



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-031900 Personnel Records Review, Confidentiality and Security	Issued: 06/15/84 Effective: 06/15/84	Reviewed: 09/11/23 Revised: 09/11/23
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

- A. Inspection and Survey of Public Records, Section 14-3-7, NMSA 1978, as amended.
- B. General Records Retention and Disposition Schedules, (GRRDS), General Personnel Records 1.15.6 NMAC.
- C. State Personnel Board Rules Subsection B of 1.7.1.12.NMAC.
- D. Americans with Disabilities Act [42 U.S.C. Section 12010 et.seq].
- E. State Personnel Administration, Drug and Alcohol Abuse NMAC 1.7.8
- F. Inspection of Public Records Act, Sections 14-2-1 thru 14-2-12, NMSA 1978, as amended.
- G. SSA and SSN disclosure 57-12 b-4 Use of Social Security Numbers restricted: exceptions. NMSA 1978, as amended.

REFERENCES:

- A. ACA Standard 2-CO-1C-23, *Administration of Correctional Agencies, 2nd Edition, and revised August 2010, ACA Supplement.*
- B. ACA Expected Practices 5-ACI-1C-20 and 5-ACI-1C-21, *Performance Based Expected Practices for Adult Correctional Institutions, 5th Edition.*
- C. ACA Standard 1-CTA-1C-11, *Standards for Correctional Training Academies, 1993, and revised August 2010, ACA Supplement.*
- D. ACA Standards 4-APPFS-3E-12, and 4-APPFS-3E-13, *Standards for Adult Probation and Parole Field Services 4th Edition.*
- E. Attorney General's Opinion Re: Inspection of Public Records Act, NMSA 1, 1978, Chapter 14, Article 2.

PURPOSE:

To establish standardized guidelines for the review, maintenance and security of employee personnel records within the New Mexico Corrections Department (NMCD).

APPLICABILITY:

All NMCD employees and particularly to human resource (HR) professionals and staff, as well as anyone charged with the responsibility of establishing and maintaining NMCD employee records.

FORMS:

Personnel File Review Log form (CD-031901.1)

DEFINITIONS:

- A. Matters of Public Record: Name, employee status, salary rate and appointment date, but excluding home and/or private mailing address, street address, private telephone number, social security number and any other information that could be used for unlawful purposes.
- B. Confidential Records:
1. Records and documentation pertaining to physical or mental illness, injury or examinations, sick leave and medical treatment of persons.
 2. Records and documentation maintained for purposes of the Americans with Disabilities Act [42 U.S.C. SECTION 12101 et seql].
 3. Letters of reference concerning employment, licensing or permits.
 4. Records and documents containing matters of opinion.
 5. Documents concerning infractions and disciplinary actions.
 6. Performance appraisals.
 7. Opinions as to whether a person should be re-employed.
 8. School transcripts.
 9. Military discharge.
 10. Information on the race, color, religion, sex, national origin, political affiliation, age and disability of employees.
 11. Home address and personal telephone number unless related to public business.
 12. Social security numbers.
 13. Laboratory reports or test results generated according to the provision of 1.7.8.NMAC.
 14. Otherwise provided by state or federal law.
- C. Employee: A person who is in probationary, career, term, temporary, emergency or exempt status.

POLICY:

- A. Personnel records will be maintained with current and accurate information for each employee. Employees will have full knowledge of, and access to, the contents of their individual personnel files. Employees of the NMCD may review their personnel and payroll files at any time by request through the HR office. The employee's birth date may be used to schedule reviews. [2- CO-1C-23] [5-ACI-1C-20] [1-CTA-1C-11] [4-APPFS-3E-12]

- B. The confidentiality and security of personnel files will be maintained at all times. Information obtained as part of a required medical examination (and/or inquiry) regarding the medical condition or history of applicants and employee shall be collected and maintained on separate forms and in separate medical files and treated as a confidential medical record. **[2-CO-1C-23]**
[5-ACI-1C-20] **[1-CTA-1C-11]** **[4-APPFS-3E-12]**
- C. Pursuant to NMSA 1978 Section 14-2-1 through 12, confidential documents are not subject to inspection by the general public without written permission of the affected employee or pursuant to a lawful court order.
- D. Internal access to individual personnel files will be limited to the human resource staff, the immediate supervisor and those above the supervisor in a direct line of command up to and including the Office of Professional Standards (OPS), Office of the Inspector General (OIG), the EEO Officer, and the Office of General Counsel.
- E. Employees have access to and are permitted to challenge the information in their personnel file and have it corrected or removed if it is proven inaccurate. **[5-ACI-1C-21]** **[4-APPFS-3E-13]**



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CD-031901	Personnel	Records	Review,	Issued: 06/15/84	Reviewed: 09/11/23
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AUTHORITY:

Policy *CD-031900*

PROCEDURES: [4-APPFS-3E-13]

A. Review Procedures:

1. Human Resource staff shall review personnel and payroll files annually with the employee and note any changes, updates, etc. that need to be made (e.g., beneficiary, address and phone number changes, etc.)
2. Human Resource staff shall process any changes, updates, etc. on proper documents and on the automated system as soon as possible after review of the files. Document changes or updates shall be mailed to the appropriate authority (e.g., PERA, Insurance Carrier, etc.) as soon as feasible after the review of the files.
3. Employees will certify on the **Personnel File Review Log** form (*CD-031901.1*), that their personnel and payroll files have been reviewed.
4. Central Office Human Resources Bureau staff will conduct a periodic audit to ensure that this process is being followed.
5. Employees may challenge information contained in the personnel record and have it corrected or removed if the objection proves valid, with the exception of official personnel actions or documents that directly support personnel actions. Further, employees may respond in writing to any matter contained in their file and the responses shall be included in their file at the employee's request. [5-ACI-1C-21] [4-APPFS-3E-13]

B. Confidentiality and Security:

1. Former Employees or Members of the Public - Under the "Inspection of Public Records Act", any person who submits a request may be given the opportunity to inspect and obtain copies of those documents in employee personnel files which are matters of public record. Such inspection shall take place under visual observation of qualified NMCD staff. At no time will documents be allowed to be removed from the personnel file during the inspection. NMCD Human Resource staff will perform any photocopying.

2. Employees shall be provided a copy of any material placed in the personnel file and may present a written response to be attached to the original material.
3. All local, state, and NCIC inquiries will be maintained in a separate locked file cabinet at the originating institution or area and will be available for inspection only by the employee concerned, the Secretary of Corrections, and/or a designee. All such records and documents will be destroyed, as soon as it has been determined that they have served their purpose regarding the employee.
4. Fingerprint cards returned by the FBI and the Department of Public Safety will be filed and remain in the employee's personnel file.
5. Personnel files of all employees who transfer within the agency will be sent immediately, in their entirety, to the HR office of the receiving division or institution.
6. In the event that a transfer is to another agency, a copy of the personnel file will be retained by the NMCD on inactive status and retained in accordance with the Records and Disposition Schedule for general personnel records. The original personnel file will be sent to the employee's hiring agency within two weeks of the employee's separation.
7. All files of terminated employees opened prior to 1970 shall be retained for fifty-five (55) years. All files of retired or terminated employees whose files were opened in 1970 or after shall be retained at NMCD for three (3) years. Files will then be sent to State Records and Archive Center to be retained for up to fifty (50) years.
8. Supervisors may maintain their own working file as they relate to the daily performance of an employee, for the purpose of documenting oral reprimands, or other matters that may affect the employee's status. Such documentation may be used as justification for any formal or informal, positive or negative, action affecting the employee's status that the supervisor may take, as well as to serve as background data for an accurate performance evaluation.
9. When such documentation is used in taking an action, copies should be furnished to the appropriate Human Resource office for incorporation in the employee's permanent personnel file. Working files shall be destroyed at the time of the employee's termination or transfer.

NEW MEXICO CORRECTIONS DEPARTMENT
Personnel File Review Log

Employee Name: _____ SSN#: _____

Classification: _____

I have reviewed my Personnel File on _____ . _____
(Date) (Signature)

I have reviewed my Personnel File on _____ . _____
(Date) (Signature)

I have reviewed my Personnel File on _____ . _____
(Date) (Signature)

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(Date) (Signature)

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(Date) (Signature)