

RESOLUTION NO. 136-14 4.22.14

4-14-60-4
ADM Personnel Access Policy

ADOPTING THE CAYUGA COUNTY ACCESS TO PERSONNEL RECORDS POLICY.

BY: Hon. Michael Didio, Chairman Government Operations

WHEREAS, the County Legislature has adopted numerous policies and procedures for conducting County business and others which are mandated by Federal and State governments; and

WHEREAS, the County wishes to amend its present ACCESS TO PERSONNEL RECORDS POLICY now, therefore be it

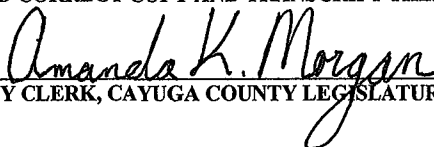
RESOLVED, the County Legislature does hereby adopt the attached ACCESS TO PERSONNEL RECORDS POLICY; and be it further

RESOLVED, that said Policy be numbered Section 1 in the County Policy Manual and distributed by the Clerk of the Legislature to all County Department Heads; and it is further

RESOLVED, that this resolution will take effect immediately upon adoption.

I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION DULY PASSED AND ADOPTED BY THE LEGISLATURE OF CAYUGA COUNTY AT A MEETING HELD ON THE 22nd DAY OF APRIL 2014 WITH THE ORIGINAL RESOLUTION, AND THAT THE SAME IS A TRUE AND CORRECT COPY AND TRANSCRIPT THEREOF, AND THE WHOLE THEREOF.

4-23-14 10:15AM


DEPUTY CLERK, CAYUGA COUNTY LEGISLATURE

Policy Number – 1 – Revised 4-22-14	
Effective Date: 3-25-14 Resolution No. 136-14	Last Update:
Title: Access to Personnel Records	March 2014

CAYUGA COUNTY POLICY MANUAL

Section 1

Subject: Personnel Records

Supersedes Policy of: 5/25/10 Res No. 255-10; 10/27/09 Res No. 572-09

Policy Title: Access to Personnel Records

Objective: To Protect the Privacy of the Employees of Cayuga County

Policy: Number 1

1. No Personnel file or record will be allowed to leave the Human Resources Office.
2. Any and all Personnel Records will be reviewed by the Requestor in the presence of the Human Resources Administrator or his/her designee.
3. To ensure employees' privacy, personnel files are not accessible except in the following situations:
 - a) When members of the County Legislature need information from the employee's personnel record to aid them in performing their legal responsibilities in such matters as appointments, assignments, promotions, demotions, remuneration, discipline, dismissal, or to aid in the development and implementation of personnel policies.
 - b) When a Supervisor, Department Head, the Cayuga County Administrator, Human Resources Administrator or the County Attorney or County Labor Attorney requires such records in the furtherance of their duties.
 - c) When the employee grants permission.
 - d) When the information sought is disclosable under the Freedom of Information Law (FOIL), and a proper FOIL request has been made.
 - e) When the information sought is required to be disclosed as a matter of law.
4. Procedures for obtaining records by a Supervisor, Department Head, the County Administrator, Human Resources Administrator, the County Attorney, County Labor Attorney or the designee of the foregoing, shall be as follows:

The Supervisor, Department Head, the County Administrator, Human Resources Administrator, the County Attorney, or the designee of the foregoing, shall submit to the Civil Service Department a written request to obtain and review a specified employee's personnel file articulating the reason the file is needed. Upon approval to review the requested information, the Civil Service Department will arrange for a time when the Requestor is available to come to the Human Resources Office to review the requested information. All information will be reviewed while the Requestor is in Human Resources Office and with the presence of the Human Resources Administrator (or a specified designee of the Human Resources Administrator).

5. Procedures for obtaining records by a member of the County Legislature shall be as follows:
 - a) Any member of the County Legislature wishing to review an employee's personnel file shall make a written request to the Chairperson of the County Legislature to review the file. Upon approval of the request, the Requestor will be contacted by the Civil Service Department to arrange a time to review the information. The Requestor will bring a report to the next meeting of the County Legislature committee dealing with the matter. NOTE: The written request to review a personnel file shall clearly specify the reason why the personnel file is needed.
 - b) Where the written request specifies a legitimate reason, the Human Resources Administrator shall obtain the personnel file from the Civil Service Department. A Legislator may only review the requested information from an employee's personnel file while in the Human Resources Office and with the Human Resources Administrator (or his/her designee) present.
 - c) At the conclusion of the meeting where the personnel matter is discussed, or the executive session, any written documentation regarding the personnel matter shall be returned to the Chairperson, who shall return the document to the Civil Service Department for inclusion in the respective personnel file.
6. The County of Cayuga shall not release information concerning the employment records, personnel file or past performance of a former employee, unless such information is required to be disclosed by law, or where it is needed for a current matter being dealt with by county government or where permission is granted in writing by the former employee. Under normal circumstances and in response to a FOIL request, only the initial and final dates of employment and the position held shall be provided through a written response to a written request. The former employee may authorize, in writing, the release of any additional information.
7. Any dispute regarding the administration of this policy shall be addressed, in writing, to the Ways & Means Committee within five (5) business days of the decision or action complained of. Upon receipt of a complaint, the Ways and Means Committee shall set a date to meet with the complainant and all other parties to discuss the matter. Within ten (10) business days of the meeting, the Ways and Means Committee shall issue a written determination on the complaint. The determination of the Ways and Means Committee shall be final and binding.