

CITY OF WINONA WINONA, MINNESOTA ADMINISTRATIVE PROCEDURE	NUMBER: 104-12	REVISED: NONE	PAGE <u>1</u> OF <u>6</u>
	SUBJECT: DOCUMENTATION AND EMPLOYMENT RECORDS POLICY		

Purpose of Policy

The purpose of this policy is to assure the consistent treatment of requests for certain documents, and proper management and retention of certain employment documents.

Scope of Policy

Unless specifically designated with an express exception, the provisions of this policy apply to all employees and to each City department.

City Rights Regarding Information

No provision of this policy shall be construed to create any right in any employee or other person. The City of Winona does not by this policy waive or share any right conferred on the City by law to collect, designate, release, maintain or destroy any document or record, or any information or data contained therein.

Specific Policy Provisions

- **Requests for Documents or Information**

Any non-supervisory employee who receives a request for documents or information concerning an employee or former employee of the City must refer the requestor to a supervisor. Any supervisory employee who receives a request for documents or information concerning an employee or former employee of the City must inform the requestor specifically that (1) all requests for employment-related data must be directed to the Human Resources Coordinator in the City Manager’s office, and (2) the City will not treat any inquiry as an actual request for information unless it is made to the Human Resources Coordinator through the City Manager’s office, and in the manner required by the City Manager’s office.

- **Personnel Files**

The City maintains a single personnel file for the maintenance of original personnel documents for each City employee. The personnel file for each City Employee shall be maintained by the City’s Human Resources Coordinator through the City Manager’s office. That file will generally include such documents as the employment application; any resumes;

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veteran's preference verification; supplemental applications; reference check results; miscellaneous materials submitted with application; any written offer of employment; designation of position; start date and compensation; performance evaluations; other performance documentation; training documents; notices of change in status concerning pay, contact information, address, phone number, position, full-time/part-time, change in departments, etc.; if under 18, verification of age (copy of birth certificate, age certificate, or driver's license); final disposition of affirmed discipline decisions; letters of warning or reprimand; etc.

The City may also maintain a separate, privileged file for confidential investigative material concerning an employee during an ongoing investigation. These documents are not included in the personnel file.

- **Departmental Files**

The personnel file for each City Employee shall be maintained by the City's Human Resources Coordinator through the City Manager's office. Departments shall not maintain separate personnel files for departmental employees, but department heads may choose to maintain a file with copies of certain personnel file documents necessary to the management and supervision of the employees. Thus, these files may include copies of the employee reviews, training records, written directives, certifications and licenses essential to the position, and emergency contact information.

- **Payroll and Finance Files**

The City shall maintain a separate payroll / finance file that may include such documents as authorizations for payroll deductions, W-4 forms, leave records, attendance information, benefits data, I-9 forms, and other documents regarding payroll and finance.

- **Medical and Health-Related Records and Information**

Records bearing medical or protected health information must be managed with exceptional care in light of additional privacy interests. All health insurance and related information, including documentation, shall be collected, maintained or disclosed only in accordance with the City's HIPAA Privacy Policies and Procedures. City employees who gain information about individual medical or health concerns of other employees, such as through requests for

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disability-related accommodations, requests under the City’s Family and Medical Leave Policy, or any other employment related circumstance, shall keep that information in confidence and disclose it only as necessary to meet legitimate business objectives.

- **“Field Performance Notes” Regarding Individual Employees**

Supervisors may draft and maintain confidential informal notes regarding individual employees under their supervision for supervisory purposes only. These supervisory notes may be used to document personal impressions concerning an employee’s performance or behavior for the sole purpose to recall them accurately when communicating the information during the next evaluation, directive or corrective process, concerning that employee. Supervisory notes must be kept only as long as necessary to transfer the data to a formal document, such as a performance review form, memorandum, letter, or other means of formal communication, or to communicate the information orally. Supervisors may not otherwise maintain “shadow files” or “field notes” concerning an employee.

- **Complaint Documentation / Disciplinary Records**

Any supervisory employee who receives a formal or informal complaint from any person (employee or nonemployee) of alleged employee misconduct in possible violation of a City policy *must* document the allegation as soon as practicable, but no later than one business day of receiving the complaint. The documentation should be a writing that indicates, at a minimum, the nature of the alleged misconduct, the identification of the complainant, and the date and time the report was received. The supervisor may document the complaint on a standardized official complaint form used in the supervisor’s department, a typed memorandum, or the City’s standardized form entitled “Complaint of Possible Employee Misconduct”.

Any supervisor or department head who believes any employee under the supervisor’s or department head’s supervision has engaged in misconduct in possible violation of a City policy or that may warrant discipline, *must* document the concern as a complaint lodged by the supervisor as soon as practicable after becoming aware of the conduct at issue, but no later than one business day of learning of the possible violation.

The supervisory employee who has documented the complaint must immediately (or at the latest within one work day) complete the documentation mentioned above, and notify the responsible department head or manager of the existence of the complaint. **Each**

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department head must assure that supervisors are following this provision, and that the City Manager's office promptly receives a copy of each written complaint. Each department head must assure the transmission of each complaint to the City Manger's office even if the department follows its own process of internal review and investigations.

Each department head shall initiate procedures to assure that the City Manager's Office is informed in an ongoing and timely fashion of the nature, status and result of departmental review of potential disciplinary matters as those matters develop.

- **Destruction of Documents Prohibited**

No employee may destroy or remove any document collected or maintained by the City where that document contains information about an employee, without first conferring with and receiving express authorization from the Human Resources Coordinator through the City Manager's office, even if the destruction is otherwise authorized by a collective bargaining agreement or other authority.

- **Confidentiality**

Where an employee gains knowledge or information concerning any other employee from an employment document maintained by the City, the employee must keep the information confidential. The employee must not disclose any such knowledge or information to any person at any time, unless the employee is (1) directed to do so by a court order, (2) required to do so as part of the employee's specific job responsibilities, (3) reporting criminal conduct to a law enforcement agency or department, or (4) reporting a medical emergency or imminent health or safety concern to the responsible emergency medical response system or responsible health or safety agency.

No employee may violate any confidentiality or privacy restriction imposed by state or federal laws or regulations, or any other City policy provision.

- **Employment References and Recommendations**

Employees shall use due care when responding to a prospective employer's request for

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reference information concerning a present or former City employee. It is the City's policy to respond only to written requests for information concerning a present or former City employee, and to respond only in writing. These written requests should be directed or copied to the City's Human Resources Coordinator through the City Manager's office. The City will generally provide requested copies of all data that is classified as public personnel data under the Data Practices Act. Upon receiving the signed consent to the release of private data, the City will also release written employee evaluations and a brief written statement specifying the reason for separation from employment. The City strongly discourages the communication of personal opinions concerning employee performance, and employees who provide such opinions or other information beyond that which is listed in this section act on their own, outside the scope of their duties for the City, and may be personally liable.

- **Access by Employee**

Upon a request made in writing to the City's Human Resources Coordinator through the City Manager's office, a current employee will be permitted to review his or her personnel records. Unless the current employee demonstrates an exceptional need, the employee will be permitted such review only once every six months. No employee may remove any document from his or her personnel file.

Upon a request made in writing to the City's Human Resources Coordinator through the City Manager's office, a former employee will be permitted to review his or her personnel records at any time within one year of separation. No former employee may remove any document from his or her personnel file.

Consequence for Violation of the Employment Records Policy

Any employee who violates any provision of this policy may be disciplined, up to and including termination.

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City of Winona
 Complaint of Possible Employee Misconduct

Date and Time of Incident: _____

Date and Time of Complaint: _____

Complainant's Name: _____

Complainant's Relationship to the City: _____

Complainant's Daytime Contact Information: _____

Supervisor Receiving Complaint: _____

Department: _____

Name of Employee(s) Involved in Alleged Misconduct: _____

Short Summary Stating the Specific Nature of the Complaint:

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**ADMINISTRATIVE
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**DEPARTMENT:
ADMINISTRATION**

**SUPERSEDES:
NONE**

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MJO**

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