
ARTICLE X

PERSONNEL RECORDS

NORTHAMPTON COUNTY
LOCAL GOVERNMENT

ARTICLE X: PERSONNEL RECORDS

Contents

Section 1. Personnel Records Maintenance	2
Section 2. Information Open to the Public.....	2
Section 3. Confidential Information	3
Section 4. Employee Objections to Material in File	5
Section 5. Penalty for Permitting Access to Confidential File by Unauthorized Person.....	5

ARTICLE X: PERSONNEL RECORDS

Section 1. Personnel Records Maintenance

The Human Resources Department will maintain personnel records necessary for the proper administration of the personnel system.

The Human Resources Director is responsible for the establishment and maintenance of personnel records for County employees in all departments, with the exception of the Department of Social Services and the Health Department.

The County shall maintain in personnel records only information that is relevant to accomplishing personnel administration purposes and legitimate personnel administration needs. Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees or applicants for employment maintained by a county are subject to inspection and may be disclosed only as provided by this section.

For purposes of this section, an employee's personnel file consists of any information in any form gathered by the County with respect to that employee and, by way of illustration but **not** limitation, relating to his application, selection or non-selection, performance, promotions, demotions, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the County.

Section 2. Information Open to the Public

Personnel Records are protected from release except for the following, which is public record:

- a) Name of the employee
- b) Age of employee
- c) Date of original employment or appointment to county service
- d) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the county has the written contract or a record of the oral contract in its possession
- e) Current position
- f) Title
- g) Current Salary
- h) Date and amount of each increase or decrease in salary with the County
- i) Date of the most recent promotion, demotion, separation or other change in position classification
- j) The office to which the employee is currently assigned
- k) Date and amount of each increase or decrease in salary with the County
- l) The date and general description of the reasons for each promotion with the County

ARTICLE X: PERSONNEL RECORDS

- m) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the County. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the County setting forth the specific acts or omissions that are the basis of the dismissal.

For the purposes of this subsection, the term “salary” includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the employing entity. The Board of County Commissioners shall determine in what form and by whom this information will be maintained.

Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of Commissioners may have adopted.

Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders. If the challenging party prevails, the party can be awarded attorney fees. The award of attorney fees will be based on whether the County was substantially justified in denying access to the record.

Section 3. Confidential Information

All information contained in a county employee’s personnel file, other than the information made public by Section 2 of this Article, is confidential and shall be open to inspection only in the following instances:

- a) The employee or his duly authorized agent may examine all portions of his personnel file *except* letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would **not** divulge to his patient.
- b) A licensed physician designated in writing by the employee may examine the employee’s medical record.
- c) A county employee having supervisory authority over the employee may examine all material in the employee’s personnel file.
- d) By order of a court of competent jurisdiction, any person may examine such portion of an employee’s personnel file as may be ordered by the court.
- e) An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting

ARTICLE X: PERSONNEL RECORDS

agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

- f) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- g) The County Manager, with the concurrence of the Board of County Commissioners, may inform any person of the employment or non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, or termination of a County employee and the reasons for that personnel action. Before releasing the information, the Manager or Board shall determine in writing that the release is essential to maintaining public confidence in the administration of county services or to maintaining the level and quality of county services. This written determination shall be retained in the Office of the Manager or the County Clerk, is a record available for public inspection and shall become part of the employee's personnel file.

Even if considered part of an employee's personnel file, the following information need **not** be disclosed to an employee or to any other person:

- a) Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the County's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.
- b) Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.
- c) Information that might identify an undercover law enforcement officer or a law enforcement informer.
- d) Notes, preliminary drafts and internal communications concerning any employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

The Board of County Commissioners may permit access, subject limitations they may impose, to selected personnel files by a professional representative of a training, research, or

ARTICLE X: PERSONNEL RECORDS

teaching purposes. This certification shall be retained by the County as long as each personnel file so examined is retained.

Notwithstanding any provision of this section to the contrary, the Retirement Systems Division of the Department of State Treasurer may disclose the name and mailing address of former local governmental employees to domiciled, nonprofit organizations representing 2,000 or more active or retired State government, local government, or public school employees.

Section 4. Employee Objections to Material in File

The Northampton County Board of Commissioners shall establish procedures whereby an employee who objects to material in his file on grounds or may place in the file a statement relating to the material.

Section 5. Penalty for Permitting Access to Confidential File by Unauthorized Person

A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount **not** more than five hundred dollars (\$500.00).

Any person, **not** specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but **not** in excess of five hundred dollars (\$500.00).