

Administrative Policy No. 18.22

Subject: Human Resources and Payroll Files

Information Contact: DSHS HR

Authorizing Sources: RCW [41.06](#)
WAC [357-22](#)
[Administrative Policy 5.02](#) – Public Disclosure of and
Access to DSHS Records

Effective Date: July 1, 2005

Revised: April 6, 2023

Approved By: Original signed by Wendy Long
Senior Director, Human Resources Division

Purpose:

This policy identifies human resources and payroll file requirements within the Department of Social and Health Services (DSHS) to maintain and release information from personnel, medical affirmative action (MAAF), Form I-9, Paid Family and Medical Leave (PFML), and payroll files.

Scope:

This policy applies to current and separated non-represented DSHS employees.

Definitions:

Agency custodian: The human resources senior director has ultimate authority and responsibility for employee personnel, MAAF, Form I-9, and PFML files. Under this policy, DSHS HR staff are authorized to act on the senior director's behalf.

The finance services division senior director has ultimate authority and responsibility for employee payroll files. Under this policy, DSHS Payroll staff are authorized to act on the senior director's behalf.

Form I-9 file: The official DSHS file that contains an employee's completed Form I-9. Form I-9 is kept separate from the personnel file. The Form I-9 file meets federal requirements to verify

the identity and employment authorization of any individual (citizens and non-citizens) who is hired to perform labor or services in return for wages or other remuneration. Remuneration is anything of value given in exchange for labor or services, including food and lodging. The Form I-9 requirement applies to new employees hired after November 6, 1986.

Management operation document imaging system (MODIS): The system used by DSHS to electronically store employee personnel, medical, affirmative action, Form I-9, PFML and payroll files.

Medical or affirmative action file (MAAF): The official DSHS file that contains medical documentation and other correspondence related to reasonable accommodation, medical condition, leave, or other work-related circumstances requiring medical documentation. The MAAF also includes documents that disclose an employee's race, ethnicity, age, gender designation for health insurance purposes, gender identity, disability, Lesbian, Gay, Bisexual, Transgender, and Queer/Questioning (LGBTQ+) status, and veteran and military spouse information. The MAAF is kept separate from the personnel file and is confidential per state and federal law.

Paid Family and Medical Leave (PFML) file: The official DSHS file that contains documents related to an employee's PFML application and claim.

Payroll file: The official DSHS file that contains documents related to an employee's pay and benefits.

Personnel file: The official DSHS file that contains documents related to an employee's personnel action and movement history. The file includes (but is not limited to) employee appointment letters, performance evaluations, applications, resumes, training records, corrective or disciplinary actions, letters of commendation, work schedules and other job-related information.

Policy:

A. File maintenance ([WAC 357-22-010](#), [WAC 357-22-015](#), [WAC 357-22-030](#))

1. DSHS must maintain an official personnel file for each employee for business and legal purposes.
2. DSHS maintains a separate personnel, MAAF, Form I-9 PFML and payroll file for each employee.
3. The DSHS agency custodian and any designee are responsible for security, retention and maintenance of official personnel, payroll, Form I-9, MAAF and PFML files.

B. Privacy of confidential material ([RCW 42.56](#), [RCW 40.14.040](#))

1. All DSHS records, including documents in the official personnel file, and payroll files are subject to the Public Records Act.
2. Information maintained in personnel files and payroll files may be subject to disclosure pursuant to the law. [Administrative Policy 5.02](#) includes guidance for when DSHS receives a public records request for disclosure of one or more employee's personnel file, payroll file or MAAF. Contact the HRD public disclosure manager for guidance.

C. File access ([WAC 357-22-020](#), [RCW 49.12.240](#))

1. The following individuals are authorized to access and inspect personnel and payroll files without employee authorization:
 - a. Agency custodian or designee.
 - b. Assistant Attorneys General and their staff or designees required to access files in the performance of their duties.
 - c. Public disclosure or discovery coordinators reviewing and preparing records for disclosure or production.
2. The following individuals are authorized to access and inspect personnel and payroll files without employee authorization. MODIS must include documentation of the review.
 - a. Office of the State HR Director or designee.
 - b. State Auditor or designee.
 - c. Supervisors in the employee's direct chain of command.
 - d. Washington State Personnel Resources Board members or designee.
 - e. DSHS supervisors considering the employee for employment. An agency custodian or designee must be present during the review.
 - f. Equal Employment Opportunity Commission and Human Rights Commission staff or designee.
 - g. Other DSHS staff, as well as other state and federal agency staff, who have legal authorization and who require access in the performance of official duties. An agency custodian or designee must be present during the review.
3. The following individuals are authorized to access and inspect the MAAF without employee authorization:
 - a. Agency custodian, designee, and DSHS HR staff acting in the performance of official duties.
 - b. Assistant Attorneys General or designee acting in the performance of official duties.
 - c. Equal Employment Opportunity Commission and Human Rights Commission staff or designees acting in the performance of official duties when the records being requested are for the complainant and the record is responsive to the complaint made.

4. All other individuals requesting to review an employee's personnel file including prospective employers in other agencies must:
 - a. Present written authorization by the employee to the agency custodian or designee for each file access.
 - b. An agency custodian or designee must be present during the review.
5. The agency custodian or designee:
 - a. Must place the employee's written authorization in the appropriate file.
 - b. Must document the review in MODIS.
 - c. May copy information from the personnel, MAAF or payroll file:
 - i. In the normal course of performing official duties.
 - ii. As requested by the individuals, and as outlined in Section C.
6. An employee may review their own personnel, payroll, MAAF, Form I-9 and PFML files.
 - a. An agency custodian or designee must be present during the review.
 - b. The employee shall not remove or modify material from their own personnel, payroll, MAAF, Form I-9, or PFML files.
 - c. The employee may annually request one copy, free of charge, of all materials in their own personnel, payroll, MAAF, Form I-9, and PFML file by contacting the employee's assigned DSHS HR staff. However, the agency custodian or designee may charge a reasonable fee for additional copies.
7. The agency custodian or designee must confirm the identity and authority of each person (including the employee) that requests access to the personnel, payroll, MAAF, Form I-9 and PFML file before providing file access.

D. Transferring files ([WAC 357-22-025](#))

If an employee accepts an appointment with another state agency, the agency custodian or designee will audit the employee's files for appropriate content. The agency custodian or designee will document the audit in MODIS. Unauthorized documents will be removed and placed in the appropriate file, provided to the employee or destroyed.

Once the audit is complete, the agency custodian or designee will transfer the employee's files to the gaining state agency.

E. Responsibilities ([WAC 357-22-030](#))

1. The agency custodian or designee:
 - a. Manages the official personnel file, including conducting on-going personnel file audits for appropriate content.
 - b. Manages the official MAAF for appropriate content and is separate from the personnel file.

- c. Manages the official Form I-9 files to ensure compliance with federal employment eligibility verification requirements. The Form I-9 file is maintained separately from the personnel file.

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2. DSHS HR staff will audit newly separated employees' personnel files.. DSHS HR staff will document the audit in MODIS. Unauthorized documents will be removed and placed in the appropriate file, provided to the employee or destroyed.

F. Content of official personnel and payroll file ([WAC 357-22-035](#), [WAC 357-22-045](#))

1. The content of the personnel, payroll, MAAF, Form I-9 and PFML files must be maintained as defined in the Prospective Document Types Guide.
2. The initiator must provide the employee with a copy of all adverse material that is placed in the employee's personnel file at the time the material is included in the file.
3. An employee may request to include the following documents in the employee's personnel file:
 - a. Statements of rebuttal or correction of adverse information placed in the employee's personnel file; or
 - b. Job performance information.

Only the DSHS Agency Custodian or designee may permanently remove documents from an employee's personnel file.

G. Document retention and removal of documents ([WAC 357-22-040](#))

1. Information must be retained in the employee's personnel file per the appropriate general and local records retention schedules. Normally, this requires retention as long as the information has a reasonable bearing on:
 - a. The employee's job performance;
 - b. The efficient and effective management of DSHS or the employee's immediate organization; or
 - c. Any active or foreseeable legal action.
2. Adverse material that is proven to be inaccurate or false, information related to employee misconduct or alleged misconduct that is proven to be false and all information in situations where the employee is fully exonerated of wrong doing must be promptly destroyed, unless:
 - a. The employee requests that the information be retained in the file; or
 - b. The information is related to pending, active or reasonably foreseeable legal action.

3. DSHS may retain adverse material and information in a separate legal defense file, in consultation with the assigned Assistant Attorney General. Legal defense file records are considered privileged, and may only be used:
 - a. When required by a regulatory agency acting in an official regulatory capacity;
 - b. In the defense of an appeal or legal action; or
 - c. As required by law.

DSHS Official