

This policy applies to current and newly separated non-represented DSHS employees.

### Definitions:

**Agency custodian:** The Senior Director, DSHS Human Resources (HR), has ultimate authority and responsibility for employee personnel and medical/affirmative action files. Under this policy, DSHS HR staff is authorized to act on the Senior Director's behalf.

The Financial Services Division Director, has ultimate authority and responsibility for employee payroll files (except Eastern State Hospital and 24/7 Residential facilities.) Under this policy, DSHS Payroll staff is authorized to act on the Director's behalf.

**Management Operation Document Imaging System (MODIS):** The system used by DSHS to store employee personnel and payroll files.

**Medical/affirmative action file:** The official DSHS folder containing medical documentation and other correspondence related to reasonable accommodation, medical leave, or other work-related circumstances requiring medical documentation. Also included are documents showing

an employee's race, color, age, sex, disability, religion, creed, marital status, national origin, sexual orientation, Vietnam Era Veteran status, disabled veteran status, use of guide dog or service animal, recently separated veteran status, or other protected veteran status. . This file is kept separate and confidential in accordance with state and federal law.

***Payroll file:*** The official DSHS folder and documents related to an employee's pay and insurance.

***Personnel file:*** The official electronic DSHS folder that includes but is not limited to employee appointment letters, performance evaluations, applications/resumes, training records, corrective or disciplinary actions, letters of commendation, work schedules, and other job-related information.

## **Policy:**

### **A. File Maintenance**

1. DSHS must maintain an official personnel file for each employee for business and legal purposes.
2. DSHS maintains a separate personnel, medical/affirmative action, and payroll file for each employee.
3. The DSHS agency custodian and any designee are responsible for security, retention, and maintenance of official personnel files, payroll files, and medical/affirmative action files.

### **B. Privacy of Confidential Material**

1. All DSHS records, including documents in the official personnel file, are subject to the Public Disclosure Act.
2. Information maintained in personnel files and payroll files may be subject to disclosure pursuant to the law. When receiving public records requests for disclosure of employee's personnel, payroll, or medical/affirmative action file, refer to [Administrative Policy 5.02](#) for guidance. Contact the HR Public Disclosure Manager for guidance.

### **C. File Access**

1. The following individuals are authorized to access and inspect personnel and payroll files without employee authorization:
  - a. Agency custodian and/or designee.
  - b. Assistant Attorneys General and their staff or designees required to access files in the performance of their duties.
  - c. Public disclosure or discovery coordinators reviewing and preparing records for disclosure or production.

2. The following individuals are authorized to access and inspect personnel and payroll files without employee authorization. The review must be documented in MODIS.
  - a. Office of the State HR Director or designee.
  - b. State Auditor or designee.
  - c. Supervisors in the employee's direct chain of command.
  - d. Washington State Personnel Resources Board members or designee.
  - e. DSHS supervisors considering the employee for employment. The file must be reviewed in the presence of the agency custodian or designee.
  - f. Equal Employment Opportunity Commission and Human Rights Commission staff or designee.
  - g. Other DSHS staff, as well as other state and federal agency staff, who have legal authorization and who require access in the performance of their duties; provided the file is reviewed in the presence of the agency custodian or designee.
3. The following individuals are authorized to access and inspect medical/affirmative action files without employee authorization:
  - a. Agency custodian, designees, DSHS appointing authorities, and DSHS HR staff acting in the performance of their official duties.
  - b. Assistant Attorneys General/designee acting in the performance of their official duties.
  - c. Equal Employment Opportunity Commission and Human Rights Commission staff/designees acting in the performance of their official duties.
4. All other individuals requesting to review an employee's personnel, payroll, or medical/affirmative action file, including prospective employers in other agencies must:
  - a. Present written authorization by the employee to the agency custodian or designee for each file access.
  - b. Review the file(s) in the presence of the agency custodian or designee.
5. The agency custodian or designee:
  - a. Must place the employee's written authorization in the appropriate file and must ensure the review is documented in MODIS.
  - b. May copy information from the personnel, payroll, or medical/affirmative action file:
    - i. In the normal course of performing their official duties.
    - ii. As requested by the individuals provided for in Section C.
6. An employee may review his or her personnel, payroll, and medical/affirmative action files.
  - a. The review must be conducted in the presence of the agency custodian or designee.
  - b. The employee shall not remove or modify material from his or her personnel, medical/affirmative action, or payroll files.
  - c. The employee may request one copy of all materials in his/her personnel, payroll, and medical/affirmative action file by contacting their assigned DSHS HR staff, without charge annually. The agency custodian or designee may charge a reasonable fee for additional copies.

7. The agency custodian or designee must confirm the identity and authority of each person, including the employee, requesting access to the personnel, payroll, and medical/affirmative action file before providing file access.

#### **D. Transferring Files**

Before sending a personnel file to another state agency, DSHS HR staff will audit the file for appropriate content, and document the audit in MODIS. Unauthorized documents will be removed and placed in the appropriate file, provided to the employee, or destroyed.

#### **E. Responsibilities**

1. The agency custodian or designee:
  - a. Manages the official personnel file, including conducting on-going personnel file audits for appropriate content.
2. Must maintain medical/affirmative action files:
  - a. At the administrative office nearest the employee's work location where the employee's personnel actions are processed.
  - b. In a secure location separate from the personnel file.
3. Newly separated employees' personnel files will be audited by DSHS HR staff and the audit documented in MODIS. Unauthorized documents will be removed and placed in the appropriate file, provided to the employee, or destroyed.

#### **F. Content of Official Personnel and Payroll File**

1. The content of the personnel file must be maintained as defined in the Prospective Document Types Guide.
2. The initiator must provide the employee a copy of adverse material placed in his or her personnel file at the time the material is included in the file.
3. An employee may request the following documents be included in his or her personnel file:
  - a. Statements of rebuttal or correction of adverse information placed in his or her personnel file; or
  - b. Job performance information.

Only the DSHS Agency Custodian or designee may permanently remove documents from an employee's personnel file.

#### **G. Document Retention/Removal of Documents**

1. Information must be kept in the employee's personnel file in accordance with the appropriate general and local records retention schedules. Normally this would include retention as long as the record has a reasonable bearing on:

- a. The employee's job performance.
  - b. The efficient and effective management of DSHS or the employee's immediate organization.
  - c. Any active or anticipated legal action.
2. Adverse material proven to be inaccurate or false, and any information related to employee misconduct or alleged misconduct proven to be false and all information where the employee has been fully exonerated of wrong doing must be promptly destroyed unless:
- a. The employee requests that the information be retained in the file; or
  - b. The information is related to pending, active, or reasonably anticipated legal action.
  - c. In consultation with the assigned Assistant Attorney General, DSHS may retain this information in a separate legal defense file. These records are considered privileged and may only be used:
    - i. When required by a regulatory agency acting in their regulatory capacity; or
    - ii. In the defense of an appeal or legal action; or
    - iii. As required by law.

Official DSHS