
ARTICLE 21

Personnel Records

Section 1 - Official Personnel Folders

- A. The Department shall maintain the Official Personnel Folder of each unit employee, on behalf of the Office of Personnel Management in the appropriate Regional-OASAM or at the National Office. Official Personnel Folders are subject to the Privacy Act and Freedom of Information Act.
- B. Material placed in the employee's Official Personnel Folder, as allowed by applicable law, rule, or regulation may be discussed with the employee. The employee will receive an automatic e-mail notice when electronic personnel actions are added to their Official Personnel Folder.
- C. Unfavorable material placed in an employee's Official Personnel Folder shall be discussed with the employee to the extent disclosure of the material is required under applicable law, rule, or regulation.
- D. Employees shall be advised of the length of time the Department intends to maintain unfavorable material in the Official Personnel Folder. If the Department reduces the time in which it maintains such material in the Official Personnel Folder, the employee shall be so notified.

Section 2 - Employee Performance Files

Employee performance records shall be maintained in accordance with applicable law and regulation. Employee performance records shall not be made available to persons who do not have an official need for them. Performance ratings will be disposed of in accordance with OPM requirements.

Section 3 - Working Files

- A. Working files, if maintained by supervisors, shall be limited to dated documents and records of immediate concern to the supervisor and the employee. Such files are subject to the Privacy Act.
- B. The working file maintained by a supervisor on an employee shall be made available at reasonable times upon request to that employee for review. Working files shall not be made available to Merit Staffing Panels or Qualification Rating Examiners.

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- C. Material will not be maintained in an employee's working file indefinitely. Working files should be reviewed at least once a year for disposal of non-current material. In the event material in the employee's working file is used as backup for a proposed adverse or performance-based action or is the subject of a grievance or other appeal, that material shall be placed in the appropriate official file and retained for the time required by Privacy Act regulations.

Section 4 - Employee's Review of Files

The right of the employee to review his/her personnel records, at reasonable times and upon request to the appropriate official, is subject to the provisions in Section 1 of this Article.