

# Policies



**Metro**

600 NE Grand Ave.  
Portland, OR 97232-2736

<b>Subject</b>	Employee Records: Personnel Files and Medical Files
<b>Section</b>	Human Resources
<b>Approved by</b>	Marissa Madrigal, Chief Operating Officer
<b>Approved on</b>	August 21, 2020
<b>Replaces</b>	Employee Records: Personnel Files and Medical Files adopted 10/13

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**Policy Purpose:** It is Metro’s policy to maintain personnel records and medical records separately and in accordance with state and federal law, and to comply with procedures designed to protect the accuracy and confidentiality of these records.

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1. This policy is applicable to all employees. Where provisions of an applicable collective bargaining agreement directly conflict with this policy, the provisions of that agreement will prevail.
2. Upon hire employees will provide Personal Contact Information and Emergency Contact Information to the Human Resources Department. Personal Contact Information means employees’ personal cell phone numbers or land line telephone numbers and mailing address. Emergency Contact Information means telephone numbers that can be used to reach an employees’ family members or other designated contacts that may be contacted in the event of an emergency involving the employee.
3. Personnel Records:
  - a. The Human Resources Department will maintain a personnel file containing each employee’s personnel records. This file constitutes the official record of an individual’s employment with Metro.
  - b. Personnel records are all records used to determine an employee’s qualification for employment, promotion, additional compensation, termination, or other disciplinary action.
  - c. Personnel records include the following examples:
    - i. Job applications, résumés, and cover letters;
    - ii. Performance evaluations;
    - iii. Memos of expectations;
    - iv. Performance improvement plans;
    - v. Disciplinary letters issued in accordance with Metro policies and procedures;
    - vi. Records of promotions, transfers, and demotions;
    - vii. Salary information;
    - viii. Supervisory notes or memos used for disciplinary purposes.

- d. Personnel records do not include:
  - i. Records relating to the conviction, arrest, or investigation of criminal conduct;
  - ii. Confidential medical records;
  - iii. Payroll records;
  - iv. Attendance records unless relevant to a disciplinary decision;
  - v. Routine supervisory notes that are not used for disciplinary purposes;
  - vi. Grievance records.

#### 4. Medical Records:

- a. Supervisors may not keep any copies of medical records, except that they may retain information about modified duty restrictions, disability accommodations, and medical response protocols while they are in effect.
- b. The Human Resources Department will maintain an employee's medical information which will be kept in a confidential file maintained separately from the employee's personnel file.
- c. Medical records include all records containing individually identifiable information about an employee or family member's health or medical history. Examples of medical records include personal medical information relating to:
  - i. Employee health insurance and other benefits;
  - ii. Disability accommodation;
  - iii. Medical leave;
  - iv. On-the-job injuries and workers' compensation;
  - v. Non-occupational medical conditions;
  - vi. Fitness for duty examination information; and
  - vii. Drug and alcohol testing results.

#### 5. File Maintenance

- a. Personnel files and medical files will be maintained by the HR Department in a locked, confidential area.
  - i. Access to the personnel file will be limited to the employee, management staff, Office of Metro Attorney staff and HR Department staff.
  - ii. Access to the confidential medical file will be limited to the employee, Office of Metro Attorney staff and HR Department staff. Management staff will be provided with medical information only as needed to manage work restrictions, requests for leave, disability accommodations, and medical response protocols (e.g., for an employee with a medical condition requiring particular first aid procedures or to activate notification or cleaning protocols necessary for workplace protections) or to consider as a mitigating factor in a disciplinary process.
  - iii. Metro will retain personnel records and medical records in accordance with [records retention schedule](#) requirements.

- b. To ensure proper records management, employees must notify the HR Department of any changes to their personal contact information or emergency contact information.
    - i. Annually, HR will send a reminder to all employees to review and update their Personal Contact Information and Emergency Contact Information.
  - c. Metro will not place disciplinary records or other information that reflects critically upon an employee in the employee's personnel file without giving a copy to the employee.
    - i. The employee will be asked to sign to acknowledge receipt, however a signature is not required to place the document in the personnel file.
    - ii. In the event that the employee does not sign, the supervisor will note the date the document was presented to the employee.
6. If contacted for an employment reference, Metro will provide the employee's dates of employment and positions held. Metro may agree to provide additional information if requested by the employee.
7. In certain circumstances, disclosure of otherwise confidential records may be required by law. Metro will limit the scope of disclosure to information necessary to comply with the required legal process.
8. Metro will not disclose for the purpose of enforcement of federal immigration laws personal information about any current or former employee, including but not limited to the person's home address and/or work hours, except if required under state or federal law, a judicial warrant, court order or lawful subpoena.
9. Viewing and copying personnel records and medical records
- a. Original personnel records and medical records must be viewed in the presence of HR Department staff. Original records may not be removed from the HR Department without approval from the HR Director.
  - b. Employees: Employees may view their personnel files and medical files in the HR Department office during regular business hours.
    - i. Employees are encouraged to make appointments in advance to ensure that HR staff will be available.
    - ii. Employees will be given copies of material in their personnel files and medical files upon request. Metro will certify that the copies provided are true and correct copies of the originals.
    - iii. Employees who are unable to come to the HR Department in person may call the department to make other arrangements.
    - iv. An employee may provide written authorization to allow another person to view or obtain copies of their personnel file.

- v. An employee may provide written authorization to allow another person (such as a union representative) to view or obtain copies of their medical file.
- c. Managers: A manager may access an employee's personnel file only if there is a job-related reason to do so. Before viewing the file, the manager must sign a statement identifying the job-related purpose of the request and acknowledging confidentiality requirements. This statement will be reviewed by HR and considered prior to a decision regarding access.
- d. Former employees: Following separation from employment, Metro will provide a former employee with a certified copy of their existing personnel records or medical records within 45 days of a written request from the employee or their authorized representative.
- e. Metro may charge a fee for providing information under this policy, but this fee will not exceed an amount reasonably calculated to recover the actual costs for copying and labor. Current employees will not be charged for viewing or copying their files.

#### 10. Adding or removing personnel and medical records

- a. No one other than HR Department staff is authorized to add or remove information from an official personnel file or medical file. Metro employees and managers who add or remove information without authorization may be subject to discipline.
  - i. If an employee or manager believes information should be added to a personnel or medical file, they may submit the information to the HR Department. The HR Department will determine whether it is appropriate to include in the file.
  - ii. Documents may be removed from the employee's official personnel or medical file only upon the mutual agreement of the HR Director or designee and the employee or the employee's representative and/or in accordance with any relevant CBA
    - 1. The Oregon public records law prohibits destruction of public records except when certain conditions are met. Documents that are removed from the official personnel file may be retained consistent with applicable law, but will not be used as a basis for future discipline or other employment decisions.

#### 11. Responsibilities

- a. Employees
  - i. Comply with procedures for viewing and copying personnel files and medical files.
  - ii. Promptly notify your supervisor and the HR Department of changes to your name, home address and contact information, and emergency contacts.
- b. Supervisors and Managers

- i. Comply with procedures for viewing personnel files.
  - ii. Promptly provide the HR Department with any notes or records used to determine an employee's qualification for employment, promotion, additional compensation, termination, or other disciplinary action.
  - iii. Promptly send any medical records received from an employee or any other source to the HR Department without keeping a copy, except that information about work restrictions, disability accommodations, and medical response protocols may be retained while they are in effect.
  - iv. Maintain the confidentiality of medical records and other private information.
- c. Human Resources Department
- i. Maintain employees' official personnel file and medical file in accordance with this policy and applicable legal and contractual requirements.
  - ii. Oversee the inspection and copying of personnel records.
  - iii. Contact Office of Metro Attorney regarding any request for employee information received from a state or federal agency, court order, warrant or subpoena.

**References**

ORS 652.750 (personnel records)  
ORS 192.001 et seq. (public records)  
ORS 180.805 Metro Records Retention Schedule