

Policy Number: 07-008

# Lucas County Sheriff's Office Policy and Procedure



Approved by Sheriff:

*Michael J. Navarre*

Sheriff Michael J. Navarre

DATE FOR REVIEW:

Pages:

5

SECTION: PERSONNEL

## PERSONNEL RECORDS

### I. PURPOSE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

### II. POLICY

It is the policy of this agency to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Ohio.

### III. PERSONAL INFORMATION SYSTEM RECORDS

The Personnel Supervisor or the authorized designee shall be responsible for the Lucas County Sheriff's Office personal information system and shall adopt, implement and communicate rules and procedures for the personal information system, including the maintenance, use, security, access, inspection, disclosure and dispute resolution related to the system (ORC 1347.01 et. seq.).

Personnel records maintained in the personal information system are subject to the rules and procedures established by the Personnel Supervisor. Those rules and procedures apply in the event of any conflict with this policy.

### IV. AGENCY FILE

The agency file shall be maintained as a record of a person's employment/appointment with this agency. The agency file should contain, at a minimum:

1. Personal data, marital status, names of family members, educational and employment history or similar information should be permanently retained.
2. Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
3. Original performance evaluations. These should be permanently maintained.
4. Adverse comments such as supervisor notes or memos may be retained in the

agency file after the employee has had the opportunity to read and initial the comment.

- a. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
  - b. Any employee response shall be attached to and retained with the original adverse comment.
  - c. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.
5. Commendations and awards.
  6. Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

## **V. DIVISION FILE**

Division files may be separately maintained internally by a employee's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

## **VI. TRAINING FILE**

An individual training file shall be maintained by the Training Lieutenant for each employee. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

1. The involved employee is responsible for providing the Training Lieutenant or immediate supervisor with evidence of completed training/education in a timely manner.
2. The Training Lieutenant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

## **VII. INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Bureau in conjunction with the office of the Sheriff. Access to these files may only be approved by the

Sheriff or the Internal Affairs Bureau supervisor.

These files shall contain the complete investigation of all formal complaints of employee misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the employee's agency file but will be maintained in the internal affairs file:

1. Not sustained
2. Unfounded
3. Exonerated

Negative entries in an employee's IA file may be removed, as per the retention schedule established by the LCSO (1013.11).

## **VIII. MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to:

1. Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
2. Documents relating to workers' compensation claims or the receipt of short- or long- term disability benefits.
3. Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
4. Medical release forms, doctor's slips and attendance records that reveal a employee's medical condition.
5. Any other documents or materials that reveal the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

## **IX. SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Manager, County Attorney or other attorneys or representatives of the County in connection with official business.

### **A. REQUESTS FOR DISCLOSURE**

Any employee receiving a request for a personnel record shall promptly notify the

Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a employee's personnel records shall be logged in the corresponding file.

## **B. RELEASE OF PERSONNEL INFORMATION**

Residential and familial information including the home address and telephone number of a deputy and any photograph of a deputy who holds a position that may include undercover or plain clothes assignment that is in the possession of the Agency is not a matter of public record and shall not be disclosed without a court order (ORC § 149.43(A)). However, the actual personal residence of a deputy may be released by the Custodian of Records to a journalist, but only if the journalist makes a written request including the journalist's name, title, name of the journalist's employer, address of the journalist's employer and a statement that the information would be in the public interest pursuant to the provisions of ORC § 149.43(B)(9).

## **X. EMPLOYEE ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any employee may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any employee seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The Agency shall remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the Agency shall be retained with the contested item in the employee's corresponding personnel record. Employees are encouraged to examine their personnel files on a biannual basis. To ensure that it is complete and up to date.

Employees may be restricted from accessing files containing any of the following information:

1. An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.
2. Confidential portions of internal affairs files that have not been sustained against the employee.
3. Criminal investigations involving the employee.

4. Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the employee.
5. Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
6. Materials used by the Agency for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for agency planning purposes.
7. Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
8. Records relevant to any other pending claim between the Agency and the employee that may be discovered in a judicial proceeding.

## **XI. RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

1. During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
2. If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.
3. If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.