

CHAPTER 3

TECHNICIAN PERSONNEL RECORDS AND FILES

Section I - General

1-1. **Purpose.** This chapter outlines the records and files that must be maintained on each technician; the proper maintenance of these records and files; and the conditions for protecting the confidentiality and use of information contained in such records and files as governed by the Privacy Act of 1974, as amended (5 USC 552a) and the Freedom of Information Act (5 USC 552).

1-2. **Scope.** This chapter applies to all management officials, supervisors, and employees who process personnel actions and maintain personnel records and files in the Human Resources Office and at other locations where such files might be maintained or processed. Personnel records are records that relate to the supervision over, and management of, technicians. These include records on the general administration and operation of human resource management programs and functions as well as records that concern individual employees.

1-3. **Importance of Personnel Records.**

a. The Official Personnel Folder (Standard Form 66) is a file containing records that document an employee's entire Federal civilian employment history. The information contained in the Official Personnel Folders (OPF) are vital in determining an individual's length of service for leave, pay adjustments such as within-grade increases, eligibility for retirement benefits, designation of beneficiaries in event of death, qualifications for promotion or reassignment, and retention standings in the event of a reduction-in-force, to name a few. So, it is important that the OPF reflects accurate, complete, and up-to-date information about the technician.

b. Technicians are encouraged to keep their application for Federal Employment (Optional Form 612) current at all times. When a technician completes a course of military or civilian training (basic course, career course, C&GSC, special course, etc.); he/she should submit an OF 612 to HRO for the purpose of updating his or her OPF. Civilian education level should be updated in a like manner. All completed training courses have a direct bearing on the technician evaluation when applying for a promotion; therefore, it is very important for each technician to keep his or her record updated.

c. In short, the Official Personnel Folder is the official repository of the records and reports of personnel actions affected during an employee's Federal service and the documents and papers required to document or substantiate these actions. These documents give legal force and effect to personnel transactions and establish employee rights and benefits under pertinent laws and regulations. The Folder travels with the employees throughout their Federal career and when they are separated from the Federal service, the Folder is transferred to the National Personnel Records Center and becomes part of the central file of former Federal employees. The Folder and its contents are the property of the Office of Personnel Management and are maintained by agencies in accordance with OPM rules and regulations.

Section II - Records Maintained by the Human Resources Office

2-1. **Responsibilities of the Human Resources Office.** The HRO has the responsibility for maintaining the Official Personnel Folder for each technician, as well as other files pertaining to personnel management and administration. The procedures for the maintenance of these files are contained in various laws and the Office of Personnel Management rules and regulations. The following records and files are maintained by the HRO:

- a. Standard Form 66, Official Personnel Folder (OPF), on each technician.
- b. File copies of the Notification of Personnel Action, Standard Form 50.
- c. Reduction-in-force records.
- d. Employee Performance File (EPF).
- e. Medical records as required.
- f. Records required for absence for military duty.
- g. Technician Appeal files.
- h. Merit Placement Records.
- i. Complaint files.
- m. Records on Reemployment Rights.
- n. Awards file.
- o. Adverse action files.
- p. Classification files.

2-2. Disclosure of Information from Files Maintained by the Human Resources Office:

a. **Legal Requirements.** Two (2) laws have been passed which deal with the safeguarding and disclosure of information contained in personnel records. The first is the Freedom of Information Act and the second is the Privacy Act of 1974.

(1) Each technician has the right to review their Official Personnel Folder and any other document maintained on them by the Human Resources Office (HRO) and their commander/supervisor, except medical information which might be damaging to the health of the technician if revealed to the technician.

(2) No record maintained within this agency will be disclosed by any means of communication to any agency or to any person, except upon written request or written approval of the technician concerned, unless disclosure is:

(a) To those officials and employees of this agency who have a need for the record in the performance of their duties and their use of the record is compatible with the purpose for which the record is maintained.

(b) Information which is normally available to the public. The name, present and past position titles, grades, salaries, and duty station (which includes room numbers, shop designations, or other identifying information regarding buildings or places of employment) is information which is normally available, unless:

1. The release of the information is prohibited by law or executive order in the interest of national defense or foreign policy.

2. The information is sought for the purpose of commercial or other solicitation.

3. There is reason to believe that the information is sought for political purposes which may be a violation of the political activity prohibitions of Chapter 73, Title 5, United States Code, or which may be a violation of other laws.

(c) Information will normally be made available to a prospective employer as follows:

1. Federal Agency. All employment data from the Official Personnel Folder shall be furnished to another Federal agency upon a proper request. This is normally a Standard Form 75, however, telephonic request may be honored in unusual circumstances.

2. Non-Federal Employer. Pertinent employment data will normally be given to prospective civilian employers. This includes information contained in 2-2a(2)(b) above and tenure of employment, Civil Service status, length of service in the agency and the Federal

Government, when an employee is separated, the date and reason for separation as shown on the SF 50, unless release of the information is restricted by paragraph 2-2a(2)(b)1 above .

(d) Information Available to Police or Court Officials. In addition to information normally available to the public listed in paragraph 2-2a(2)(b), a technician's home address shall be made available to a police or court official under certain circumstances outlined in 5 CFR, part 297.402 . When information is released under a compulsory legal process the technician must be informed, or a reasonable attempt made to inform the technician of the disclosure.

(e) Information Available to Credit Firms. Information which is available to the public, listed in paragraph 2-2a(2)(b) above, will be made available to credit firms and the information listed in paragraph 2-2a(2)(c)1 and 2 above may be verified if the technician has applied for credit and the technician has requested this Office to release the information. The Human Resources Office can verify information provided by an employee to a credit rating agency.

(f) Disclosure of Disciplinary Action Information. Information pertaining to written admonition, written reprimand, notice to suspend, or notice to demote for cause normally will not be released to sources other than authorized Federal officials without written consent of the individual who received the disciplinary action. However, upon the determination of legitimate interest, and upon determination that the release would not be prohibited by law, the reason for a suspension, demotion for cause or separation for cause, as shown on the SF 50, may be furnished without the consent of the employee. An incident which did not lead to separation should be of little interest to an activity outside the Federal service; therefore, the employee's right to privacy should be respected.

(g) Release of Information Relating to Claims for Compensation. Information pertaining to an employee's claim for compensation due to injury or disease, or claims submitted because of death of an employee, may be released only with the approval of the Department of Labor.

(h) Release of Information to Labor Organizations. Information outlined in paragraph 2-2a(2)(b) above normally will be made available to labor organizations without charge. Specific information, in addition to that contained in paragraph 2-2a(2)(b), if any, will be furnished a labor organization in accordance with the negotiated agreement and Chapter 27 of this manual.

(i) Disclosure of Position Descriptions. The functions of Federal organizations are information available to the public; therefore, a position description is information which is available to the public so long as the duties and responsibilities are not classified from a security standpoint and the position description does not contain employee names or other personal identifying information.

(j) Information Available to Taxing Authority. In addition to the information contained in paragraph 2-2a(2)(b) above, the Social Security Number and place of residence shall be disclosed to a Federal, State, or local taxing authority.

b. **Access to Official Personnel Folders.** Official Personnel Folders are maintained in the Human Resources Office located in Montgomery, Alabama. Technicians may review their file by visiting the HRO and requesting access to their file or they may authorize a representative to review the file. Authorization for a representative to review the file will be in writing and the representative must be properly identified. Before the file is reviewed, the following documents, if any, will be removed from the file:

- (1) Medical information which might be harmful to the health of the technician if released.
- (2) Test materials and copies of certificates or other lists of eligibles.
- (3) Investigative reports including loyalty and security investigative information.
- (4) Confidential questionnaires and employment questionnaires obtained in confidence.

c. **Other Persons Authorized Access to the Official Personnel Folders.** In addition to the technician or the technician's representative certain other Government officials are authorized access to the Folder. This includes:

- (1) An employee's supervisor.
- (2) Other officials who have an official need for the information in the performance of their official duties without restriction.
- (3) A member of Congress, a representative of a Congressional Committee or Subcommittee, when certain requirements of 5 CFR, Subpart D, Part 297.401 have been complied with.
- (4) An official of the legislative or judicial branch of the Federal Government when certain requirements of 5 CFR, Subpart D, Part 297.401 have been complied with.

2-3. **Denial of Access to Records.** The Adjutant General of Alabama and/or the Deputy Adjutant General is the initial denial authority (IDA) for denying access to personnel records within the Alabama National Guard Technician Program. An appeal of a denial for access to a record will be made to the Chief, National Guard Bureau.

2-4. **Records of Disclosure.**

a. Each record custodian will maintain an accurate record of disclosure of information released from a record to any person outside this agency. This record of disclosure will be

maintained on the "Disclosure Record Form" at Appendix 3. Local reproduction of the form is authorized.

b. The Disclosure Record Form will be maintained for a period of five (5) years or the life of the record, whichever is longer. A technician, former technician, or the properly designated representative of a technician has the right to review the Disclosure Record Form.

Section III - Records Maintained by the First Line Supervisor

3-1. **Responsibilities of the First Line Supervisor.** Each supervisor will maintain a file for each technician supervised. This file will contain the information needed by the supervisor to properly manage his or her workforce. These files are considered non-official and OPM prohibits the use of the Official Personnel Folder, SF 66, for this purpose. Consequently, a manila folder should be used for this purpose. Contents of these files will normally be limited to the following:

- a. Supervisor's Record of Technician Employment (Automated Supervisor's Brief).
- b. Technician Position Description.
- c. Written Critical Elements.
- d. Technician Performance Appraisal (NGB Form 430 and AGO 216).
- e. Correspondence pertaining to training, experience, awards, and special qualifications.
- f. Notes of oral admonishment.
- g. Letters of reprimand.
- h. Debt letters.
- i. Record of disclosure of information from the files.

3-2. **Maintenance of Work Files by Supervisors.** The following pertains to the maintenance of files by supervisors:

a. Upon employment of a military technician, the first-level supervisor will be provided an Automated Supervisor's Brief. Upon receipt of the Automated Supervisor's Brief by the first-level supervisor, it then becomes the supervisor's responsibility to maintain the form in a current status. Instructions for maintenance are as follows:

- (1) Part A is to be completed by the supervisor, upon receipt, in pencil.

(2) Part B is used to record comments and events occurring during the year, i.e. Letters of Appreciation, counseling sessions leading to disciplinary or adverse action, performance or conduct.

(3) Part C is used to record employee experience, awards, performances, training, and education information.

(4) Part D lists employee military data that is available in PDSC and can be used to record data by the supervisor. Technicians should be advised to notify his/her supervisor when any of this information changes.

b. The first level supervisor will establish a file for each technician and secure in a location that will protect the confidentiality of the record. A separate file, utilizing a manila folder, should be established for each technician supervised.

c. Because the information contained in the supervisor's work folder is of a personal nature, access will be limited to management officials, the technician concerned and individuals to whom the technician has given written permission.

d. Letters of warning, reprimand, and similar disciplinary papers attached to the Automated Supervisor's Brief will be retained until the date specified in the letter; however, if the action is later determined to be unwarranted it must be removed at that time. Notations of oral admonishment will be made in pencil and deleted from the form after one (1) year if it does not relate to a continuing problem.

e. Copies of the SF 50 can be found on MyWorkplace. This will facilitate notification of all concerned that a personnel action has been accomplished. The SF 50 will be used by the supervisor to post the Automated Supervisor's Brief. Once posted to the Automated Supervisor's Brief, the copy of the SF 50 will be destroyed.

f. The supervisors will be furnished a copy of the position description for each technician under his/her supervision. This copy should be placed in the supervisor's work folder. Revised position descriptions will be furnished to supervisors by the Human Resources Office (HRO) as they are received from the National Guard Bureau.

g. Supervisors will establish written critical elements for each position under his/her supervision. A copy of the critical elements will be made a part of the technician's work folder. Supervisors will retain a copy of the latest performance appraisal in the work folder.

h. Supervisors will retain copies of the performance appraisals in the work folder.

i. The supervisor will retain a copy of all correspondence, forms or reports pertaining to the technician. Copies of correspondence pertaining to disciplinary actions, letters of reprimand, and warning letters will be retained no less than one year nor longer than three (3) years

from the date of the letter if they do not relate to a continuing problem. Debt letters that are acknowledged by the technician or are reduced to judgment by a court will be retained for two years only.

3-3. Disclosure of Information From Files Maintained by Supervisors.

a. **Availability of Records to Technicians.** A technician has a right to review any and all records or files maintained by a supervisor which pertains to the technician.

b. **Disclosure of Information from Records and Files.** Records and files in the hands of supervisors will be protected and disclosed under the same circumstances and conditions outlined in paragraph 2-2 above, except as indicated below:

(1) Requests for information that are received by a supervisor that involves only the technician's name, present and past position titles, grades, salaries, and duty station, may be released by a supervisor when he is satisfied that the request is a legitimate one. If the request is for information other than that listed above, the request will be referred to the Human Resources Office and the requester advised of the referral.

(2) Requests for information that comes to a supervisor accompanied by written authorization by the technician for the release of the information to the requester may be released. The supervisor will assure himself or herself of the requester's identity before the information is surrendered. The written authorization will be retained with technician's records along with a record of the disclosure. Records of disclosure will be prepared in the same manner as outlined in paragraph 2-4 above.

(3) Requests for information from potential employers will normally be referred to the HRO for response. The requester should be informed of the referral.

(4) Requests for verification of employment, etc., received from creditors may be replied to if the creditor is asking for information which is covered by paragraphs 3-3b(1) or (2) above. However, if the request is for information not covered by paragraphs 3-3b(1) or (2) above, the request should be forwarded to the HRO.

(5) Requests received from law enforcement agencies will be referred to the HRO unless the information is releasable under paragraphs 3-3b(1) or (2) above or in case of emergency, the home address or next of kin may be released to a law enforcement agency. Any subpoenas or other legal documents served on a supervisor pertaining to records of technicians under his or her supervision should be referred to the HRO. Release of information other than that contained in paragraph 3-3b(1) above, will be recorded on a Record of Disclosure in accordance with paragraph 2-4, above. In addition, the supervisor must inform the technician, or make a reasonable attempt to inform the technician, of any information disclosed or released under a compulsory legal process.

3-4. **Records of Disclosure.** Supervisors will maintain records of disclosure in the same manner as provided in paragraph 2-4, above.

3-5. **Denial of Access to Records.** The Adjutant General and/or Deputy Adjutant General are the initial denial authority (IDA) for denying access to any personnel record within the Alabama National Guard Technician Program. Therefore, any request for information received by a supervisor which cannot be released in accordance with this section will be referred to The Adjutant General, ATTN: NGAL/HRO. The requester will be advised of the referral. An appeal of a denial for access made by the IDA may be made to the Chief, National Guard Bureau.

3-6. **Disposition of Records.**

a. **Upon Transfer of the Technician Within the State.**

(1) When a technician is transferred within the State and will be under the jurisdiction of another supervisor, the losing supervisor will forward the employee's record directly to the new supervisor. Before the folder is forwarded, the following actions will be taken:

(a) Remove and destroy all correspondence pertaining to reprimands, debts, duty performance, etc., that have accumulated during the employee's tenure under the losing supervisor.

(b) Erase pencil entries from the Automated Supervisor's Brief which pertain to the above.

(c) Remove the position description and performance standards.

(2) Forward the following documents to the gaining supervisor:

(a) Supervisor's Record of Technician Employment, Automated Supervisor's Brief.

(b) Technician Performance Appraisal, AGO-216 and/or the new NGB Form 430.

(c) Correspondence pertaining to training, special skills, or awards.

(d) Record of disclosure of information from the files.

b. **Upon Separation of the Technician.** When a military technician is separated from the program (resignation, retirement, etc.) the work folder will be destroyed by the supervisor 60 days after the separation date. There may be instances where the work folder should be retained after the 60 day limit (i.e., active appeal or grievance case). In such case, supervisors will retain the folder until it is certain it is no longer needed.