

## **1000. PERSONNEL AND MEDICAL RECORDS**

The personnel records maintained by the Human Resources Department will be considered the official personnel record of city employees. Departments and supervisors may maintain separate files of their employees, however caution and discretion must be exercised regarding content and access to those records.

### 1001. PERSONNEL RECORDS

The Human Resources Department is responsible for maintaining required data in the employee's personnel record. An additional responsibility of the Human Resources Department includes ensuring compliance with the Inspection of Public Records Act and allowing access only to "public" records.

Employee information that should be maintained in the employee's personnel file and be accessible to the public with the exception of the confidential information contained therein:

- A. Employee's application for employment and resume;
- B. Personnel Action Forms;
- C. PERA membership application/documents;
- D. Certifications, degrees, permits, licenses and awards;

Employee information that should be maintained in the employee's personnel file and is confidential includes:

- A. Letters of reference or evaluation;
- B. Performance evaluations;
- C. Letters of commendation/recommendation;
- D. Records relating to disciplinary action;
- E. Employee social security number
- F. Employee home address
- G. Employee home telephone number

1002. ACCESS TO PUBLIC PERSONNEL RECORDS

Any person wishing to inspect public records may submit an oral or written request to the Human Resources Department. In the event of an oral request, the Human Resources Department will obtain the following information in order to respond to the request: name, address and telephone number of the person seeking access to records/information.

In order to ensure proper access to records/information, the individual must identify the specific record or data that is being requested.

No individual file, in its entirety, may be inspected since individual records are likely to contain privileged, restricted or confidential information.

1003. ACCESS TO NON-PUBLIC PERSONNEL RECORDS

Upon written request by the employee or upon application for transfer or promotion, access to non-public records will be provided only to the following individuals:

- A. The employee who will have access to his or her own personnel file;
- B. The employee's representative in a City administered grievance or appeal procedure;
- C. The employee's immediate supervisor, division and department director;
- D. Members of the Human Resources Department, Employee Relations Office, Legal Department and the Office of the Chief Administrative Officer, as required in the performance of their duties;
- E. Hiring supervisor(s) or staff member(s) responsible for selection in the event an employee applies for transfer, promotion, rehire or reinstatement;
- F. Other individuals as authorized by the Human Resources Director.

1004. IMMIGRATION REFORM AND CONTROL ACT INFORMATION

In accordance with the Immigration Reform and Control Act of 1986, employees will be required to provide proof of identity and employment

eligibility. Documents provided, as proof will be maintained in the Records section of the Human Resources Department separate from the employee personnel files.

A. Acceptable documents for establishing both identity and employment eligibility include:

1. U.S. passport (expired or unexpired); or
2. Alien Registration Receipt Card or Permanent Resident Card, Form I-551; or
3. An unexpired foreign passport that contains a temporary I-551 stamp; or
4. An unexpired Employment Authorization Document that contains a photograph, Form I-766, Form I-688A or Form I-688B; or
5. In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, an unexpired foreign passport with an Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, so long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the Form I-94.

B. Acceptable documents for establishing identity for individuals sixteen (16) years of age or older include:

1. A State issued driver's license or identification card containing a photograph, or identifying information including: name, address, date of birth, sex, height, and color of eyes; or
2. A school identification card with photograph; or
3. A voter registration card; or
4. A U.S. military card or draft record; or
5. An identification card issued by federal, state, or local government agencies or entities; or
6. A military dependent identification; or
7. Native American tribal documents; or

8. A driver's license issued by a Canadian Government authority; or
  9. A United States Coast Guard Merchant Marine Card.
- C. Acceptable documents to establish employment authorization include:
1. A social security number card other than one which has printed on its face "not valid for employment purposes;" or
  2. A Certification of Birth Abroad issued by the Department of State, Form FS-545; or
  3. A Certification of Birth Abroad issued by the Department of State, Form DS-1350; or
  4. An original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal; or
  5. Native American tribal document; or
  6. United States Citizen Identification Card, INS Form I-197; or
  7. Identification card for use of resident citizen in the United States, INS Form I-179; or
  8. An unexpired employment authorization document issued by the Immigration and Naturalization Service.

1005. MEDICAL RECORDS

Medical records pertaining to physical or mental conditions or treatment are **confidential** and are not public records. All such records are the property of the City of Albuquerque and will be maintained by the City's Employee Health Clinic. Any medical documents at the department level must be maintained in a separate file apart from personnel information.

Accordingly, these records may be released only to the following:

- A. The employee, when requested in writing by the employee; or
- B. The employee's representative when authorized in writing by the employee; or
- C. To the appropriate party, when ordered by a court; or
- D. Other individuals as authorized by the Chief Administrative

- E. Officer or Legal Department when such release is associated with a claim or cause of action taken by the City against an employee, or former employee of the City.

1006. UPDATING PERSONNEL FILES

Employees are responsible for keeping their personnel records updated. This includes but is not limited to education, experience, address, phone number and emergency notification information.

1007. REMOVAL OF MATERIAL FROM THE PERSONNEL RECORD

Disciplinary actions, which are the only type of documents that will be considered for removal, must remain in the employee's personnel file for a minimum of five (5) years.

Requests to remove disciplinary actions from an employee's personnel file must be submitted in writing to the department director that initiated the action or the current department director. If approved by the department director concurrence must also be obtained from the Human Resources Department Director prior to removing documentation from the employee's personnel file.

1008. RECORDKEEPING REQUIREMENTS

All other records having to do with hiring, promotion, demotion, transfer, layoff, or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship shall be preserved by the City for a period of three (3) years from the date of the making of the record or the personnel action involved, whichever occurs later.