

# General Order

## Houston Police Department



ISSUE DATE:

December 2, 2020

NO.

300-22

**REFERENCE:** Supersedes all prior conflicting Circulars and Directives, and General Order 300-22, dated May 5, 2015

**SUBJECT: PERSONNEL FILES**

### POLICY

The City of Houston (COH) and the Houston Police Department (HPD) maintain personnel files on HPD employees. HPD maintains personnel files for internal administrative use and in accordance with applicable federal and state laws and COH policies and ordinances.

This General Order applies to all employees.

### DEFINITIONS

**Department Personnel File.** The personnel file of an employee maintained by the HPD Employee Services Division that generally contains copies of all documents in the employee's *Official Personnel File*. Other personnel documents that are specific to HPD may also be kept in this file or in other HPD division files.

**Division Personnel File.** The personnel file of an employee maintained by the HPD division where the employee is currently assigned and that follows employees as they transfer within the department.

**Official Personnel File.** The personnel file of an employee maintained by the director of the COH Human Resources Department and that contains documents related to employment with the COH and HPD including applications, employee evaluations, commendations, disciplinary actions, and other documents. There are certain types of documents that are not kept in the COH *Official Personnel File*, such as those that include privacy issues prohibited by law. This file is a permanent record kept in accordance with the COH records retention schedule.

## 1 CONTENTS OF FILES

Unless specifically prohibited by law, employees' personnel files maintained by HPD may contain records and information regarding any personnel matter including, but not limited to:

- a. Any commendation or award bestowed on the employee by any employee or citizen for outstanding performance or special assistance. All records shall be maintained in accordance with General Order 200-20, **Awards and Commendations**.
- b. Any misconduct by the employee if the letter, memorandum, or document is from the department and if the misconduct resulted in disciplinary action by the department.
- c. The employee's job performance evaluations.
- d. *Employee Integrity and Verifications Report*.

- e. Any personnel action documents, which may include such things as job changes, transfers, reassignments, and leaves of absence.
- f. Records and changes relating to salary or classification.
- g. Any correspondence relating to damage, destruction, or loss of City property.
- h. Income tax withholding forms.
- i. Receipts for copies of department directives.
- j. Any letter regarding no rehire.
- k. Training records.
- l. Any records not listed under section 2, *Specific Handling of Certain Documents and Information*.

## **2 SPECIFIC HANDLING OF CERTAIN DOCUMENTS AND INFORMATION**

Personnel documents and information that are not held in an employee's *Department Personnel File* or *Division Personnel File*, but may be maintained by the department for internal administrative purposes include, but are not limited to:

- a. Family and Medical Leave Act information.
- b. Facial hair documentation.
- c. Workers' compensation documents.
- d. Employee or family member medical records or information.
- e. Internal Affairs records.
- f. Discipline history.
- g. Early Warning System.
- h. Administrative Personnel Committee records.
- i. Grievance related records maintained by the department's Alternative Dispute Resolution Unit in a secure location.

The director of the Human Resources Department shall promptly order that the records of a disciplinary action taken against an officer be expunged from each file maintained on the officer by the department if the disciplinary action is overturned in its entirety on appeal by the Police Officers' Civil Service Commission, an independent third party hearing examiner, or a court of competent jurisdiction (current *Meet and Confer Agreement*).



If a negative letter, memorandum, document, or other notation of negative impact is included in an officer's *Official Personnel File*, the director of the Human Resources Department or designee shall, within 30 days after the date of the inclusion, notify the affected police officer. The police officer may, on or before the 15<sup>th</sup> day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation. A copy of the written response shall be placed in the employee's *Official Personnel File* (Texas Local Government Code 143.089(d)).

### **Supervisory Intervention**

Documentation of a supervisory intervention (SI) shall be retained exclusively at the employee's division and shall be retained for only three years from the date the SI was issued to the employee. SIs shall be used in evaluating an employee's performance only during the evaluation period in which the events giving rise to the SI occurred. Documentation relating to the SI shall be retained in the employee's *Division Personnel File* with the exception that after its use in a performance evaluation the division commander may choose to retain the SI in a separate confidential file maintained at the division for the remainder of the three-year retention period. Documentation relating to an SI shall never be placed in the *Department Personnel File* or the employee's *Official Personnel File* at the Human Resources Department.

## **3 ACCESS TO FILES**

The personnel information maintained by the department is intended to be confidential and may be protected from release or access by applicable law. Access or release of such information shall be restricted to those having a legitimate need for the information or when authorized or required by law. All requests for access to or release of personnel information shall be placed in the applicable personnel file for record.

Employees may review all contents of the *Department Personnel File* and *Division Personnel File* maintained by the department regarding their employment. Requests for an appointment to review a file shall be directed to the concerned division commander to ensure space and personnel are available to facilitate the employee's review of the file. Files may be reviewed during normal operating hours of the division maintaining the personnel records.

Supervisors may review the personnel files of their subordinates, provided they request such review in writing, via correspondence or email, to the commander of the division maintaining the records explaining the specific information sought and the reason for their review.

Division commanders may review the personnel files of any employee being considered for transfer to their division provided they request such review in writing, via correspondence or email, to the commander of the division maintaining the records. The request for review shall be accompanied by a copy of the request for transfer and shall include the specific information sought in the file.

## **4 COPIES OF FILES**

Upon written request and at a minimal charge, uncertified, photographic copies of documents maintained by HPD in the *Department Personnel File* and *Division Personnel File* are available



to the employee about whom the files are kept. Persons no longer employed by HPD may request copies of records by submitting a proper request pursuant to the Texas Public Information Act.

## 5 ADMINISTRATIVE REPORTS

Division commanders with a legitimate need may request in writing copies of the below listed reports on an employee from the Employee Services Division:

- a. *Employee Resume Report*. (Commonly referred to as the department resume.) A listing of the employment date, assignments held, promotions, current classification, salary, education, disciplinary actions, commendations, and performance ratings.
- b. *Research*. Special research and statistical reports prepared only on instruction from the Chief of Police.

## 6 RETENTION OF FILES

All *Department Personnel Files* and *Division Personnel Files* are maintained permanently by HPD. When an employee separates from the department due to resignation, retirement, termination, etc., the employee's division commander shall forward all *Division Personnel Files* to the Employee Services Division. After an employee's separation from the department, all personnel files are kept indefinitely.

All personnel records maintained by HPD are the property of the COH and shall be retained in accordance with General Order 800-12, **Records Retention**.

## 7 RELEASE OF INFORMATION

Personnel records and information in any personnel file maintained by HPD shall not be released by the department to any outside agency or person requesting such information relating to an employee, except as required or allowed by applicable law. Requests for release of personnel records shall be handled in compliance with the procedures outlined in General Order 800-10, **Police Records**, which may require the review and approval of the Office of the Chief of Police and/or the Office of Legal Services before department records are released. HPD may require the requestor to provide written approval from the employee.

The department may refer persons or entities requesting personnel information to the director of the Human Resources Department for records maintained by that department. Any release of information from an employee's *Official Personnel File* is handled by the Human Resources Department and as required by law.



Art Acevedo  
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