

ARTICLE XII. PERSONNEL RECORDS AND REPORTS

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Section 1. Personnel Records Maintenance

Such personnel records, as are necessary for the proper administration of the personnel system, will be maintained by the County Manager or his/her designee. The County shall maintain in personnel records only information that is necessary and relevant to accomplishing legitimate personnel administration needs.

Section 2. Information Open to the Public

In compliance with GS 153A-98, the following information with respect to each County employee is a matter of public record:

- A. Name;
- B. Age;
- C. Date of original employment or appointment to County services;
- D. Current position title;
- E. Current salary;
- F. Date and amount of most recent change in salary;
- G. Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and
- H. Office to which the employee is currently assigned.

Section 3. Access to Personnel Records

As required by G.S. 153A-98, any person may have access to information listed in Section 2 of this article for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulation for the safekeeping of public records as the Board of County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for a writ of mandamus or other appropriate relief.

Section 4. Confidential Information

All information contained in a County employee's personnel file, other than the information listed in Section 2 of this Article will be maintained as confidential in accordance with the requirement of G.S. 153A-98 and shall be open to public inspection only in the following instances:

- A. The employee or his or her duly authorized agent may examine all portions of the employee's personnel file, except (1) letters of reference

- solicited prior to employment and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient.
- B. A licensed physician designated in writing by the employee may examine the employee's medical record.
 - C. A County employee having supervisory authority over the employee may examine all material in the employee's personnel file.
 - D. By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
 - E. An official of any agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such information is deemed by the person having custody of the file to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.
 - F. An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
 - G. The County Manager, with the concurrence of the County Board, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a County employee, and the reasons for that action. Before releasing that information, the County Manager shall determine that the release is essential to maintaining the level and quality of County services. The written determination shall be retained in the County Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 5. Personnel Actions

The County Manager will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the County Manager. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related

documents. Any documents not contained in these files nor maintained as designated by the County Manager is not an official part of the personnel file.

Section 6. Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Section 7. Remedies of Employees Objecting to Material in the File

An employee who objects to material in his or her file may place in the file a statement relating to the material the employee considers being inaccurate or misleading. The employee may seek the removal of such material in accordance with the grievance procedure.

Section 8. Penalty for Permitting Access to Confidential File by Unauthorized Person

Section 153A-98 of the General Statutes of North Carolina provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a misdemeanor and upon conviction be fined in an amount not to exceed five hundred dollars (\$500.00).

Section 9. Examining and/or Copying Confidential Material without Authorization

Section 153A-98 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the North Carolina General Statutes.

Section 10. Destruction of Records

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5(b) without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty of a misdemeanor and upon conviction will be fined as provided in G.S. 132-3.