

# GENERAL ORDER



DISTRICT OF COLUMBIA

<b>Title</b>		
<b>Employee Personnel Records</b>		
<b>Topic</b>	<b>Series</b>	<b>Number</b>
<b>PER</b>	<b>201</b>	<b>19</b>
<b>Effective Date</b>		
<b>November 23, 2011</b>		
<b>Replaces:</b>		
General Order 201.19 (Employee Personnel Records), Effective Date June 11, 2003		
<b>Rescinds:</b>		
Special Order 04-22 [Rescission of GO-PER-201.14 (Residency Requirements)], Effective Date December 28, 2004		

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## I. BACKGROUND

Official personnel records and files relating to employees of the Metropolitan Police Department (MPD) are treated as confidential and are protected from public disclosure consistent with applicable laws and regulations. While the public has a right to know certain information about the operations and activities of their government and its employees, files relating to employees are confidential and information contained therein shall not be released by MPD unless otherwise authorized by applicable laws or regulations. To ensure proper and consistent handling of these types of records, the procedures described in this order shall be followed.

## II. POLICY

The policy of the Metropolitan Police Department is to securely maintain and restrict access to employee personnel records and files, by establishing a system of accountability; and to govern and guide the development, transfer, and reproduction of official personnel files and such other records maintained by the Metropolitan Police Department's Human Resource Management Division (HRMD). These policies shall govern the internal procedures of the HRMD staff.

### III. DEFINITIONS

For the purpose of this directive, the following terms shall have the designated meanings:

1. Employee or Member – Civilian and sworn personnel employed by the Metropolitan Police Department.
2. OPF – Official Personnel File maintained by HRMD.
3. Unit Personnel Folder – Folder maintained by a member's assigned element/unit containing the member's records listed in Part IV.C.2 of this order.
4. Adverse Action Folder – Folder maintained by the Disciplinary Review Branch of the Human Resource Management Division containing the member's records listed in Part IV.D.2 of this order.
5. Personnel Records and Files – Any record, documentation or file, in either a written or electronic format, or both.
6. Telephone – Permanently installed ("hard-wired") telephone, also known as a "landline", or a member's personal cell phone.

### IV. REGULATIONS

- A. Regardless of the document retention timeframes mentioned in this order, members shall retain all documents covered by a litigation hold, information that members independently know is relevant to pending litigation, or members independently know or should reasonably know may be relevant to future litigation until notified that the subject litigation has concluded and the items may be released.
- B. Official Personnel Files and Records
  1. The HRMD shall maintain the Official Personnel Files (containing originals of personnel actions, licenses, official documents, etc.) of all civilian and sworn employees throughout their service with the MPD.
  2. Removal of OPFs shall be documented on a PD Form 605 (Charge-Out Card for Official Personnel File).
  3. Upon separation of sworn employees covered under Police and Fire Retirement Relief Act, the OPF shall be transferred to the National Records Center in Suitland, Maryland. Upon separation of civilian

employees, the OPF shall be sent to the National Records Center in Saint Louis, MO.

4. Permanent records pertain to the employee's status throughout their tenure with the District Government. Permanent records shall include:
  - a. Appointment;
  - b. Separation;
  - c. Reassignment;
  - d. Promotion;
  - e. Demotions and certain disciplinary actions;
  - f. Retirement;
  - g. Employee Benefit Information;
  - h. Employee Annual Evaluations of with a rating of 5 (i.e., "Role Model," "Significantly Exceeds Expectations," or equivalent rating) or a rating of 1 (i.e., "Inadequate Performer," "Does Not Meet Expectations," or equivalent rating);
  - i. Salary/Step Increases;
  - j. Court Orders Changing a Person's Status (e.g., reinstatement, back pay);
  - k. Letters of Resignation;
  - l. Copies of Degrees and Certificates;
  - m. Time and attendance reports;
  - n. Employees pre-employment background investigation;
  - o. Drug Free Work Place Certification;
  - p. Employment Eligibility (DC Personnel Form I-9);
  - q. Letters of Recommendation/Reference;
  - r. Medical Records (Maintained by the Clinic);

- s. Pre-Employment Inquiries; and
  - t. Testing and Examination Documents.
5. Upon written request of members, HRMD shall remove investigative reports that on completion of the investigation are classified “exonerated” and/or “unfounded” from the OPFs unless they are subject to a litigation hold described in Part IV.A. of this order.
6. Temporary records pertain to an employee’s status for a designated period of time and may be periodically removed from the OPF at the end of the designated period unless they are subject to a litigation hold as described in Part IV.A of this order. Temporary records include:
- a. Position Descriptions;
  - b. Tax Withholding Documents;
  - c. Emergency Notification;
  - d. Final Decision of Adverse Actions, up to three (3) years;
  - e. Notices of Step Increases; and
  - f. Commendations and Achievements.
7. Certain temporary records are required to be removed from the OPF at the end of a designated period of time unless they are subject to a litigation hold as described in Part IV.A of this order. Temporary records that must be purged from the OPF consistent with the requirements of this order include:
- a. Adverse actions - Three (3) years from the effective date of the action.
  - b. Court orders that do not result in the generation of a Form 50 (e.g., Garnishment of Wages, Child Support).
  - c. Official reprimands - Two (2) years from the date of the effective date.

C. Unit Personnel Records

1. Upon permanent assignment to an organizational element, sworn members shall immediately report their correct residential address, telephone number, and marital status to their commanding officer.
2. Records that are maintained in the employee's unit folder include:
  - a. Accident Reports [e.g., PD Forms 42 (Injury or Illness Report)];
  - b. Medical Waivers;
  - c. Requests for Leave Without Pay or Designation of AWOL;
  - d. Retirement Data;
  - e. Appeal Files and Correspondence (Employee Relations);
  - f. Complaints from the Public; and
  - g. Grievance and Correspondence.
3. The employee's SF-52 (Request for Personnel Action) and current position description shall be included in the unit personnel folder and shall remain there until replaced.
  - a. A copy of the position description is provided to the employee whenever changed, upon request, or prior to evaluation.
  - b. To ensure the position description is accurate and current, the employee is encouraged to review it and make appropriate comments (e.g., relative to duties, responsibilities, skills) that may have changed.
  - c. Supervisors shall review the position description with the employee as part of the performance evaluation process.
  - d. Current copies of every position description are maintained in the Personnel Operations Section of the Human Resource Management Division and are available to all MPD Employees.

D. Adverse Action Records

1. Individual folders (one for each employee who has been the subject of disciplinary action) shall be filed alphabetically by year in locked filing cabinets.

NOTE: In the event that electronic files are maintained, files shall be

stored on a secure server accessible to authorized persons only.

2. Correspondence and documents (e.g., employee statements, investigative reports, transcripts, witness statements, all final decisions of disciplinary actions, and other documents) generated in the investigation of a complaint or disciplinary action shall be filed by date in the folder.
3. Documents relating to adverse action shall not be made a part of an employee's file, unless the employee has been shown the document(s) and had an opportunity to make comments concerning them. The documents shall remain a part of the employee's file, pursuant to the provisions of the District of Columbia Government's Record Retention Schedule.

E. Access/Release of Personnel Data and Employee Records to Employees and Persons Outside the Department

1. Request from Individuals Outside the Department:
  - a. Requests from individuals outside the Department to have access to employee personnel records shall be referred to the Director, HRMD.
  - b. Unless the information sought is required to be released under the Freedom of Information Act or other statute, proof of identity shall be required from the requester, prior to responding to an inquiry or request for access to employee personnel records.

NOTE: See GO-SPT-204.05 (Freedom of Information Act Request) for Freedom of Information Procedures.

- c. A request or inquiry from someone other than the employee, that involves data available only to the employee, shall contain copies of any document that establishes the relationship or authorizes access as follows:
  - (1) When the requester is the legal guardian of an employee who has been declared incompetent by the courts, the requester shall identify the relationship with the employee and furnish a certified or authenticated copy of the court's appointment of guardianship.
  - (2) When the requester represents an employee, the requester shall identify the relationship with the employee or the employee's parent or legal guardian, and furnish

documentation designating the representative as having authority to act on behalf of the employee.

- d. Employee information that may be disclosed to the general public is restricted to the following:
  - (1) Name;
  - (2) Present and past position titles;
  - (3) Present and past grade levels;
  - (4) Present and past salaries; and
  - (5) Present and past duty stations (including room numbers, buildings, and places of employment).

## 2. Employee Access

- a. An employee of the MPD is entitled to review, examine and copy information contained in his/her Official Personnel File without filing a Freedom of Information Act request. This includes both the temporary and permanent records. The right of an employee to review, examine, and copy information does not apply to records maintained in separate folders such as:
  - (1) The background investigation report;
  - (2) Letters of complaint or reference that are not being used as a basis for charging the employee with misconduct;
  - (3) Medical records;
  - (4) Retirement files and records.

**NOTE:** In most instances, an employee shall be granted access to review all of his/her records and files, provided the employee has filed the request in writing, and the right to review and examine has been approved by the Director, HRMD.

- b. Only employees whose official duties require them to review information in personnel records shall be allowed access to personnel files. Unauthorized disclosure is punishable by disciplinary action and may also be subject to criminal penalties [e.g., disclosure of social security numbers in accordance with the Privacy Act (5 U.S.C. § 552a)].

- c. The Director, HRMD, may disclose, without prior consent by the employee, information in the OPF to other law enforcement agencies when the agency has made a written request to the Department specifying the specific data needed and the law enforcement activities for which the record is sought.
  - d. No employee shall have access to the information contained in the OPF of another employee of the MPD, unless the employee is:
    - (1) An authorized employee of the HRMD;
    - (2) An official of the MPD that has supervisory responsibility over the employee;
    - (3) An official authorized to review the OPF to determine the employee's eligibility for a position pursuant to a vacancy announcement;
    - (4) An employee or authorized staff in the Office of General Counsel;
    - (5) An authorized employee of the Internal Affairs Bureau; or
    - (6) An authorized employee of the Disciplinary Review Branch.
3. Sworn Members Only:
- a. Public Law 92-543 excludes the personnel records of Police Officers of the Metropolitan Police Department from the list of records open to public inspection. Although personal information contained in these records is not open to routine public inspection, it may be released under the following circumstances:
    - (1) In case of an emergency when the safety of the member or the member's family may be compromised.
    - (2) Upon a direct subpoena or other proper court order. In these cases, the Office of the General Counsel shall be notified and the release coordinated with that office.
    - (3) The address and telephone number of a member may be released with the approval of the member.



- b. Public Law 92-543 considers that members can be reached during duty hours at their assigned organizational elements. Therefore, every effort shall be made to ensure that the member involved is made aware of any inquiries; and in appropriate cases, the member makes him/herself available for interview or telephone contact. Each request to contact a member shall be given prompt and courteous attention.

4. Maintaining Background Investigation Reports and Selection Process Documentation

The background investigation report is considered a part of the employee's OPF for the entire time that an employee is employed by MPD, even though the documentation shall not be included in the actual file folder.

5. Selection Process Examination Results

- a. The results of examinations, interviews, or other phases of the selection process in which the employee participated during the application process shall be securely maintained by the Recruiting Branch.
- b. The results of any medical, psychological, or other such examination(s) shall be securely maintained at the Medical Services Branch.

6. Employee Training Records

- a. Training records of MPD employees shall be maintained at the Metropolitan Police Academy (MPA) and shall be updated as soon as practical following an employee's participation in an MPD sponsored training course or outside training.
- b. Employees who complete outside training shall comply with the regulations and procedures regarding training records in GO-PER-201.08 (Outside Training Program).

- F. Telephone

1. Sworn members shall maintain an operational telephone at their residence at all times, or be in possession of a cell phone that is used as their permanent telephone.

2. Sworn members who reside in an area that does not receive adequate cell phone coverage shall have a "hard-wired" (i.e., landline) telephone at their residence.

G. Address

Members shall provide a residential address, to include street number, street name, city, state and zip code. P.O. Boxes are not acceptable for documentation of official primary residence.

**V. PROCEDURES**

A. Reporting Personal Information Changes

1. Members shall log-in to the Peoplesoft system to update their personal information changes within twenty four (24) hours of changing their residential address or phone number.
2. All sworn and civilian employees of the Department shall execute a PD Form 73 in its entirety within twenty-four (24) hours of a change in the following:

a. Name;

- (1) MPD requires members who change their name to submit evidence that the new name shall be used consistently, exclusively, and without any fraudulent or improper purpose.
- (2) Acceptable evidence may be either a copy of a marriage certificate or court order; or, in lieu thereof, a copy of any three (3) of the following items showing the employee's new name:
  - (a) Driver's permit;
  - (b) Social security card;
  - (c) Credit card; or
  - (d) Checking and/or savings account name change.
- (3) Members shall attach the identifying documents to the original PD Form 73 and forward to the Director, HRMD.

b. Marital Status (including spouse's name and address);

- c. Telephone Number;
- d. Title (female civilian employees);
  - (1) Under the same conditions by which a name change is allowed, a female employee may elect to use the prefix "Ms." instead of the traditional forms of "Miss" or "Mrs."
  - (2) Title change requests do not require the evidence needed to support a name change.

### 3. Electronic Personnel System

- a. Peoplesoft is the current approved electronic personnel management system for D.C. Government employees. However, the provisions of this section shall apply to any future system of electronic personnel management.
- b. Peoplesoft is used for a variety of important human resources services, including payroll, benefits, retirement and tax information. Inaccurate information in Peoplesoft can lead to unnecessary delays and complications in these important matters.
- c. All Department employees shall update their personal contact information in the internet-based Peoplesoft system. To review contact information or make changes, members shall:
  - (1) Log on to [ess.dc.gov](http://ess.dc.gov) from any computer.
  - (2) Select "Self Service" from the menu on the left side of the screen.
  - (3) Select "Personal Information" from the menu, and enter your new information.

NOTE: Updates of personal information in Peoplesoft are not reflected in employees' Official Personnel Folder. Employees' Official Personnel Folder can only be updated by completing a PD Form 73.

### 4. Benefits Information

- a. All members are reminded that they may review their current benefits information in the Peoplesoft system at any time.

b. Members should update their benefits information and/ or benefit designations, for all significant life events, especially:

(1) Marriage;

(2) Divorce;

(3) Birth of a Child; and

(4) Designee(s) of Life Insurance Benefits.

## B. Appeals

1. An employee has the right to present information relevant to any materials contained in his/her personnel records, and to seek the inclusion or removal of irrelevant, immaterial or untimely information.
2. An employee seeking the removal of irrelevant, immaterial or untimely information from his/her personnel record shall submit a written request to the organizational element's commanding officer that includes the:
  - a. Identity of the record;
  - b. Specific material to be deleted or added; and
  - c. Reason for the request, including relevant documentation.
3. The commanding officer shall review the request and provide a written response to the employee within ten (10) business days.
4. If denied, the employee may submit a written request for administrative review by the Director, HRMD.
5. The Director, HRMD, shall process all requests for administrative review and respond in writing to the employee within 30 (thirty) business days.

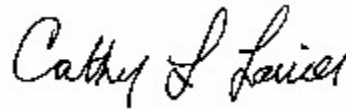
## C. Personnel Records of Separated or Transferred Employees

1. When an employee transfers to another MPD organizational element, the employee's unit personnel folder shall be hand-carried to the new element's commanding officer by the employee's current supervisor or hand delivered in a sealed envelope by MPD courier.

2. Upon a member's separation from MPD (e.g., retirement, resignation), the unit personnel folder shall be retained, in its entirety, at the element for three (3) years from the date of separation unless they are subject to a litigation hold as described in Part IV.A of this order. Strict security shall be maintained over the stored files.
3. At the end of the three (3) year period, the folder shall be forwarded to the Director, HRMD, for disposition unless they are subject to a litigation hold as described in Part IV.A of this order.

## VI. CROSS REFERENCES

1. GO-SPT-204.05 (Freedom of Information Act Request)
2. GO-PER-201.08 (Outside Training Program)



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