



## **GUIDELINES FOR INTERAGENCY ACCESS TO PERSONNEL RECORDS DURING THE HIRING PROCESS HUMAN RESOURCE MANAGEMENT STATE LABOR RELATIONS & EMPLOYMENT PRACTICES**

To enhance selecting officials' ability to make better informed and timely hiring decisions, a State agency ("Hiring Agency") may review/copy specified and relevant information from the personnel records<sup>1</sup> of candidates currently employed by any other State agency ("Employing Agency" that has candidates' personnel records) upon request by email to the Employing Agency human resource office. To streamline the hiring process and maintain compliance with Merit Rule 16.1, a specified agency human resource official shall serve as the "Director's designee" for purposes of reviewing/copying records.

Hiring agency requests shall be reasonable and not be unduly burdensome upon the employing agency in either scope or quantity. Employing Agencies shall accommodate such requests and respond in a time period that facilitates the hiring agency's ability to expedite candidate assessment<sup>2</sup> and the hiring process (generally, within 3 business days). To ensure confidentiality of records in accordance with Merit Rule 16.1, all communications about the review/copying of records shall be made between agency human resource staff, and only they shall be permitted to review/copy these records.

The Director's designee may summarize or otherwise convey applicable information from these records to selecting officials, such as job performance, attendance (only the number/duration of non-FMLA covered absences may be released) and discipline; while maintaining medical records confidentiality, and applying the applicable selection standards set forth in the Merit Rules or collective bargaining agreement that governs the subject selection process.

[Merit Rule 16.1 Master Personnel Records] A master personnel record for each employee shall be established and maintained by each agency. The records shall include copies of: application for employment; each Human Resource transaction; attendance and leave records; employee Performance Review documents; grievance records; verification of education and employment and any other records or information considered appropriate. At the discretion of the Director, these records may be either physical (hard) copies or computer-stored data. Personnel records are confidential and shall be maintained as necessary to ensure their confidentiality. These and other employee records shall be readily available for review by the Director or the Director's designee. Unauthorized disclosure of any portion of a State employee's records shall be grounds for dismissal.

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<sup>1</sup> See Recommended Guidelines on Employee Files.

<sup>2</sup> See Reference Checks document.