

STATE OF ALASKA
 DEPARTMENT OF ADMINISTRATION
 DIVISION OF PERSONNEL
 STANDARD OPERATING PROCEDURE

Employee Records

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Addenda

[Addendum A](#) Request and Certification by State of Alaska
 Employee for Routine Access to Personnel Records
 (Note: 2 sided)

[Addendum B](#) An Agreement for Release of Confidential
 Information

[Addendum C](#) Personal Authorization for Release of
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I. Types of Records

A. Purpose

This section describes the types of records that reside in the Employee Records Unit and the contents found in each type of record.

B. Scope

This section applies to the official personnel records and position records for the State's classified and partially-exempt executive branch service.

C. Authority

AS 39.25.080, Personnel Records Confidential; Exceptions
AS 39.25.150 (14), Scope of the Rules
2 AAC 07.910, Personnel Records
2 AAC 07.121, Records, Maintenance of Documents

D. Overview

1. Two types of records reside in the Employee Records Unit.
 - a. Personnel Records
 - 1) Non-medical
 - 2) Medical
 - b. Position Records
Also known as PCN (Position Control Number) Records
2. The contents for each record type consist of the following:
 - a. Personnel Records
 - 1) Non-medical
 - Personnel Actions (PAs)
 - Performance Evaluations
 - Nepotism Waivers
 - Training Course Completion Notices
 - Kudos
 - Disciplinary Actions
 - I-9 Forms

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- Applicant Profiles
 - Job Qualification Summaries
 - Drug Free Workplace Act Forms
 - Office Technology Policy Forms
 - Applicant Certification Forms
 - Job Service Referral Cards
 - Union Referrals
 - Department of Labor & Workforce Development, Division of Vocational Rehabilitation (DVR) Referrals (**no** medical information should be included in these referrals)
 - Memos for approved leaves and absences
- 2) Medical
- Workers' Compensation Forms
 - Workers' Compensation Correspondence
 - Medical Reports
 - Doctors' Notes
 - Certification of Health Provider Forms
 - Confidential information regarding an employee's medical history
- b. Position Records
- Allocation memos
 - Position Descriptions (PDs)
 - Flex Training Plans
 - Other historical accounts of PCNs and job classes
- NOTE: Confidential information is excluded from these files.

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II. Submitting Documents to Files

A. Purpose

The purpose of this section is to provide requirements for submitting documents to the Employee Records Unit.

B. Scope

This section applies to the documents defined in Section I of this SOP.

C. Authority

AS 39.25.080, Personnel Records Confidential; Exceptions
AS 39.25.150, Scope of the Rules
2 AAC 07.910, Personnel Records
2 AAC 07.295 (e), Personnel Evaluation
ADA Title I, 42 U.S.C 12101, CFR 1630 b (1), Medical Records

D. Procedure

1. Personnel Documents

Steps for submitting documents:

a. Non-medical documents

- 1) The Departmental Human Resource office submits original documents to the Employee Records Unit.
- 2) Incoming documents are reviewed for appropriateness, completeness, and applicable attachments.
- 3) Completed documents are filed.
- 4) Incomplete or non-applicable information is returned to the initiating department.

b. Medical Documents

- 1) Medical files are maintained by the employing agency.
- 2) Upon an employee's separation or transfer to another department, the department human resource office submits the entire file to the Employee Records Unit.
- 3) Medical Files **MUST** be maintained separately from the personnel files.
- 4) The new employing agency must request the medical file from Records only when business requires.

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2. Position Documents

Steps for submitting documents:

- a. The Departmental Human Resource office submits original documents to the Division of Personnel Classification Section.
- b. After processing, the Division of Personnel Classification Section submits the original documents to the Employee Records Unit.

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III. Records Access

A. Purpose

The purpose of this section is to provide requirements for access to public and confidential information contained in the Employee Records Unit.

B. Scope

This section applies to the official personnel records of current and former employees of the State classified or partially exempt service and Workplace Alaska application records.

C. Authority

AS 39.25.080, Personnel records confidential; exceptions
2 AAC 07.910, Personnel Records
6 AAC 96.100-460, Public Information
ADA Title I, 42 U.S.C. 12101, CFR 1630.14 b, Medical Records

D. Response Time for Requests/Charges (if applicable)

1. Every effort will be made to honor appropriate requests for records. When an immediate response is not practical, the records will be provided as soon as possible but not later than the 10th working day after the Division of Personnel receives the request. The response time may vary according to the availability of staff and the difficulty in locating and compiling the requested information.
2. Based upon the amount of material requested and the difficulty in obtaining the material, a fee may be charged for the labor cost associated with providing the material requested. The first 10 hours of time will be at the expense of the State. In accordance with 6 AAC 96.360, the requestor will be charged for all costs associated with the search which exceed 10 hours.
3. A fee of \$.25 per page will be charged for copying documents available for public inspection. However, the copying fee may be waived for fees of less than \$5.00.

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E. Public information

1. Public Information in personnel records, as defined in AS 39.25.080, consists of:

a. Non-medical

- The names and position titles of all state employees;
- The position held by a state employee;
- Prior positions held by a state employee;
- Whether a state employee is in the classified, partially exempt or exempt service;
- The dates of appointment and separation of a state employee;
- The compensation authorized for a state employee.

b. Medical

- No information is public

2. Position Records

- Position descriptions
- Allocation memoranda
- Flexible staffing training plans
- Organizational charts
- Classification study memoranda

3. Access to Public Records

Public information will be provided to any person upon request, within a reasonable period of time. A request for public information may be made in person, writing, electronically, or by telephone.

F. Confidential Information

Confidential information is released only under appropriate circumstances to authorized individuals.

1. Personnel Records

a. Non-medical

- All information is confidential except that which is specified in E (1) (a) above.

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b. Medical

- All information is confidential.

NOTE: Medical information associated with workers' compensation cases is governed by AS 23.30.

2. Position Records

- No information is confidential

3. Routine Access to Confidential Records

Routine access is limited to those employees who must use State personnel records in order to perform their regular ongoing assigned job duties.

a. Employees who may be granted routine access include:

- 1) Department Human Resource Managers and staff
- 2) Division of Personnel staff
- 3) Staff of other divisions within the Department of Administration whose Director or designee has certified the need for routine access
- 4) Other state agencies in accordance with 2 AAC 07.910

NOTE: The Department of Law needs to be contacted if there is an employee-initiated litigation.

b. Steps for obtaining routine access:

- 1) The employee obtains and completes a REQUEST AND CERTIFICATION BY STATE OF ALASKA EMPLOYEES FOR ROUTINE ACCESS TO PERSONNEL RECORDS form (Addendum A).
- 2) Employee submits completed form to their department human resource office.
- 3) The Human Resource Manager signs the completed form and sends it to the Division of Personnel.
- 4) The Director of the Division of Personnel either approves or denies the routine access.
- 5) The Employee Records Unit maintains the original completed form.

4. Special Access to Confidential Records

Other agencies may obtain authorized access through statutes or regulations on the State or Federal level.

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- a. This group includes:
 - 1) Department of Labor/Division of Employment Security
 - 2) Department of Revenue/Division of Child Support Enforcement
 - 3) Human Rights Commission (2 AAC 07.910(c)(3))
 - 4) Legislative Audit
 - 5) Federal Bureau of Investigations

 - b. Steps for obtaining special access:
 - 1) The requesting agency completes an AGREEMENT FOR RELEASE OF CONFIDENTIAL RECORDS form (Addendum B) in the Employee Records Unit.
 - 2) The agency submits the completed form to the Employee Records Unit.
 - 3) The Employee Records Unit either approves or denies the special access.
 - 4) The Employee Records Unit maintains a copy of the current forms.
5. One-time Access to Confidential Records
- Any employee or former employee or applicant for employment has the right to examine their own personnel files (see AS 39.25.080 (c)) and may request that any other person be granted access to their files. If Addendums B and C are used, access will be granted for no longer than 45 days from the date of the authorization unless specified for a longer period by the person whose records are being accessed.
- a. Examples of employees from agencies that may request access under this section:
 - 1) Representatives from the Office of the Ombudsman (AS 24.55.160(a)(4) and (b)) NOTE: written access request may not be required
 - 2) Employees of the legislative and judicial branches (Legislative Audit: AS 24.20.271(6) and AS 24.20.301(a)) NOTE: written access request may not be required
 - 3) Members of the public
 - 4) Other government authorities
 - 5) Worker's Compensation Insurance Adjuster
 - 6) Union Representative
 - 7) Personal Representative

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- b. Steps for obtaining one-time access:
- 1) Access with Written Authorization
 - i) An employee, former employee, or applicant for employment must provide a signed written consent to the Employee Records Unit.
 - ii) The Employee Records Unit either approves or denies the one-time access.
 - iii) Copies of consent forms are maintained by the Employee Records Unit.
 - 2) Access with a Release
 - i) The requesting agency must submit to the Employee Records Unit either: a PERSONAL AUTHORIZATION FOR RELEASE OF CONFIDENTIAL RECORDS form (Addendum C) OR a release containing the following information to the Employee Records Unit:
 - What information is being accessed
 - Employee signature and date
 - A statement releasing the employer/records keeper from liability for releasing information
 - If photocopy is presented, there must be a statement that the copy carries the full authority of the original
 - If there is no time period of validity of the release stated on the form, then one year from the date the employee signs the release will serve as the expiration date.
 - ii) The Employee Records Unit either approves or denies access with a release.
 - iii) A copy of the release is maintained in the Employee Records Unit

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3) Access with a Court Order

i) The requesting agency must submit to the Employee Programs Manager either:

- a release form containing the information identified in 5 (b) (2) or
- Addendum C and a subpoena that the agency is authorized by law to issue to the Employee Programs Manager.

NOTE: The civil division of the Dept. of Law must be promptly consulted if a subpoena is received without a release, including a subpoena from a court. The time frames for responding to such subpoenas is often short, and the Department of Law may need to correspond with the party who requested the subpoena or lodge an objection. However, the Attorney General has determined that the state must honor grand jury subpoenas for personnel records. If an agency receives a federal grand jury subpoena, the agency should consult the Department of Law immediately. It should be noted that notification of the employee may not be permitted in this situation.

- ii) The Employee Programs Manager verifies the subpoena. (The Dept. of Law may be contacted)
- iii) The Employee Programs Manager approves or denies access with a subpoena.
- iv) The Division of Personnel will make every reasonable effort to notify any individual whose file has been accessed by a subpoena, where applicable (e.g. the Office of the Ombudsman).
- v) A copy of the subpoena is maintained in the Employee Records Unit.

6. Union Access

The various collective bargaining agreements authorize union representatives to have access to records maintained by the Division of Personnel and operating departments.

a. Steps for obtaining union access:

- 1) Review the applicable controlling bargaining unit language
- 2) Please refer to #5, One-time Access, for instructions on obtaining access

7. Authorization with a Court Order

Employees of certain agencies may require special access.

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- a. Steps for obtaining access:
- 1) The requesting agency must contact the Employee Programs Manager
 - 2) The Employee Programs Manager verifies the Court Order.
(The Dept. of Law is contacted)
 - 3) The Employee Programs Manager either approves or denies authorization with a court order.
 - 4) The Division of Personnel will make every reasonable effort to notify any individual whose file has been accessed by a court order (unless such notification will cause harm to the State of Alaska or the United States)
 - 5) The Employee Records Unit maintains copies of court orders.

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