

ADM-11.29, "Employee Record Maintenance and Confidentiality of Information" July 1, 2004

SCDC POLICY

NUMBER: ADM-11.29

TITLE: EMPLOYEE RECORD MAINTENANCE AND CONFIDENTIALITY OF INFORMATION

ISSUE DATE: December 6, 2022

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

POLICY MANUAL:ADMINISTRATION

SUPERSEDES: ADM-11.29 (July 1, 2004)(February 1, 2001)

RELEVANT SCDC FORMS/SUPPLIES: S-22, 16-5

ACA/CAC STANDARDS:3-ACRS-1C-14, 3-ACRS-1C-15, 3-4065, 3-4066

STATE/FEDERAL STATUTES:

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

PURPOSE:To provide guidelines for the maintenance and confidentiality of employee files.

POLICY STATEMENT: The South Carolina Department of Corrections will maintain files and records on all Agency employees, including personnel, leave and attendance, payroll, medical, and training records (on CRT). Employee files will remain confidential and information will only be released to individuals other than the employee for duly authorized SCDC purposes or if a court of competent jurisdiction orders such disclosure. (3-ACRS-1C-14, 3-4065)

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### SPECIFIC PROCEDURES:

#### 1.PERSONNEL FILES:

1.1 Individual personnel files will be established for each employee at the time of his/her initial hire and will be actively maintained during his/her tenure. Each file will include, but not be limited to, the following information:

Information includes employment applications, letters of recommendation, employee awards, resumes, performance appraisals (EPMS), Employee Profile, insurance information, dual employment information, resignation and termination records, correspondence, and other related information.

1.2The Division Director of Human Resources or designee will be responsible for the maintenance of all personnel files for all non-institutional staff, Division Directors, Wardens, and institutional Human Resource Coordinators. All other active employee personnel files will be maintained by the Human Resource Coordinators or designated liaison at the institution and where the employee is permanently assigned.

1.3When an employee transfers to another location, his/her personnel file will be transferred.

## 2.LEAVE AND ATTENDANCE FILES:

2.1 Separate leave and attendance files will be established for each employee at the time of his/her initial hire and will be actively maintained during his/her tenure. These records will include all documentation required in SCDC Policy ADM-11.08, "Employee Leave."(3-ACRS-1C-14, 3-4065)

2.2The Division Director of Human Resources or designee will be responsible for the maintenance of all leave and attendance files for all members of the Director's staff, Division Directors, Wardens, and Human Resource Coordinators. All other active employee leave files will be maintained by the Human Resource Coordinators or designated record keeper at the institution/division or area where the employee is permanently assigned. The record keepers in these areas will be responsible for coordinating leave record activity with the Division of Human Resources.

2.3When an employee transfers to another location, his/her leave and attendance file will be transferred.

## 3. PAYROLL FILES:

3.1 Separate payroll files will be established for each employee at the time of his/her initial hire and will be actively maintained during his/her tenure. Payroll records will include information regarding the employees benefits and all documentation required by SCDC Policy ADM-11.03, "Employee Compensation," and SCDC Policy ADM-11.31, "Position Classification."(3-ACRS-1C-14, 3-4065)

3.2The Division Director of Human Resources or designee will be responsible for the maintenance of active payroll files for all SCDC employees.

## 4. MEDICAL FILES:

4.1 Separate medical files will be established for each employee at the time of his/her initial hire and will be actively maintained during his/her tenure. Medical files will include documentation regarding the employees tuberculosis screening, pre-employment physical, emergency data card, etc.(3-ACRS-1C-14, 3-4065)

4.2The Division Director of Human Resources or designee will be responsible for the maintenance of all medical files for all members of the Director's staff, Division Directors, Wardens, and Facility Human Resource Coordinators. All other active medical files will be maintained by the Human Resource Coordinators or designated individual at the institution/division or location where the employee is permanently assigned. The record keepers in these areas will be responsible for coordinating medical record activity with the Division of Human Resources.

4.3When an employee transfers to another location, his/her medical file will be transferred.

## 5. TRAINING FILES:

5.1 Training files will be maintained electronically in the CRT. The Division of Training and Staff Development will be responsible for updating the electronic file. (NOTE: Prior to July 1, 1997, training files were maintained manually.)

5.2 Individual training files established on employees hired prior to July 1, 1997, will be stored at the individual work location and moved when the individual transfers from one work location to the next. (NOTE: These files will not be updated after July 1, 1997. Rather, any additional training the employee receives will be recorded as stated above in 5.1.)

6. DISCLOSURE OF INFORMATION: All inquiries or requests for information on active or inactive employees must be made to the Division Director of Human Resources or designee. Information may be provided as follows:

6.1 Information contained in employee records will be disclosed only to those managers of the Agency and other employees who have a duly authorized purpose. This purpose must be in relationship to the conduct of the Agency's mission and/or operations. Persons requesting such official employee records must conform to all safeguarding procedures established by the Division of Human Resources. (3-ACRS-1C-14, 3-4065)

6.2 Any person requesting information (other than those specified in Section 6.1 above, and 6.3 below) may submit a verbal or written request to the Division Director of Human Resources or designee during regular business hours (8:30 A.M. - 4:30 P.M., Monday through Friday). If the record is not available at the time a request is made, the Division Director of Human Resources or designee will notify the requestor in writing within five (5) working days to advise him/her of the circumstances and to set a reasonable date when the record will be available. Information that can be released upon request to persons other than those specified in Section 6.1, above, or 6.3, below, includes the employees:

- date of hire;
- salary range;
- pay band and level;
- job title; and
- work location.

(NOTE: Additional information will only be released upon the written consent of the employee or if a court of competent jurisdiction orders such disclosure.)

6.3 The Division Director of Human Resources will approve any official job reference information released to prospective employers. The following information will be provided to prospective employers who submit a written request for information on a current or former employee, with or without the individual's signed release:

- date of hire;

- salary;
- pay band and level;
- job title;
- work location;
- eligibility for rehire, if applicable; and
- reason that the employee is no longer employed by the Agency, if applicable (e.g., resigned, resigned in lieu of termination [with reason for this action], termination [with reason for termination]).

6.4The Department of Corrections will approve the release of any information in accordance with SCDC Policy GA-02.04, "Freedom of Information Act Requests." Such information must only be provided and authorized by the Division Director of Human Resources or designee and the General Counsel's Office.

## 7. INFORMATION REVIEW/EXCLUSION/REMOVAL:

7.1 Activeemployees will be permitted to review their official employee files upon verbal request to the Human Resource Coordinator or designated liaison to ensure that the file is current and to check for omissions or inaccuracies. If an employee believes his/her file contains inaccurate information or if information is missing from the file, the employee may submit a request for changes to the Employee Relations Branch, Division of Human Resources. The employee should attach copies of any documentation that may assist in correcting the file. The Division Director of Human Resources/designee will review this request and approve or disapprove the changes. (3-ACRS-1C-15, 3-4066)

7.2Corrective action forms or documents related to official corrective actions, i.e., written warnings, reprimands with action, probation, suspensions, etc., may not be removed from an employees personnel file except as authorized by the Employee Relations Branch, Division of Human Resources. (See SCDC Policy ADM-11.04, "Employee Corrective Action.")

7.3Special documentation not generally associated with normal work situations, i.e., investigations, outside criminal investigations, etc., will not be placed in the employees file unless specifically designated for inclusion by the Agency Director.

8.TRANSFERRING FILES: When a file is transferred due to an employees termination, resignation, request for review, or any other purpose, the transfer will be documented by the sender using SCDC Supply S-22, "File Transmittal Form."

9.INACTIVE EMPLOYEE FILES: When an employee is terminated, resigns, retires, or leaves the Agency for any other reason, his/her files must be immediately forwarded to the Division of Human Resources. All files, to include the employees personnel, leave and attendance, training, and medical files must be forwarded by staff of the appropriate area using SCDC Form 16-5, "Personnel Advice Form." (NOTE: Duplicate files must not be maintained by the losing area.) Inactive employee files will be maintained by the Division of Human Resources for the calendar year in which the employee ceases employment with the Agency. All other inactive employee files will be maintained in accordance with applicable guidelines established by the State Office of Human Resources and retention guidelines.

10. AUDITS: The Division Director of Human Resources or designee may conduct both annual and random audits to ensure that a current and complete employee file exists on all active employees.

11. DEFINITIONS:NONE

SIGNATURE ON FILE

s/Bryan P. Stirling, Director

Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN POLICY DEVELOPMENT.