

**STOREY COUNTY ADMINISTRATIVE
POLICIES AND PROCEDURES**

NUMBER 105
EFFECTIVE DATE: 05/06/08
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AUTHORITY: BOC
COUNTY MANAGER: PAW

SUBJECT: Personnel File & Confidential Information

1 PURPOSE: Guidelines to Contents of Employees Personnel File.

2 POLICY:

2.1 Identification of confidential information

The following types of personnel information and employment records concerning current employees, former employees, and applicants for employment that the employer maintains are confidential, as follows:

1. All information related to an employment application including, but not limited to, letters of reference, résumés, or his/her status as an applicant for employment.
2. All information that the employer received or compiled concerning the qualifications of an applicant or an employee including, but not limited to, reports by employers, law enforcement officials, or other individuals concerning the hiring, promotion, performance, conduct, or background of applicants or employees.
3. Ratings, rankings, scoring sheets, or remarks by members of an evaluation board or individual interviewer concerning an applicant or results from any testing or employment screening process.
4. Materials used during employment examinations including answers, rating guides, score sheets, etc., on any written exam or rating criteria for interviews.
5. Information in an employee's file or record of employment which relates to his/her:
 - Performance;
 - Salary history record including rates of pay and other forms of compensation;
 - Conduct, including any proposed or imposed disciplinary action taken;
 - Race, color, religion, ethnic identity or affiliation, age, gender, marital status, pregnancy, number and names of dependents, military/veteran status, living arrangements, membership in any organization, sexual orientation, domestic partnership, national origin, ancestry, genetic information, disability, gender identity or expression, political affiliation, , membership in the Nevada National Guard, any other class that becomes protected by federal and/or state law, date of birth, or social security number;
 - Past or present home address, telephone number, post office box, or relatives; and

- All information concerning the voluntary or involuntary termination of an employee, other than the dates of actual employment.
6. The name of an employee's/former employee's designated beneficiary.
 7. All medical information concerning an employee or application including, but not limited to:
 - Pre-employment and post-employment medical and psychological examinations;
 - Disability and documentation relating to reasonable accommodation requested or granted;
 - Drug, alcohol, and prohibited substances testing;
 - Genetic information;
 - Pregnancy, health care provider's certification, and other communication;
 - Subsequent Injury Fund Questionnaire; and
 - Any other medical information that an employee or applicant has voluntarily provided or the employer has requested.

Note: Notations of attendance sheets that an employee took sick leave are not a confidential record.

8. All information contained in a confidential investigation file. The employer must keep all information and documents pertaining to an investigation separate from other personnel and employment records ensuring privacy of all employees, witnesses, and other individuals involved. Access is limited to only those individuals with a demonstrable business need-to-know.
9. Grievance files that include notices, notes, and decisions of appeal will be maintained in a separate file with limited access to only those individuals with a demonstrable need-to-know.

2.2 Access to confidential information

Access to confidential records is restricted to the following unless specifically provide in a separate policy:

1. The names of members of an evaluation panel shall not be released, nor shall tests that are governed by confidentiality agreements be released. Access to the materials for an examination and information relating to an applicant that is relevant to a decision to hire that person; e.g., information described in item 1-4 listed above in Section A is limited to:
 - Employees with a need-to-know in order to fulfill the responsibilities assigned by employer;
 - The employer's manager/administrator, human resources director/manager, or his/her designee;
 - Persons authorized pursuant to any state or federal law or court order; i.e., governmental/legal/auditing/investigating agencies;

- Counsel retained by or on behalf of the employer; and
 - Any other parties with whom the employer has a contractual relationship in order to enable the employer to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the employer.
2. Access to an employee's personnel-related confidential file containing those items listed above in (Section 2.1, Items 5-9) is limited to:
- The employee;
 - The employee's representative when s/he presents a current signed authorization from the employee;
 - The employee's manager/supervisor, with a need-to-know, or as needed for a reasonable accommodation and human resources;
 - Persons authorized pursuant to any state or federal law or court order;
 - Counsel retained by or on behalf of the employer;
 - Employer's workers' compensation carrier in order to address a claim filed for workers' compensation; and
 - Any other parties with whom the employer has a contractual relationship in order to enable the employer to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the employer.
3. Access to an employee's confidential file containing those items listed above in (Section 2.1, item 10) is limited to.
- Supervisors and managers, regarding necessary restrictions and accommodations in the employee's duties;
 - First-aid and safety personnel;
 - Government officials investigating compliance with applicable laws, or requests;
 - State workers' compensation office officials;
 - Insurance company employees when the company requires a medical examination to provide health or life insurance (29 C.F.R. Section 1630.14(c)(1); and
 - Employer's workers' compensation carrier in order to address a claim filed for workers' compensation.

The results of a physical examination administered pursuant to NRS 617 may only be provided to:

- The examining physician;
- The employee;
- The Administrative Officer and/or Personnel Director, or his/her designee risk manager, and the insurer if an employee has filed a claim pursuant to NRS 617.

4. Access to an employee's personnel-related confidential file containing those items listed above in Section 2.1, items 8 and 9 is limited to:

- The employee's department head or supervisor, Administrative Officer and/or Personnel Director, or his/her designee;
- Persons authorized pursuant to any state or federal law or court order;
- Counsel retained by or on behalf of the employer; and
- Any other parties with whom the employer has a contractual relationship in order to enable the employer to respond accurately and fully to any lawsuit, complaint, grievance, or other statutory appeal filed by or on behalf of an employee or former employee against the employer.

RESPONSIBILITY FOR REVIEW: The County Personnel Director and/or Administrative Officer will review this policy every 5 years or sooner as necessary.