



CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

PROCEDURE(S): EMPLOYEE FILES

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S):

EMPLOYEE FILES

The Human Resource Department will maintain the official Human Resources files for all City employees in order to meet state and federal legal requirements, assure efficient personnel administration, and comply with legitimate business purposes. Each Department Director may maintain department unofficial files on employees of the department.

The City of New Braunfels respects the rights and dignity of its employees. The City has the duty to protect its employees' right of privacy, and therefore, adopts these principles:

1. The City will request and retain only that information which it has a legitimate legal or business purpose to maintain. Such things as employment application, human resources forms, memos and letters concerning the employee, and evaluation reports will be kept in the Human Resources File.
2. To the extent permitted by the Texas Public Information Act (open records), the City will protect the confidentiality of all personal information in its records and files.
3. Each employee shall have a right of reasonable inspection of his/her official Human Resources file.
4. Each employee has the right to correct inaccurate information in his/her Human Resources file, limited to such things as address changes, phone number changes, name changes, changes in dependents, marital status changes, and other information as submitted to the Human Resources Department.
5. This policy applies to active City employees. Former City employees who are no longer active must request access to their employee files through an Open Records request.

The City's Human Resources Department will maintain confidential Human Resources files on each employee which will include documents necessary for the administration of the City's benefit programs, and any other employment information deemed to be confidential. All employee medical information, including pre-employment drug screen results and/or physical, worker's compensation reports, etc. are kept in a separate, confidential file. Medical files may only be accessed in the following



CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

PROCEDURE(S): EMPLOYEE FILES

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S):

circumstances:

1. Supervisors and managers as necessary to be informed about restrictions on an employee's work or duties and accommodations that must be provided;
2. First-aid and safety personnel who need information on a disabled employee's need for special assistance in the event of an emergency, or in other necessary circumstances;
3. Government officials investigating compliance with Americans with Disabilities Act and other federal and state laws prohibiting discrimination on the basis of disability;
4. The Human Resources Director must approve all access to medical records. If he/she has a question about access, he/she may confer with the City Attorney and obtain his/her advice. If an employee believes that this policy has been violated, he/she should contact the Human Resources Director. If an employee believes that the Human Resources Director has violated this policy, he/she should contact the City Manager.
6. Medical records shall not be provided to third parties except when the employee has given written authorization to release such information to a third party or upon the receipt of a valid subpoena from a court, agency, or investigating entity. If possible, the City will notify the employee when it is served with a subpoena for medical information so that the employee may take any action he/she deems appropriate with regard to the subpoena.

The City, as an employer that sponsors a group health plan, is subject to the Health Insurance Portability and Accountability Act's (HIPPA's) privacy rule. We have adopted privacy regulations designed to safeguard certain protected health information. It is our intent to abide by both the letter and the spirit of the privacy rule.

Protected health information (PHI) refers to individually identifiable, non-employment-related health information received via the City's group health plan. It includes information related to health status, medical condition, claims experience, receipt of health care, medical history, genetic information, and evidence of insurability and disability.

VIEWING EMPLOYEE RECORDS/FILES



CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

PROCEDURE(S): EMPLOYEE FILES

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S):

A. Procedure for Examination of Employee Files/Records

Inspection of an employee's Human Resources file may be accomplished at reasonable times during normal business hours and under the following conditions:

1. Employees may examine their files; however, an appointment may be required. An employee may obtain a copy of any and all documents in the file.
2. An employee's designated representative, upon the submission of a written authorization executed by the employee and the scheduling of an appointment, may examine the employee's Human Resources files and may obtain copies of any and all documents in the file; however, a per page fee may apply provided the authorization allows the representative to make such copies.
3. The City Manager, City Attorney, and other management staff who have a legitimate need for access may examine the Human Resources files. Questions concerning the legitimacy of examining a Human Resources file shall be referred to the City Attorney for response.
4. The examination of any Human Resources file shall occur within the offices of the Human Resources Department. Original files will not be removed from the Human Resources Department without the consent of the Human Resources Director or the City Attorney.
5. First aid or medical staff may examine a Human Resources file or the confidential medical records file if the information contained in the file[s] is needed to respond to an emergency situation.
6. Federal, state and local governmental agencies, including law enforcement agencies, may examine employee Human Resources files as part of an investigation if they furnish proper identification and proof of authority to examine the files. Any questions concerning the authority of an agency to examine a Human Resources file will be referred to the City Attorney for response. No agency representative will be permitted to remove original documents from the file or reproduce any information in the file without the consent of the Human Resources Director or the City Attorney.

B. Public Information Requests



CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

PROCEDURE(S): EMPLOYEE FILES

EFFECTIVE DATE: MAY 20, 2019

REVISION DATE(S):

Most of the information contained in the official Human Resources files is subject to disclosure pursuant to the Texas Public Information Act. Generally, when the City receives a request for information from the media or any member of the public, it will notify the employee of such requests. The employee may confer with the City Attorney with regard to questions dealing with confidentiality of information. The City will use its best efforts to prevent the release of confidential information to the public, but it is not liable to an employee for the release of any such information.

C. Departmental Records

Department Directors may maintain only that information about an employee that is essential to their department's operation. Original documentation will need to be sent to the Human Resources Office to be kept in the employee's personnel file. Normally, this information will be limited to:

1. Current year's attendance records.
2. Employee's current address and telephone numbers.
3. Performance evaluations.
4. Notes, memos, documents, or other information regarding an employee's job performance.
5. Certificates of training/school completion and other training records.
6. Any other information authorized by law.