

## Chapter 19 – PERSONNEL RECORDS

### SECTION 1. POLICY

The Nation Human Resource Office shall be responsible for the maintenance of personnel records for all Classified or Court Nation employees. Personnel records shall be maintained and stored in a manner that insures strict confidentiality. Personnel records of Nation employees are privileged documents, and their use is restricted in the interest of the individual employee's rights to privacy, as well as, for the efficient conduct of the Nation's business.

### SECTION 2. RETENTION OF RECORDS

The Human Resource Office shall establish and maintain an Official Personnel File for each employee covered by this manual. Records shall be kept current and reflect accurately the employee's current employment status.

Official personnel records of terminated or separated employees shall be retained for a period of three (3) years from the date of separation.

### SECTION 3. ACCESS TO FILE

Nation personnel records may be reviewed only under the supervision and presence of an authorized employee of the Human Resource Office. Nation personnel records may not be removed from the Human Resource Office without the express written approval of the Human Resource Director. Access to Nation official personnel records is restricted to the following persons:

- A. An individual employee has the right to view their personnel file upon request.
- B. An employee's immediate supervisor and Executive Leadership may review that specific employee's file in the Human Resource Office.
- C. Authorized employees of the Human Resource Office as required in the performance of their duties, may have access to personnel files and documents.
- D. An employee's representative in a grievance process is allowed to review that employee's official personnel file when authorized in writing by that employee, who is involved in the grievance.
- E. Individuals specifically and formally authorized in writing by the Nation. Secretary in accordance with Title 19, Chapter 3 of the Jicarilla Apache Nation Code.

## SECTION 4. CONTENT AND DOCUMENT REMOVAL

Only the Nation President and the Trial Judge may authorize the permanent removal of material from the Nation's personnel records of Classified and Court employees. Disciplinary action documentation will be purged from the personnel file after twelve (12) months from the date of the incident. Content of Nation's employment and personnel records will consist of the following documents:

1. Employee's application for employment.
2. Job Description.
3. Employment references.
4. Training Records.
5. Personnel action forms.
6. Leave request and records.
7. Disciplinary documentation.
8. Commendations and complaints.
9. Records relating to disciplinary action.
10. Travel records and reports.
11. Pay and benefit information.
12. Employee's verification that this manual has been provided and explained.

## SECTION 5. OTHER PERSONNEL RECORDS

Records concerning individual employees maintained by Nation departments and by the Nation Finance Office do not constitute official personnel records. However, such records shall be safeguarded and kept confidential.

## SECTION 6. DOCUMENTATION OF PERSONNEL ACTION

All personnel actions involving an employee's employment, leave or status changes shall be kept current and/or documented to insure accurate maintenance of Nation personnel records. Responsibility for documenting employee status changes shall be accomplished in the following manner:

### **A. Official Personnel Action**

All personnel actions shall be initiated by Executive Leadership and officially approved utilizing the Human Resource Office. An officially approved personnel action becomes a part of an employee's personnel file. Official action may include classification, pay increases, appointment, promotion, demotion, and completion of probationary period, suspension and termination.

### **B. Timely Notice of Employee Information change**

Notices requiring personnel action such as resignation, or changes in name, address, telephone number, status, and dependents, shall be initiated by the employee and

submitted to the supervisor two (2) weeks prior to the effective date of such action or as soon as possible. Executive Leadership shall forward the notice to the Human Resource Office. Executive Leadership shall also advise employees to report any other changes in the employee's status, such as for increased education or skills, to assure that the employee's file most accurately presents his or her status.

### **C. Status Change**

The Human Resource Office shall formally document all personnel actions relating to status change and all such documentation shall become part of an employee's official personnel record.