

	Policy: Records & Reports	Effective Date: May 19, 1992
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	Policy Number: HR-22	Page 1 of 3
	<u>Jerry E. Cox</u> Jerry E. Cox, City Manager	<u>Human Resources</u> Responsible Party

PUBLIC INFORMATION

(A) In compliance with G.S. § 160A-168, the following information with respect to each city employee is a matter of public record:

- (1) Name;
- (2) Age;
- (3) Date of original employment or appointment to the service;
- (4) Current position title;
- (5) Current salary;
- (6) Date and amount of the most recent increase or decrease in salary;
- (7) Date of the most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- (8) The office to which the employee is currently assigned.

(B) Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the city may adopt.

ACCESS TO CONFIDENTIAL INFORMATION

(A) All information contained in a city employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- (1) The employee or his or her duly authorized agent may examine all portions of his or her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- (2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (3) A city employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.

(5) An official of an agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such inspection is deemed by the City Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

(6) An employee may sign a written release to be placed in his or her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

(7) The City Manager, with the concurrence of the City Council, may inform any person of the employment, nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee, and the reasons for that action. Before releasing that information, the City Manager shall determine in writing that the release is essential to maintaining the level and quality of city services. The written determination shall be retained in the City Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

(B) The City Council shall establish procedures for all personnel files containing information other than the public information mentioned above whereby an employee who objects to material may seek to have the material removed from the file or may place in the file a statement relating to the material.

ADMINISTRATION OF PERSONNEL FORMS AND RECORDS

The City Manager, assisted by the Human Resources Director, will prescribe necessary forms and reports for all personnel actions. The Human Resources Director will retain records necessary for the proper administration of the personnel system.

RECORDS OF FORMER EMPLOYEES; EMPLOYEE REMEDIES

(A) The provisions for access to records apply to former employees as they apply to present employees.

(B) An employee who objects to material in his or her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

UNAUTHORIZED ACCESS TO CONFIDENTIAL RECORDS PROHIBITED

G.S. § 160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

EXAMINING OR COPYING CONFIDENTIAL MATERIAL PROHIBITED

G.S. § 160A-168 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

DESTRUCTION OF RECORDS REGULATED

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. § 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever, alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in G.S. Chapter 132.3.