

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
308**

DEPARTMENT STAFF AND APPLICANT RECORDS

Supersedes: AR 308 (Temporary, 12/06/11)

Effective Date: 06/17/12

AUTHORITY

NRS 209.131; 284.105; 613.075; 629.061; NAC 239.722; 284.718, 284.726, 284.730; NAC 284.734; State of Nevada Records Retention Schedule

RESPONSIBILITY

The Department Division Administrator, Personnel Services is designated as the Custodian of Personnel, Payroll, Medical and related records, and is responsible for the maintenance and confidentiality of those files.

Department supervisors are responsible for proper maintenance of supervisory files.

The Employee Development Manager is responsible for maintenance of training files.

308.01 PERSONNEL FILES

1. The Department shall establish guidelines to control access and maintenance of personnel records maintained on current and past employees.

2. The following Department staff are authorized to remove personnel files from the Department Personnel Division.

- A. Director;
- B. Deputy Directors;
- C. Wardens;
- D. Department Personnel and Payroll Staff;
- E. Attorney General's Office;

- F. Inspector General Staff;
 - G. Medical Director; and
 - H. Equal Employment Opportunity Staff.
3. Files within this series will be considered confidential pursuant to NAC 284.718.
 4. Only Department Personnel staff may remove a Personnel file from the filing cabinet.
 5. All Personnel Files must be checked out prior to removing file from the cabinet. Those authorized staff taking possession of a personnel file acknowledge full responsibility for the security of that file and the confidentiality of the information contained within.
 6. Supervisors may review the Personnel Files of those employees they directly supervise.
 - A. Files must be reviewed within the Department Personnel office.
 7. All former or current employees have the right to review their own files during normal business hours.
 - A. Employees outside of the Carson City area shall request to review their personnel files via the local personnel office.
 - B. Changes, modification, corrections or removal/insertion of information or materials is prohibited.
 8. Any paperwork placed in an employee's Personnel file must be signed or acknowledged by that employee.
 9. Review or release of information from an employee personnel file requires an authorization for release of information from the employee.
 - A. Proper identification must be provided at time of inspection.
 10. Requests for copies of files shall be in writing. Applicable copying charges may apply.
 11. The Department, or any Department supervisor, must not maintain a secret file of employment regarding an employee.
 12. A request to amend a file must be submitted in writing via the employee's chain of command. Final authorization is required from the Director.

A. If the employee's request to amend a file is denied, the employee may file a statement of disagreement in the personnel file.

13. Personnel files of an employee who terminates employment with the Department shall be maintained pursuant to the State of Nevada Records Retention Schedule.

14. The Department authorizes only Department Personnel Division staff to provide employment verifications, references or other requests pertaining to employment information.

A. Department staff who provide employment information may be subject to disciplinary action.

15. The personnel file may contain:

A. Insurance records;

B. Disciplinary records;

C. Corrective documents shall be maintained in the supervisory file, unless subsequently utilized for progressive discipline, in which case they shall be included in the official Department Personnel file;

D. Work Performance Standards;

E. Employee Appraisals;

F. Employment verification documents;

G. Job applications;

H. Retirement records; and

I. Various Federal and State forms.

16. The satellite personnel office located at the Ely State Prison may maintain a regional personnel working file, this file is not considered the official personnel file.

A. Upon the termination of the employee the regional personnel working file shall be destroyed.

308.02 MEDICAL FILES

1. Information concerning the health, medical condition or disability of an employee shall be maintained separately from personnel files in a locked cabinet.

- A. These files designated as Medical Files shall be maintained only in the Department Personnel Division in Carson City.
 - B. Medical files are strictly confidential and can only be accessed by Department Personnel staff, written consent of the employee or by court order.
2. Each Department employee has the right to review their own file in the Department Personnel Division during normal business hours.
 - A. The files cannot be removed from the Personnel office.
 - B. Changes, modifications, corrections or removal/insertion of information or materials is prohibited.
 3. When an employee terminates employment with the Department, these files shall be maintained by the Department Personnel Division pursuant to the State of Nevada Records Retention Schedule.

308.03 TRAINING FILES

1. Training files are considered confidential and can only be accessed as designated below or by the employee or their designated representative.
 - A. These files are maintained in the Carson City Training office.
2. The following Department staff have been authorized to review or remove Training Files.
 - A. Director;
 - B. Deputy Directors;
 - C. Wardens;
 - D. Training staff;
 - E. Personnel staff;
 - F. Attorney General's office;
 - G. Inspector General's office;
 - H. Medical Director; and
 - I. Equal Employment Opportunity Staff.

3. Authorized personnel reviewing a file acknowledge full responsibility for the security of that file and the confidentiality of the information contained therein.
4. Each Department Employee has the right to review their own file during normal business hours within the Training office.
 - A. Changes, modifications, corrections or removal/insertion of information or materials is prohibited.
5. Training files shall consist of employee training activities including requests for training, on-the-job training forms, pre-service assignment sheets, pre and post service tests, weapons and all range qualification scores, certificates (copies), transcripts and related correspondence.
6. When an employee terminates employment with the Department, these files shall be maintained by the Department Training office pursuant to the State of Nevada Records Retention Schedule.

308.04 WORKERS' COMPENSATION FILES

1. Workers' Compensation files are considered confidential and can only be accessed as designated below or by the employee or their designated representative.
2. The following Department staff are authorized to view and/or remove Workers' Compensation files from the Department Personnel Division:
 - A. Agency Loss Control Coordinator;
 - B. Department Personnel Officers;
 - C. Attorney General's office;
3. Authorized personnel reviewing a file acknowledge full responsibility for the security of that file and the confidentiality of the information contained therein. A checkout card must be completed prior to removing a file. Files will only be shown or disclosed to authorized personnel and the right to privacy of the injured workers' medical files shall be respected and maintained.
4. All employees have the right to review their own file.
5. The employee authorizes, by signature on the C-4, release and exchange of medical information or benefits pertinent to the injury or occupational disease to the following:
 - A. Physicians, chiropractors, surgeons, or practitioners;
 - B. Hospitals, or medical service organizations; and

C. Insurance company.

6. Information relative to diagnosis, treatment and/or counseling for psychological conditions, alcohol, or controlled substances, can only be released with specific authorization.
7. Representatives of the injured worker may make requests through the insurer to obtain copies of the workers' compensation file.
8. Requests by supervisors to obtain current injury-related restrictions may be made to the Agency Loss Control Coordinator.
9. Files for terminated or deceased employees with work-related injuries/illnesses are purged from the active files by the Agency Loss Control Coordinator. These files shall be maintained pursuant to the State of Nevada Records Retention Schedule, within secure storage located in the Department Personnel Division. These files are maintained by the Department for the duration of the employment plus 30 years. (CFR 1910. (d)(i)).

308.05 SUPERVISORY FILES

1. Access to Supervisory files is limited to the employee, employee's representative with a signed authorization, the Appointing Authority, Department Personnel Officer, the Board of Examiners, or pursuant to a court order.
2. This record series is used by the supervisor in the process of work performance evaluation and other supervisory responsibilities.
3. Information contained in the Supervisory Files, which is considered confidential, are governed by NAC 284.718, 284.726.
4. These files may contain:
 - A. Employment application;
 - B. Work performance standards;
 - C. Employee appraisals and evaluations;
 - D. Specificity of charges and related work documents;
 - E. Formal grievances and responses;
 - F. Written reprimand;
 - G. Letters of complaint;

- H. Letters of commendation;
- I. Letters of instruction;
- J. Notes on oral warnings;
- K. Notes on meetings with employee;
- L. Time sheets;
- M. Work samples;
- N. Correspondence;
- O. Memos; and
- P. Other related documents.

5. An employee must be given a reasonable opportunity during normal business hours to inspect any files kept by the employer, or be furnished with a copy of those files. Refer to NRS 613.075 for exceptions.

6. Supervisors may not maintain a secret file regarding an employee. Any entry to this file must be signed or acknowledged by employee.

7. Supervisors will provide the EEO Office copies from an employee's supervisory file, once the employee is terminated for cause, resigns in lieu of termination, resigns while under investigation, resigns after receiving a disciplinary action, or is rejected from their trial employment:

- A. Employee appraisals and evaluations;
- B. Work performance standards;
- C. Formal grievances and responses;
- D. Written Reprimands;
- E. Letters of complaints;
- F. Letters of commendations;
- G. Letters of instructions;

- H. Notes of oral warnings;
- I. Notes of meetings with employee;
- J. Time sheets;
- K. Work samples;
- L. Time and attendance cards;
- M. Correspondence;
- N. Cross training or on-the-job training records;
- O. Specificity of charges and related work documents;
- P. Memos; and
- Q. Other job performance or behavior documents.

8. Files may be destroyed when no longer necessary or at the discretion of the supervisor. Destruction of the files must be accomplished in a secure manner.

308.06 ALCOHOL AND DRUG TESTING FILES

1. Only the Director or designated representative may access these files.
2. These files must be maintained separately in a secured cabinet non-accessible to unauthorized employees.
3. This record series contains information declared by law to be confidential per NRS 284.4068.
4. The Department Personnel Division shall be responsible for maintaining alcohol and drug testing Files.
5. Files may contain copies of the following documents:
 - A. Acknowledgement of employee's receipt of the State's policy concerning drugs and alcohol (TS-58);
 - B. Alcohol/drug test consent form (TS-76);
 - C. Report form for suspected alcohol/drug impairment (TS-77);
 - D. Breath test request form (TS-69);

E. Laboratory report forms with results of tests; and

F. Any other pertinent documentation.

6. Files should be maintained by the Department Personnel Division pursuant to the State of Nevada Records Retention Schedule. Destruction of these files must be accomplished in a secure manner.

308.07 PAYROLL FILES

1. Appointing Authorities and Division Heads are authorized to remove payroll related files from the Payroll office.

2. Confidential information contained in the Payroll Files are governed by NAC 284.718 and NAC 284.726.

3. Authorized personnel reviewing or removing a file acknowledge full responsibility for the security of that file and the confidentiality of the information contained therein. A checkout card must be completed prior to removing a file.

4. All employees have the right to review their own file in the Payroll office during normal business hours. They may not be removed from the Payroll office.

5. Requests for information concerning an employee's payroll history by any person other than the employee, the Appointing Authority, or the Division Head must be accompanied by a signed authorization for release of information from the employee. Applicable copying charges may apply.

6. The Department should not maintain a secret file of payroll history or activity regarding an employee.

7. Files maintained in the Payroll office may include:

A. Timesheets; available from NEATS;

B. Family and Medical Leave Act documents;

C. Catastrophic Leave documents;

D. Workers' Compensation documents;

E. Uniform Allowance documents;

F. Longevity documents;

G. Employee documents.

8. Payroll files are maintained by the Department Personnel Division in Carson City pursuant to the State of Nevada Records Retention Schedule.

308.08 RECRUITMENT FILES

1. Recruitment Files may be viewed by the following authorized personnel:

- A. Director;
- B. Deputy Directors;
- C. Inspector General Staff;
- D. Personnel staff;
- E. Attorney General's office; and
- F. Equal Employment Opportunity staff.

2. Confidential information contained in the recruitment Files are governed by NAC 284.718 and 284.726.

3. A Recruitment file is prepared and opened upon approval to fill a vacant position for all classified and unclassified positions.

4. The Recruitment file should be labeled, i.e. class title, budget account, position number, and the opening and closing date of announcement if applicable, along with the incumbent's name and hire date.

5. The file should contain all documentation pertaining to the recruitment:

- A. Copy of approved justification (if necessary);
- B. Approved selective criteria memo if applicable;
- C. NPD-3 Request for Recruitment;
- D. Applicable certification list;
- E. Announcement if applicable;

F. Approved personnel packet; which includes the memo with the recommendation from the Division Head/Warden, applications, rating sheets, letters to applicants, interview questions, essential functions; and

G. Any other documentation pertaining to recruitment activity.

6. Closed Recruitment files are to be placed alphabetically by class title and maintained by the personnel recruiter by calendar year. Recruitment Files are maintained pursuant to the State of Nevada Records Retention Schedule.

308.09 SPECIFICITY FILES

1. Contains documents not maintained in the Personnel file which are attorney/client privileged documents and/or work product, and are maintained by the Warden during the course of an open disciplinary action.

A. At closure of this file it is maintained by the Department Personnel Office.

2. Documents contained in the specificity file are confidential and shall only be shared with the Office of the Attorney General and will not be copied and/or distributed to any other party.

3. Specificity Files are maintained pursuant to the State of Nevada Records Retention Schedule.

308.10 GRIEVANCE FILES

1. Contains documents not maintained in the Personnel file related to an employee grievance.

2. Documents contained in the Grievance file may be confidential.

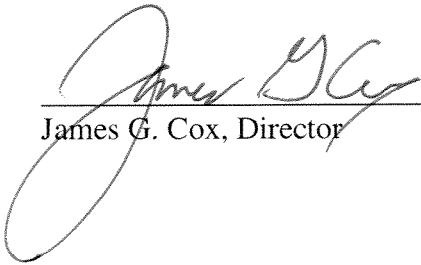
3. Grievance Files are maintained pursuant to the State of Nevada Records Retention Schedule.

308.11 ADMINISTRATIVE FILES

1. Contains correspondence and administrative documents not maintained in the Personnel file.

APPLICABILITY

1. This regulation applies to all employees of the Department.
2. This regulation does not require an Operational Procedure.
3. This regulation requires an audit.



James G. Cox, Director

5/30/12
Date