General Order

Houston Police Department

ISSUE DATE:	NO.
December 19, 2023	300-22

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-22, dated December 2, 2020

SUBJECT: PERSONNEL FILES

POLICY

The department shall maintain personnel files for internal administrative use in accordance with federal and state statutes, City of Houston policies and ordinances, and the applicable Meet and Confer Agreement.

The department shall permanently maintain all *Department Personnel Files* and *Division Personnel Files*. When an employee separates from the department for any reason, the employee's division commander shall forward the employee's *Division Personnel File* to Employee Services Division for indefinite retention.

All personnel records maintained by HPD are the property of the City. HPD shall retain such records pursuant to General Order 800-12, **Records Retention**.

This General Order applies to all employees.

DEFINITIONS

Department Personnel File. The personnel file of an employee maintained by the Employee Services Division (ESD) that generally contains copies of all documents in the employee's *Official Personnel File* and other personnel documents that are specific to the department.

Division Personnel File. The personnel file of an employee that follows the employee as they transfer within the department and is maintained by the employee's current division.

Official Personnel File. The personnel file of an employee that contains documents related to employment with the City and the department (e.g., applications, employee evaluations, commendations, disciplinary actions) and not otherwise prohibited by law (e.g., privacy issues), and is maintained by the director of the Human Resources Department.

1 CONTENTS OF FILES

Unless specifically prohibited by law, the department may maintain employee personnel files that contain records and information regarding any personnel matter including, but not limited to:

a. Any commendation or award given to 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 Reports.*

e. Any personnel action documents (e.g., 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 ineligibility for 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

Except as expressly permitted by Section 1, *Contents of Files*, the department may maintain copies of the following documents for internal administrative purposes, but shall not hold any of the following documents or information in an employee's *Department Personnel File* or *Division Personnel File*:

a. Discipline history.

b. Early Warning System.

c. Internal Affairs records.

d. Facial hair documentation.

e. Workers' compensation documents.

f. Family and Medical Leave Act (FMLA) information.

g. Employee or family member medical records or information.

h. Grievance records maintained by the department's Alternative Dispute Resolution Unit.

The department shall comply with an order from the director of the Human Resources Department 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 Firefighters' and Police Officers' Civil Service Commission, an independent third-party hearing examiner, or a court of competent jurisdiction.

Pursuant to Texas Local Government Code, Section 143.089(d), when an officer is notified by the Human Resources Department that a negative letter, memorandum, document, or other notation of negative impact has been included in the officer's *Official Personnel File*, the officer may, on or before the 15th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation.

Administrative Personnel Committee

Upon an employee's referral to the Administrative Personnel Committee (APC) to determine the employee's physical and psychological fitness for duty, the employee's division commander shall exclusively retain any documentation (hard copy or electronic) in a separate confidential file maintained at the division. The division shall not transfer these files to the employee's new division upon a transfer. The division commander shall send all medical reports, doctor's evaluations, and other medical records to APC for retention.

Supervisory Intervention

The employee's division commander shall exclusively retain any documentation of a supervisory intervention (SI) at the division level in the employees *Division Personnel File.* Employees shall not place such documentation in a *Department Personnel File* or *Official Personnel File.*

The division commander shall only retain such documentation for three years from the date the SI was issued. A supervisor shall only use an SI for evaluating an employee's performance during the evaluation period in which the events giving rise to the SI occurred. After its use in the performance evaluation, the division commander may retain the SI in a separate confidential file maintained at the division for the remainder of the three-year retention period.

3 ACCESS TO AND RELEASE OF FILES

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

Upon request, the department shall allow an employee to review all contents of their *Department Personnel File* and *Division Personnel File*. The employee shall direct such request to the division commander maintaining the personnel file, who shall then schedule and facilitate the review of the file with the employee.

Any supervisor may review the personnel files of their subordinate(s) by making a request via email to the division commander maintaining the file, explaining the specific information sought and the reason for the review.

A division commander may review the personnel files of any employee being considered for transfer to their division by making a written request via email or correspondence to the division commander maintaining the file. The commander's request shall include a copy of the request for transfer and the specific information sought in the file.

Copies of Files

An employee may access their own *Employee Resume Report* (i.e., department resume) via the *Police Personnel System* (PPS), which contains the employee's employment date, salary, assignments, promotions, classification history, education, performance ratings, commendations, and sustained disciplinary actions.

Any supervisor may access the *Employee Resume Report* of another employee when it is a management necessity.

An employee may request uncertified printed copies of documents maintained in their personnel files, as follows:

a. **Division Personnel File:** For department use only, the employee may obtain printed copies of the documents free of charge.

b. **Department Personnel File:** The employee may obtain twenty printed copies free of charge. If the employee requires more than twenty printed copies, the employee shall make payment to the Office of Budget and Finance, as directed by Employee Services Division personnel.

c. **Official Personnel File:** The employee shall contact the City of Houston Human Resources Department.

For any personnel file, former employees must submit a request pursuant to the Texas Public Information Act.

Outside the Department

Employees shall not release personnel records and information in any personnel file maintained by the department to any outside agency or person requesting such information, except as required or allowed by applicable law. Employees shall handle requests for the release of personnel records pursuant to General Order 800-10, **Police Records**, which may require the specific review and approval prior to releasing the record(s).

The Human Resources Department handles the release of information from an employee's *Official Personnel File*, as required by law. The department shall refer requests for such information to the director of the Human Resources Department.

Troy Finner
Chief of Police