

# Chapter 357-22 WAC

## PERSONNEL FILES

### WAC

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**WAC 357-22-010 Must an employer maintain a personnel file for each employee?** An employer must maintain an official file of each employee showing a record of employment and such other information as may be required for business and legal purposes. The employer has the burden of demonstrating the legal or business need for the record.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-198, § 357-22-010, filed 12/21/04, effective 7/1/05.]

**WAC 357-22-015 Must an employer develop and publish a policy on personnel files?** Each employer must develop and publish a policy pertaining to the retention and confidentiality of personnel records in accordance with chapter 357-22 WAC and all relevant state and federal laws. The employer's policy must include the requirement that personnel and payroll records are open to the inspection of the board, state auditor, the director or director's designee, and prospective employers.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-198, § 357-22-015, filed 12/21/04, effective 7/1/05.]

**WAC 357-22-020 Can an employee review his/her personnel file?** An employee and/or any person authorized in writing by the employee may review the employee's personnel file at least annually according to the policy of the employer.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-198, § 357-22-020, filed 12/21/04, effective 7/1/05.]

**WAC 357-22-025 What information must be sent from one employer to another when an employee changes employers within state government?** When an employee accepts an appointment with a different employer, the most recent former employer must provide employee information to the new employer in a transmittal package specified by the director's office.

[Statutory Authority: Chapter 41.06 RCW. WSR 11-23-054, § 357-22-025, filed 11/10/11, effective 12/13/11; WSR 05-01-198, § 357-22-025, filed 12/21/04, effective 7/1/05.]

(11/10/11)

**WAC 357-22-030 Who is responsible for the management of official personnel files?** Each employer must designate the position(s) within the employer's organization responsible for managing and maintaining the official personnel files.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-198, § 357-22-030, filed 12/21/04, effective 7/1/05.]

**WAC 357-22-035 Must the employee be given a copy of information placed in the personnel file?** An employee must be provided a copy of all adverse material placed in the personnel file at the time the material is included in the file. Upon the employee's request, the employee must be provided with a copy of any information in the employee's personnel file. Copies will be provided in accordance with the employer's personnel records policy as required by WAC 357-22-015.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-198, § 357-22-035, filed 12/21/04, effective 7/1/05.]

**WAC 357-22-040 How long must information be kept in the employee's personnel file?** (1) Information must be kept in the employee's personnel file as long as it has a reasonable bearing on:

- (a) The employee's job performance; or
- (b) The employer's efficient and effective management of the agency, institution, or related higher education board.

(2) Adverse material proven to be inaccurate or false, or information related to employee misconduct or alleged misconduct which is determined to be false, and all such information in situations where the employee has been fully exonerated of wrong doing must be promptly destroyed unless:

- (a) The employee requests that the information be kept; or
- (b) The information is related to pending legal action or legal action(s) may reasonably be expected to result.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-198, § 357-22-040, filed 12/21/04, effective 7/1/05.]

**WAC 357-22-045 When may an employee add information in his/her personnel file?** After an employee becomes aware that adverse information has been placed in his/her personnel file, he/she has the right to add a statement of rebuttal or correction of such information. At anytime, an employee has the right to add job performance information to his/her personnel file.

[Statutory Authority: Chapter 41.06 RCW. WSR 05-01-198, § 357-22-045, filed 12/21/04, effective 7/1/05.]