



Cochise County Board of Supervisors

Public Programs...Personal Service
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Policy Title: Personnel Files

Policy Number: 2223

Effective: February 1, 2017

Supersedes:

Last Reviewed/Updated:

Scope/Coverage: All Cochise County Employees

Policy Contact: Director of Human Resources

Statement of Policy: To establish a consistent method for the maintenance of employees' Official Personnel Files, to identify who will be granted access to these files, and to define the circumstances under which the release of information contained in the Official Personnel Files will be authorized. All personnel, employment or related records shall be available only to authorized users for authorized purposes. In addition, Arizona Peace Officer Standards & Training Board (AZ POST) has additional requirements with which the County is obligated to comply.

Custodian of Personnel Records: The Human Resources Director shall be the designated custodian of Official Personnel Files.

Departmental Personnel Files: Departmental Personnel Files contain copies of selected personnel documents and records necessary for the administration of personnel and payroll. Documentation regarding verbal counseling or written counseling documents are kept in the Departmental Personnel file only; copies are not forwarded to the Human Resources Department. Documentation of all other disciplinary actions are sent to the Human Resources Department and kept in the Departmental Personnel File. Departmental Personnel Files shall not contain proof of eligibility to work in the United States, Social Security numbers, or any document containing employee medical information and shall not include materials generated by confidential personnel inquiries/investigations. Departmental Personnel Files are the property of Cochise County.

Official Personnel Files: Official Personnel Files are employee personnel files which are maintained by the Human Resources Department which pertain to an employee's status, rates of pay, performance evaluations, disciplinary actions affecting and/or status (such as Suspension, Demotion or Termination) and other relevant material and information as required by the County. Documentation such as proof of eligibility to work in the United States, employee medical information and materials generated by confidential personnel inquiries/investigations/background checks are kept separately from the Official Personnel Files. The Official Personnel Files are the property of Cochise County.



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Criteria/ Requirements

A. Maintenance of Official Personnel Files

1. Records Retention—Official Personnel Files of Cochise County are maintained by the Human Resources Department in accordance with Arizona Department of Library and Archives records retention schedules.

2. Procedure for Protesting Information— If an employee disagrees with specific information in their Official Personnel File, they may submit a written response for placement in their Official Personnel File.

B. Access to Official Personnel Files

The Human Resources Director has final authority to determine what uses and purposes are authorized pursuant to this policy. Specifically, the Human Resources Director determines which officers, employees or agents of the County (or any institution under the jurisdiction of the County Board of Supervisor's) are authorized to have access to Official Personnel Files. All requests for information contained in either the Official Personnel File or the Departmental Personnel File shall be referred to the Human Resources Department. The Human Resources Department may disclose Official Personnel Files as necessary in the prosecution, defense or resolution of any hearing or dispute regarding personnel matters. Any unauthorized access, release or use of personnel information shall constitute employee misconduct, subject to disciplinary action.

1. **Employee Review / Access:** Upon submitting a written request signed by the employee, an employee or a person authorized by the employee may review the employee's own Official Personnel File. Requests may be made to the Human Resources Department during normal business hours. Photo identification may be required before files may be inspected or photocopied for a reasonable copying fee. The copying fee shall be established by Resolution of the Board of Supervisors.
2. **Administrative Access:** Cochise County hiring officials and/or employees' supervisors are authorized administrative access to review Official Personnel Files of current or former Cochise County employees who are under consideration for competitive recruitment or noncompetitive selection. Requests may be made to the Human Resources Department during normal business hours. Photo identification may be required before records may be inspected to verify authorized administrative access.
3. **Information Provided to Third Parties with Employee's Written Consent:** Upon receipt of the current employee's or former employee's written consent, the Cochise County Human Resources Department may provide employment verification to a Third-Party for such purposes as a prospective employment, government agency background inquiries or for a mortgage or bank loan, student loan deferments, etc. A copy of the employee's consent and the request, including electronic communications, regarding employment verifications will be included in the employee's



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Official Personnel File and for former employees, sent to the employee's last address of record (A.R.S. § 23-1361). Information provided shall be job-related, factual and demonstrable from the employee's Official Personnel File and/or the Human Resources Information System (HRIS). Examples of information typically provided include the employment status (Active / Separated from Service, etc.); dates of employment; department(s); positions/titles held; salaries or rates of pay; education, training, experience, qualifications, job performance/evaluations, professional conduct, and/or the reason for separation from service.

4. Information Provided to Third Parties Without Employee's Written Consent:

- A. The Human Resources Department may provide general information regarding current or former employees. Information provided is limited to 1) whether currently employed, 2) employee's current department and its location, job classification/title, office telephone number and employee's work e-mail address.
- B. Under the following special circumstances, the County may be compelled to provide personnel records or disclose personnel information without the employee's consent:
 - a. In compelling circumstances affecting the immediate health or safety of the individual employee or others;
 - b. To a properly identified law enforcement authority when the County reasonably believes that an applicant, employee or former employee may have engaged in illegal activities;
 - c. Pursuant to a federal, state or local government statute or regulation that specifically requires disclosure of certain information to certain parties, for example: in response to a lawfully issued administrative summons, search warrant, judicial order / subpoena or public records request.
 - i. Prior to disclosing any personnel information in response to the above special circumstances, the Human Resources Department shall ensure that:
 1. Legal counsel has reviewed the matter and determined that they do not wish to seek a protective order to prevent disclosure of certain documents on the basis that a qualified privilege exists to protect those documents and provides written authority to the Human Resources Department authorizing disclosure; and
 2. If the request is not issued on behalf of the affected employee(s), a reasonable effort has been made to notify the affected employee(s) of the request prior to compliance. This is to ensure that the employee has an opportunity to file a Declaratory Action or Motion to Quash.



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- C. Letters of Recommendation: A Department Director or supervisor may choose to provide a letter of recommendation upon an employee's request. Such letters should include factual information, supported by the employee's Official Personnel File. Alternatively, the Department Director may refer the employee to the Human Resources Department for a formal employment verification.