

## OFFICIAL PERSONNEL RECORDS

**SECTION 1. OFFICIAL RECORDS AND FILES:** All Employee records shall be maintained in accordance with applicable laws and regulations, including The Privacy Act of 1974, 5 U.S.C. § 552a. *et. seq.* The official files of all personnel, including employee performance documentation, will be managed by the Civilian Human Resources Center (CHRC). The Agency will maintain employees' Electronic Official Personnel Folders (e-OPFs) in accordance 5 C.F.R. Part 293 and other applicable OPM laws and regulations.

Employees will be allowed to have placed in their OPF official documents which pursuant to OPM regulations may retained in the OPF.


**SECTION 2: CONFIDENTIALITY:** Employees' official personnel folders are confidential and are to be viewed by officials only with a legitimate need to know for the performance of their duties; they must be retained in a secure location in accordance with applicable OPM regulations. Accordingly, an employee's official personnel folder shall contain only such documents and records as provided for by law or regulation. Access to an employee's official personnel folder shall be granted to other persons only as authorized by law or OPM regulation.

**SECTION 3. ACCESS TO RECORDS:** In accordance with applicable laws and regulations, employees have a right to review their Official Personnel Record. Employees may also have a right to review other records maintained by the Agency regarding the employee where that information is maintained in a system of records under the Privacy Act of 1974. : Employees, and/or their representative(s) designated in writing, may receive (at no cost) copies of such records which have not been previously furnished.

**A. Request to View Records:** Where an employee is entitled (by law or regulation) to review records maintained in a system of records under the Privacy Act of 1974. The records will, upon request, be provided to the employee, or to his or her designated (in writing) union representative in a timely fashion. Privacy Act records include, but are not limited to, such records as eOPF, training records, Competency files, certifications, etc. (Employees will be allowed to view records which are maintained electronically.)

**B. Delays:** In addition, where (a) such information is needed for the processing of a grievance or to respond to a disciplinary/adverse action, and (b) there is an unreasonable delay by the Agency in providing the information, the Agency will provide the employee an extension of time until the information is provided.

**C. Medical Records:** Employees shall be granted access to their own medical records in accordance with law.

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#### SECTION 4. SUPERVISOR'S EMPLOYEE WORK RECORDS:

Records relating to employee performance shall be maintained in accordance with applicable laws and regulations. Upon request, an employee or his or her designated representative may review Agency records of which are to be used for the purposes of evaluating the employee. Employees have the right to examine the contents of their e-OPF, at any time, via a computer connected to the Agency system.

**SECTION 5. SUPERVISORY NOTES:** Supervisors may retain notes, commonly referred to as "memory joggers." These notes are considered to be mere extensions of a supervisor's memory and are not Agency records subject to the record keeping or other requirements of applicable laws and regulations, including the Privacy Act.

**A. Maintenance and Disclosure:** Notes may be retained or discarded, at the discretion of the supervisor. Supervisors must maintain such notes in a secure manner and not disclose them to anyone without a need to know (this includes secretaries, other supervisors, or Agency officials).

**B. Notification of Usage:** If any information contained in a supervisor's personal notes/memory joggers is used against an employee as part of an official record, the employee is entitled to be notified of the use that information and provided a copy upon request by the CHRC.

**C. Other Actions:** The maintenance of a supervisor's notes will not preclude the supervisor from addressing any conduct or performance issues in a timely manner.

**SECTION 6. OUTDATED RECORDS:** All official personnel records shall be purged in accordance with appropriate records controls schedules.

**A. Removal:** The Agency will maintain a system of follow-up to assure that any written counseling, disciplinary, or similar action with a time limit on it is removed on the proper date.

**B. Expungement:** Personnel records/files/notes that do not have legal or regulatory requirements to be maintained beyond their expiration date shall be considered expunged from the record. If any outdated or unauthorized material is accidentally left in a file, it may not be used to support any personnel action detrimental to the employee.

**C. Derogatory Information:** Supervisor may not maintain derogatory information, regarding a first offense for an unreasonable length of time, normally no more than six (6) months for a Leave Restriction (after its expiration) and one (1) year for other offenses. Subsequent offenses within a six-month period from the initial offense will normally remain for a period of one (1) year. If derogatory information is utilized by a supervisor for proposed disciplinary action, it shall be reviewed by CHRC for applicability to the action. If information is identified which may not be relied upon, CHRC will direct the supervisor to purge the information.

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**D. Corrections:** In accordance with applicable laws and regulations, employees may formally request that a record contained in his or her OPF be corrected or amended if they believe the information to be incorrect. If the employee attempts unsuccessfully to correct or amend a record contained in his or her OPF, the employee is entitled to place a statement of disagreement in their folder.

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