

**STATE OF MARYLAND  
JUDICIARY**

**POLICY ON PERSONNEL RECORDS**

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**I. PURPOSE**

The Judiciary Human Resources Department (JHRD) is the official repository for personnel records. JHRD maintains information on employees, and retains information on retirees and former employees in order to administer its planning and human resources functions and to comply with state and federal record keeping and reporting requirements. This includes job evaluation and performance evaluation, as well as compensation and employee benefits programs. JHRD will gather, maintain, and retain only such personal information as is required by law or Maryland Rule 16-1004(c) to conduct its business effectively and that which is necessary to administer human resources programs.

An Administrative Official also may be considered a custodian of an employee's informal personnel record (e.g. doctor's notes, FMLA forms, leave slips, etc.). Therefore, information maintained on an employee by the Administrative Official may be considered part of the employee's personnel record. The Administrative Official should be prepared to present this information if requested to do so by an authorized party.

While complying with said reporting and record keeping requirements, JHRD and the Administrative Official shall ensure that they handle all personal and job-related information about employees in the appropriate manner specified in accordance with this and related policies. Medical records will be kept separate from basic personnel files. Records of other sensitive information, e.g. EEO complaints and charges, although part of an employee's personnel record, also will be kept in separate files.

**II. DEFINITIONS**

**A. Administrative Official**

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk or Administrative Commissioner for the respective district in which the employee works; or

3. The Director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court Headquarters, or the Court-Related Agency in which the employee works.
- B. Duly Authorized Person – Any person authorized by law or in writing by the employee to act in the employee's behalf.
- C. Employee – Any person employed by the Judiciary.

### **III. SCOPE**

This policy applies to all employees (regular, contractual and temporary) of the Maryland Judiciary.

### **IV. FILE CONTENT, SECURITY and RETENTION**

The personnel file maintained by JHRD may include, but is not limited to, new hire paperwork, employment related correspondence, performance evaluation forms, changes in job status, and disciplinary actions. A medical file may include, but is not limited to, any medical or health information of the employee or an employee's family member, and information pertaining to any on-the-job injury.

- Employees are required to notify JHRD, through their respective Administrative Official when there is a change in name, address, telephone number, marital status, change of benefit status, military status, person to notify in case of accident or emergency, or beneficiary assignment of any employee benefits plan.
- All documents and records relating to the Judiciary's personnel record system shall be kept in secured files in JHRD (in a locked file cabinet, a locked office or room, etc.). **Medical records and other sensitive information are kept in separate secured files.** All official personnel records must remain in JHRD at all times until destroyed pursuant to the department's records retention schedule unless otherwise directed in accordance with state or federal law.
- An employee of the Judiciary who objects to material in his or her personnel file on the grounds that it is inaccurate or incomplete may submit to the Administrative Official a request that the material be corrected. The employee's request must be reviewed and granted or denied, and the employee must be notified of the action taken.

- Informal employee personnel and separate medical files maintained by the Administrative Official shall be maintained in a secured manner (in a locked desk, locked file cabinet, locked office or room, etc.).

## **V. FILE ACCESS and RELEASE OF INFORMATION**

Release of and access to information contained in employee personnel files are controlled by this policy. The following files may be accessed only by those persons listed and by staff of JHRD as necessary.

No information on current or former employees shall be released to outside parties except by JHRD or by other parties authorized to do so only after consultation with JHRD.

### **A. PERSONNEL FILES**

Personnel files are open for inspection in JHRD by certain parties as follows:

- An employee, or a duly authorized person, may examine his/her personnel file;
- A Judiciary employee having current supervisory authority over the employee, or one who is considering the employee for selection to a different position, may review the employee's file, except for records pertaining to EEO/Harassment complaints and charges;
- As prescribed by the Maryland Public Information Act, or as ordered by a court of law; and
- An official of an agency of the State or federal government, or any other political subdivision of the State, may inspect by formal request or subpoena, any portion of a personnel file when such inspection is deemed appropriate by the Executive Director of JHRD, or designee. The Judiciary's Director of Legal Affairs, as requested or required, shall provide guidance and direction in such matters.

### **B. MEDICAL FILES**

Medical files may be accessed only by the following individuals:

- The employee, or a duly authorized person;
- Supervisors and Administrative Officials as necessary, to be informed about restrictions on an employee's work duties and modifications that must be provided;
- First-aid and safety personnel who need medical information on an employee who is in need of emergency medical care or in other necessary circumstances;
- Government officials investigating compliance with the Family Medical Leave Act (FMLA), Americans With Disabilities Act (ADA) and other federal and state laws prohibiting discrimination; and
- Government officials and agents and contract service providers in accordance with the Worker's Compensation Act.

**C. EEO/HARASSMENT COMPLAINTS, and OTHER SENSITIVE FILES**

These files may be accessed only by the employee or the employee's authorized representative.

**VI. INTERPRETIVE AUTHORITY**

The Judiciary Human Resources Department, in consultation with others as appropriate, is responsible for the interpretation of this policy.