

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject PERSONNEL INFORMATION, RECORDS, AND FILES	Policy Number GC-9 Effective Date 01-03-24
Related Information Arizona Revised Statutes CP-2, <i>Code of Conduct</i> GC-4, <i>Employee Performance Appraisals</i> GC-4(S), <i>Employee Performance Management</i> GC-16, <i>Employee Grievance Procedures</i> GC-17, <i>Employee Disciplinary Procedures</i> GF-3, <i>Criminal History Record Information and Public Records</i> Maricopa County Policy A2101, Records Management Maricopa County Policy A2242, Patient's Rights Maricopa County Policy HR2429, ADA/ADAAA Reasonable Accommodations for Applicants and Employees Maricopa County Policy HR2435, Pre-Employment Background Investigations	Supersedes GC-9 (05-29-15)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for a standardized system of accountability related to the secure storage, access, release, maintenance, and disposition of Office personnel information, records, and files.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

POLICY

It is the policy of the Office to maintain current and accurate records for each Office employee. The Office and the Maricopa County Human Resources Department share the responsibility for the retention and release of employee records. To ensure the confidentiality and preservation of records, all Office personnel information, records, and files shall be maintained and stored in a physically secure location when not being processed or reviewed. Access to Office personnel information, records, and files are restricted, as specified in this Office Policy.

DEFINITIONS

Background File: Records for each applicant, maintained by the Pre-Employment Services Division, containing information collected during the hiring process.

Confidential Information and Records: Some information and records, which fit within the definition of "public records and other matters," may be withheld from public scrutiny because they are considered confidential. Information and records may be designated confidential by law, statute, or court decisions. In limited cases, information and records may be designated confidential by Office Policy, and with consultation and approval from the Civil Division of the Maricopa County Attorney's Office.

Criminal History Record Information (CHRI): Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision

and release. The term does not include identification information such as fingerprint records if such information does not indicate the individual's involvement with the criminal justice system.

Division File: Records for each employee, maintained at the division level, containing current information necessary for Employee Performance Appraisals, assignment decisions, and other management functions.

Employment Information: Information which is not necessarily maintained in the Background, Personnel, or Division Files. This information includes, but is not limited to, salary, position title, and dates of employment.

Form I-9 Documents: This includes the federal Form I-9, located on the Department of Homeland Security website at <https://www.uscis.gov/I-9>, as well as any document an employee submits to demonstrate their authorization to work in the United States. There is a list of documents an employee may submit to demonstrate authorization to work on page 3 of 3 of the Form I-9. Any document contained on the page is a Form I-9 document if it was submitted to comply with the Form I-9 process and for no other purpose.

Individually Identifiable Health Information (IIHI): Any information, whether oral or recorded in any form or medium, which is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse, which identifies an individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual, and which: relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

Permanent Employee Record: A record which is kept indefinitely upon separation of employment and includes, the Personnel File, Background File, and applicable Division and Training File records.

Personnel File: Records for each employee maintained by the Human Resource Services Division, containing past and present information collected during the term of employment.

Public Records: Records maintained by public agencies, which are reasonably necessary to provide information regarding activities undertaken in furtherance of their statutory duties. Public agencies are required by law to keep public records in such a manner which is subject to public inspection. Limitations to open disclosure are based on the balance between the public's right to openness in government, and considerations of confidentiality of information, privacy of persons, or concern about disclosure detrimental to the best interests of the county or state.

Protected Health Information (PHI): IIHI which is transmitted by electronic media, maintained in electronic media or transmitted or maintained in any other form or medium. PHI excludes education records covered by the Family Educational Rights and Privacy Act, records described in 20 U.S.C. §1232g(a)(4)(B)(iv), IIHI regarding a person who has been deceased more than 50 years, and employment records held by a covered entity in its role as employer.

Training File: Records for each employee, maintained by the Training Division, containing Office sanctioned training records, and other applicable training information.

PROCEDURES

1. **Office Personnel Information:** Personnel information, records, and files shall be maintained on all Office employees, and reserve deputy and posse member volunteers. Accountability for employee information, records and files shall be followed, as specified in this Office Policy.
 - A. Personnel information, records, and files for employees are maintained at various Office divisions to include, but are not limited to, the Human Resource Services Division, the Pre-Employment Services Division, the Employee Retention and Performance Division, and the Training Division.

- B. Personnel files for reserve deputy and posse member volunteers are maintained at the Enforcement Support Division.
 - C. Personnel information and records shall be maintained in the following Office files:
 - 1. Personnel File;
 - 2. Division File;
 - 3. Training File; and
 - 4. Background File.
2. **Personnel File:** Personnel Files are located and shall be maintained by the Human Resource Services Division.
- A. **Personnel File Contents:** An employee's Personnel File shall contain various documents and information relating to the employee's term of employment to include, but not limited to, the following:
 - 1. Employee Performance Appraisals (EPAs);
 - 2. Commendations and awards;
 - 3. Documentation of disciplinary actions, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*; and
 - 4. Letters of promotion, demotion, and transfer approvals.
 - B. **Personnel File Access:** Access to a Personnel File shall be granted to an individual who is the subject of the file or an individual who has written authorization for the release of information from the employee. Access to a Personnel File may be granted to Office employees and other law enforcement agencies who are conducting official business. The Sheriff, Chief Deputy, Chief of Administration, or designees, a bureau chief, the Human Resource Services Division, the Employee Retention and Performance Division, or the Administrative Services Division may have access to a Personnel File and may grant access to a Personnel File.
 - 1. Those who may otherwise be granted access to a Personnel File include, but are not limited to, the following:
 - a. The employee's division commander;
 - b. The employee's immediate supervisor;
 - c. Professional Standards Bureau (PSB) personnel when the employee is the subject of an administrative investigation; and
 - d. Maricopa County Attorney's Office (MCAO) Civil Division personnel, through the Legal Liaison Section (LLS) of the Administrative Services Division, for use in the defense of civil lawsuits or employee appeals.

2. At no time shall the Personnel File leave the immediate area of the Human Resource Services Division, the Employee Retention and Performance Division, or the Administrative Services Division. except as requested by the Sheriff, Chief Deputy or designee, or a bureau chief. A bureau chief may, after advising the Human Resource Services Division, check out a Personnel File for a period of five business days. If additional time is needed, this period can be extended for five additional business days upon notification to the Human Resource Services Division.
3. **Division File:** Division Files are located and shall be maintained in an administrative area location at their assigned division.
 - A. **Division File Contents:** An employee's Division File shall contain copies of documents and information relating to the employee's current assignment which is necessary for Employee Performance Appraisals, assignment decisions, and other management functions to include, but not limited to, the following:
 1. EPAs;
 2. Commendations and awards;
 3. Documentation of disciplinary actions, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*;
 4. Letters of promotion or demotion; and
 5. Memorandums, documentation, or other correspondence from the employee or their supervisor, at the discretion of the supervisor.
 - B. **Division File Maintenance:** Division Files are maintained by division supervisory staff as follows:
 1. Division Files may be maintained at the section level if the section is separated by distance from the division headquarters.
 2. When an employee is transferred to a different division the employee's Division File will be transferred to their new division commander.
 3. Division Files of employees no longer employed by the Office shall be sent to the Human Resource Services Division for confirmation of the employee's employment termination. After confirmation of the employee's employment termination, the file shall be forwarded to the Pre-Employment Services Division for appropriate retention or disposal, as specified in this Office Policy.
 - C. **Division File Access:** Access to a Division File shall be granted to an individual who is the subject of the file or an individual who has written authorization for the release of information from the employee. Access to a Division File may be granted to Office employees and other law enforcement agencies who are conducting official business. The Sheriff, Chief Deputy, Chief of Administration or designees, a bureau chief, the employee's division commander, the Human Resource Services Division, or the Administrative Services Division may have access to a Division File and may grant access to a Division File.
 1. Those who may otherwise be granted access to a Division File include, but are not limited to, the following:

- a. The employee's chain of command;
 - b. Office personnel who need the information in the performance of their duties as approved by the employee's division commander; and
 - c. MCAO Civil Division personnel, through the LLS of the Administrative Services Division, for use in the defense of civil lawsuits or employee appeals.
4. **Training File:** Training Files are located and shall be maintained by the Training Division.
 - A. **Training File Contents:** An employee's Training File shall contain documents and information relating to the employee's training records, and other applicable training information to include, but not limited to, the following:
 1. All Office sanctioned training records;
 2. Career specialty training records;
 3. Proficiency examination results; and
 4. Other applicable training records, certificates, diplomas, or professional license records related to Office employment.
 - B. **Training File Maintenance:** Training Files of employees no longer employed by the Office shall be sent to the Human Resource Services Division for confirmation of the employee's employment termination. After confirmation of the employee's employment termination, the file shall be forwarded to the Pre-Employment Services Division for appropriate retention or disposal, as specified in this Office Policy.
 - C. **Training File Access:** Access to a Training File shall be granted to an individual who is the subject of the file or an individual who has written authorization for the release of information from the employee. Access to a Training File may be granted to Office employees and other law enforcement agencies who are conducting official business. The Sheriff, Chief Deputy, Chief of Administration or designees, a bureau chief, the Human Resource Services Division or the Administrative Services Division may have access to a Training File and may grant access to a Training File.
 1. Those who may be granted access to a Training File include, but are not limited to, the following:
 - a. Training Division personnel;
 - b. Training Division's chain of command;
 - c. The employee's chain of command; and
 - d. MCAO Civil Division personnel, through the LLS, of the Administrative Services Division, for use in the defense of civil lawsuits or employee appeals.
5. **Background File:** Background Files are located and shall be maintained by the Pre-Employment Services.
 - A. **Background File Contents:** An employee's Background File shall contain documents and information relating to the employee's pre-employment process and other applicable background

information specific to the position the employee applied for to include, but not limited to, the following:

1. A copy of the application for employment;
2. Background questionnaire and investigation results, including polygraph examinations and Criminal History Record Information (CHRI);
3. Results of pre-employment medical and psychological examinations; and
4. Confidential information including, but not limited to:
 - a. Documents which establish a record of identification and employment authorization such as a Birth Certificate; Social Security Card; Certificate of Naturalization; Native American Tribal Document; Driver's License or Identification Card; U.S. Passport; Permanent Resident Card; or any other authorized federal Form I-9 document.
 - b. Documents which establish a record of military service and/or professional license such as a U.S. Military ID; military service DD Form 214 or NGB Form 22; record of prior state or federal peace officer certification; record of prior state, city, federal, or private detention or corrections certification; or any other professional license or certification issued by a governmental agency or regulatory/certification board.
 - c. Documents which establish a record of education or competency such as a high school diploma or recognized equivalent diploma, certificate, or transcript; General Education Development (GED) examination certificate; degrees or transcripts from an institution of higher education such as a university or college; or any other professional studies certificate issued by an academic institution, business, trade association, or other industry group.
 - d. Documents which establish legal proceeding, ruling, investigative finding, authorization, or restriction such as a marriage license; divorce decree; restoration of civil rights; professional license sanction; decree of censure; Motor Vehicle Record (MVR); or credit reports.

B. Background File Access: Strict control over access to Background Files shall be maintained by the Pre-Employment Services Division. Limited personnel outside the Pre-Employment Division may have access to these files and each access shall be documented and tracked until the file is returned. The following personnel may remove Background Files from the Pre-Employment Services Division:

1. The Sheriff, Chief Deputy, Chief of Administration or designees;
2. A bureau chief;
3. The Administrative Services Division; and
4. The Professional Standards Bureau.

6. **Confidential Information, Protected Health Information, and Criminal History Records:** Employees shall comply with all federal and state laws regarding the collection, storing, release and disposal of

confidential information, such as the Americans with Disabilities Act Amendments Act (ADAAA), the Fair and Accurate Credit Transactions Act (FACTA), and the Health Insurance Portability and Accountability Act (HIPAA), as applicable to HIPAA privacy and security rules for records managed by the Occupational Safety Division.

- A. All confidential information and records to include, but not limited to, protected health information provided for leave management, modified duty, or accommodation purposes; personal identifying information, and information obtained from the background investigation process shall be kept strictly confidential, to the extent permitted by law.
 - 1. Employee medical information and records provided for leave management, modified duty, or accommodation purposes shall be maintained in a file separate from employees' Personnel File, with access limited to designated Human Resources Bureau personnel.
 - 2. Medical information and records submitted from health care providers and/or forwarded by employees, such as health information collected in support of managing leave, modified duty, accommodations under the ADA and FMLA, shall be submitted directly to the Leave Management Section (LMS), of the Employee Retention and Performance Division.
 - B. Employees shall only discuss or disclose sensitive law enforcement or confidential information, as specified in Office Policy CP-2, *Code of Conduct*.
 - C. Employees shall not release or disseminate Criminal History Record Information (CHRI) on any individual, except as specified in Office Policy GF-3, *Criminal History Record Information and Public Records*.
7. **Discipline Contents:** An employee shall be notified prior to any documents of a disciplinary nature being placed into their employee personnel records and files, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*. The Office shall retain all records which are reasonably necessary or appropriate to maintain an accurate knowledge of disciplinary action involving employees of the Office, including the employee's responses to all disciplinary actions, as specified in ARS 39-128.
8. **Employee Review of File Content:** Access to personnel records and files shall be granted to the extent permitted by law and Office Policy. An employee's personnel records and files may be requested by the employee and completed as follows:
 - A. A request for file review may be submitted by the employee through a memorandum of request or by email to the designated division responsible for the maintenance of the file, as specified in this Office Policy.
 - B. The designated division personnel authorized to access and maintain the file shall schedule a time and location for the employee to review the contents of the file.
 - C. At no time shall personnel records maintained in the file leave the immediate area of the division unless otherwise approved, as specified in this Office Policy.
9. **Challenging File Content:** An employee may challenge any information contained in their personnel records and files by the following review processes:
 - A. The Administrative Review process, as specified in Office Policies GC-4, *Employee Performance Appraisals* and GC-4(S), *Employee Performance Management*;

- B. The Disciplinary Appeals process, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*; or
 - C. The Grievance Procedure process, as specified in Office Policy GC-16, *Employee Grievance Procedures*.
10. **Purging File Content:** Certain information, excluding separation notices, EPAs, and discipline, may be purged from Personnel Files and/or Division Files.
- A. The division commander shall ensure all material over five years old is purged annually from an employee's Division File, with the exception of the records identified in this section. Material purged from a Division File shall be returned to the employee who is the subject of the file.
 - B. An employee wishing to have material purged from their Personnel File may submit a memorandum of request, through the chain of command, identifying the material to be purged.
 - 1. The division commander shall verify the material described in the request meets purging criteria.
 - 2. Purging of a Personnel File requires the approval of the Chief Deputy.
11. **Public Records Requests and Release of Information:** Upon receipt of a Public Records Request, the LLS may provide a redacted copy of personnel information, records, and files, as specified in Office Policy GF-3, *Criminal History Record Information and Public Records*. Personnel information, records, and files may include, but are not limited to, the following:
- A. Personnel File; however if the request is not from the employee or the employee's counsel, the employee shall be notified of the release;
 - B. Division File;
 - C. Training File; and
 - D. Employment information for current employees.
12. **Requests for Employment Information:** The Office and the Maricopa County Human Resources Department share the responsibility for the retention and release of employment information. Requests for information concerning a current or former employee's term of employment are processed as follows:
- A. Other law enforcement agencies requesting information about current or former employees or any applicants, shall be referred to the Pre-Employment Services Division.
 - B. Organizations, other than law enforcement agencies, requesting employment information on past employees, shall be referred to Maricopa County Human Resources Department.
 - C. Current employees in need of employment verification letters or Public Service Loan Forgiveness Forms (PSLF) may obtain them on-line through the Experian uConfirm employment and income verification portal at: www.experian-uConfirm-verify.
 - 1. Employment verification letters and reports are often provided for reasons including, but not limited to:

- a. Validating employment information;
 - b. Government assistance programs and services;
 - c. Travel/Visa purposes;
 - d. Housing/Rental applications;
 - e. Mortgage applications; and
 - f. Job applications.
2. Commercial verifiers on behalf of employees, such as mortgage companies and banks, will need to contact uConfirm for direct completion of verifications.
- D. Current employees requesting detailed employment information shall be referred to the Human Resource Services Division.
1. Requests for detailed employment information and or letters of reference, may be submitted by employees to the Human Resource Services Division through e-mail or memorandum. Letters of reference are often provided for programs including, but not limited to:
 - a. Academic programs;
 - b. Specialized training programs;
 - c. Naturalization proceedings; and
 - d. Employment verification, other than information related to employee leave, modified duty, accommodations or application for disability, which shall be requested directly from the Leave Management Section of the Employee Retention and Performance Division.
 2. The request shall include the employee's full name, serial number, the reason for the request, to whom the letter is to be addressed, and the contact mailing or email address where the information or letter is to be sent.
- E. Former employee's requests or inquiries about reinstatement or rehire status, shall be referred to the Pre-Employment Services Division.
- F. Retired Maricopa County Sheriff's Office law enforcement officers requesting documentation under the Law Enforcement Officers' Safety Act (LEOSA) shall be referred to the Human Resource Services Division.
13. **Office Records Retention:** Office Records shall be retained and disposed of in compliance with the Arizona State Department of Library, Archives, and Public Records policies.
- A. Permanent Employee Records shall be maintained in compliance with federal and state laws, Maricopa County policies, or any lawful orders issued by the Superior Court.
 - B. Confidential records shall be securely shredded, and records of a non-confidential nature may be recycled. Electronic records, which shall be properly retained in acceptable electronic or other

recordkeeping systems, must be completely destroyed in a cost effective manner as soon as practicable after their scheduled retention period ends, as specified in Maricopa County Policy A2101, Records Management.