

BENCO Personnel Manual

PERSONNEL RECORDS

Employee Files

Employee files consist of three sections personnel, payroll and confidential. Employee files are maintained at the Benco Administrative office. Benco stores all files on the secure server. The employee's file contains all documentation covering an employee's selection, hiring, performance, discipline, transfer, promotion, training, skills, experience and separation from employment.

Employee Personnel File May Contain:

- Application for Employment
- Notice of Hepatitis B immunization
- Notices of Termination
- Past Employment Records
- Performance Evaluations
- Job Descriptions
- BBP/RA, CPR/FA, OIS and Skills Certificates
- Discipline Records
- Employment Eligibility Verification (I-9) (kept locked in a separate area) or kept separate electronically
- Letters of Resignation
- Records of Completed Training
- Signed Policies
- Medication Error/Documentation Error Forms
- Two Week Notice Forms

Payroll File May Contain:

- Approved Leave Request for: Leave of Absence or Vacation Time
- Employee's Withholding Allowance Form (W-4)
- Employment Overtime Agreement
- Transmittals-Wages
- Sick Time Cash-Out Forms
- Health Insurance deduction forms

Confidential File May Contain:

- Background Check Form
- Employment Interview Results
- Past Employment References
- Proof of Vehicle Insurance
- MVR Record
- Health Insurance Forms
- Doctors Notes

No information that reflects critically upon an employee will be placed in the employee's personnel file that:

- 1) Does not bear the signature of the employee;
- 2) Has not been reviewed by the employee; or
- 3) Has not been covered by the exception process listed below.

The employee will be required to sign such material, provided the following disclaimer is attached:

The employee's signature confirms only that the supervisor has discussed and given a copy of the material to the employee and does not indicate agreement or disagreement.

If the employee is not available within a reasonable period of time to sign the material or the employee has received the material but refuses to sign it, Benco may place the material in the employee's file provided a statement has been signed by two Benco representatives stating that a copy of the material was given to the employee and the employee refused to sign the document.

All information kept in the employee files will remain permanently. No records/documentation will be removed from an employee's file unless it is approved in writing by the Executive Director.

The Public Records Act (ORS 192.496) contains several exemptions for information maintained on employees including a "personal privacy exemption" which states the following public records are exempt from disclosure:

"Information of a personal nature such as that kept in a personal, medical, or similar file, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure will have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy." [ORS 192.496]

An employee's phone number is personal to the employee. This is information in which the public normally has no special interest. Similarly, an employee's race, sex, religion, date of birth, political or union affiliation, medical information, performance evaluation, test scores, and past employer references are all material "personal" to the employee.

Personal information will not be disclosed to members of the public without the requesting party clearly demonstrating that release of the information would be in the public interest. In addition, the Federal Privacy Act (1974) makes it unlawful to release an individual's social security number to the public without the consent of the "subject individual."

If a supervisor has a question about whether a certain piece of information is public record, they should do two things;

- Request an opinion from Benco Legal Counsel, and;
- Direct the person requesting the information to make a formal written request for the information per the procedures outlined in Oregon Revised Statutes 192.

Employees have the right to review their individual employee files. The entire contents of the file with the exception on the past employment references will be made available during normal business hours. Upon request, copies will be made for the employee (Benco reserves the right to charge the employee for a copy of employees file). Only the following people will have access to the employee's file:

- Employee
- Employee's official representative, including an attorney, with employees signed authorization
- Employee's immediate supervisor and higher-level supervisors i.e. Executive Director, Personnel Director or Residential Director
- Necessary Administrative Employee
- Benco Board of Directors
- Benco Legal Counsel

Requests for other information will be processed when accompanied by a signed authorization from the employee.

The official employee personnel file of all terminated employees will be kept for 7 years after the end of an employee's service.

Employee medical records will be kept in separate confidential file apart from an employee's personnel file.

Approved By: Julie Hansen
Julie Hansen, Benco Board President

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