

# GENERAL ORDER



DISTRICT OF COLUMBIA

Title  
**Employee Personnel Records**

Topic/Number  
**GO-PER-201.19**

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Distribution  
**B**

Replaces/Rescinds  
**General Order 201.19 (Handling Employee Personnel Records; Collection and Release of Personnel Data; Employee Telephone/Residency Requirements)**

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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. 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. 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 in the Metropolitan Police Department's Human Services Office File Room. These policies shall govern the internal procedures of the file room 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. Personnel Records and Files – includes any record, documentation or file, in either a written or electronic format, or both.
3. OPF - official personnel file maintained by Human Services Office.

#### IV. REGULATIONS

##### A. Official Personnel Files and Records

1. The Human Services File Room shall maintain the Official Personnel Files (containing originals) of all civilian and sworn employees throughout their service with the MPD.
2. Upon separation of sworn employees, covered under Police and Fire Retirement Relief Act, the OPF is transferred to the National Records Center in Suitland, Maryland.
3. Permanent records pertain to the employee's status throughout their tenure with the District Government. Permanent records include:
  - a. Appointment;
  - b. Separation;
  - c. Reassignment;
  - d. Promotion;
  - e. Retirement;
  - f. Employee Benefit Information;
  - g. Employee Annual Evaluations of Outstanding or Unsatisfactory;
  - h. Salary/Step Increases;
  - i. Court Orders Changing a Person's Status (Reinstatement, back pay, etc);
  - j. Letters of Resignation; and
  - k. Copies of Degrees & Certificates.
4. 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. Temporary records include:
  - a. Position Descriptions;
  - b. Tax Withholding Documents;
  - c. Emergency Notification;

- d. Final Decision of Adverse Actions (up to three years);
  - e. Drug Free Work Place Certification;
  - f. Notices of Step Increases; and
  - g. Commendations & Achievements
5. Certain temporary records are required to be removed from the OPF at the end of a designated period of time. Temporary records that must be purged from the OPF include:
- a. Adverse Actions-Three years from the effective date of the action.
  - b. Court Orders that do not result in the generation of a Form 1 (Garnishment of Wages, Child Support).
  - c. Official Reprimands – Two years from the date of the effective date.

B. Unit Personnel Records

1. Records that are maintained in the employee's unit folder include:
- a. Accident Reports;
  - b. Employment Eligibility (DC Personnel Form I-9);
  - c. Physical Disability;
  - d. Requests for Leave Without Pay or Designation of AWOL;
  - e. Retirement Data;
  - f. Appeal Files & Correspondence (Employee Relations);
  - g. Complaints from the Public;
  - h. Grievance & Correspondence;
  - i. Background Investigations;
  - j. Letters of Recommendation/Reference;

- k. Medical Records (Maintained by the Clinic);
  - l. Pre-Employment Inquiries; and
  - m. Testing & Examination Documents.
2. The employee's SF-52 (Request for Personnel Action) and current position description shall be included in the folder and shall remain there until replaced. A copy of the position description is provided to the employee whenever changed, upon request, or prior to evaluation. To ensure the position description is accurate and current, the employee is encouraged to review it and make appropriate comments relative to duties, responsibilities, skills, etc., that may have changed. Supervisors shall review the position description with the employee as part of the performance evaluation process. (CALEA 21.2.3) Current copies of every position description are maintained in the Human Services Office, and are available to all MPD Employees.
  3. The PD Form 57-B (Individual Personnel Card for Unit Personnel Folders) shall be used as a record of all permanent documents contained in the folder. Temporary records shall not be recorded on the PD Form 57-B.
- C. 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.
  2. Correspondence and documents (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 remain a part of the employee's file, pursuant to the provisions of the District of Columbia Government's Record Retention Schedule. (CALEA 82.1.2)
  4. Removal of OPFs shall be documented on a PD Form 605 (Charge-Out Card for Official Personnel File).

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

1. Civilian and Sworn Members:

- a. Requests from individuals outside the department to have access to employee personnel records shall be referred to the Director of Human Services Office.
- 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 (See GO-SPT-204.05 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; and
- (3) Medical 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 of Human Services.

- 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 punishable by criminal penalties).
- c. The Director of the File Room 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) A confidential employee of the Human Services Office;
  - (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 authorized attorney in the Office of General Counsel;

- (5) An authorized employee of the Office of Professional Responsibility; or
  - (6) An authorized employee of the Disciplinary Review Division.
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 shall not 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 and Selection Process Documentation

The background investigation 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. (CALEA 32.2.3)

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 Division. (CALEA 32.2.9)



- (a) Driver's permit;
  - (b) Social security card;
  - (c) Credit card;
  - (d) Checking and/or savings account name change;
  - (e) Any other document showing that the name change conforms to the requirements detailed in the Mayor's Memorandum 76-7.
- (3) Members shall attach the identifying documents to the original PD Form 73 and forward to the Director of the Human Services Office.
- b. Marital Status (include 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 by Mayor's Memorandum 76-7, a female employee may elect to use the prefix "Ms." instead of the traditional forms of "Miss" or "Mrs."; and
    - (2) Title change requests do not require the evidence needed to support a name change.

## B. Appeals

1. An employee has the right to present information relevant to any information contained in his/her personnel records, and to seek the 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 working days.

4. If denied, the employee may submit a written request for administrative review by the Director of the Human Services Office.
5. The Director of Human Services shall process all requests for administrative review and respond in writing to the employee within 30 working days.
6. If denied, the employee is entitled to submit a written request for review by the D.C. Office of Employee Appeals located at 717 14<sup>th</sup> Street, N.W., third floor.

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 (retirement, resignation, etc.) from MPD, the unit personnel folder shall be retained, in its entirety, at the element for three years from the date of separation. Strict security shall be maintained over the stored files.
3. At the end of the three-year period, the folder shall be forwarded to the Director of the Human Services Office, for disposition.

// SIGNED //  
Charles H. Ramsey  
Chief of Police

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