


Personnel Records

1013.1 POLICY HEADER

Original Effective Date:	Revised Date:
September 1, 2021	January 4, 2023
<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

1013.2 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.3 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Pennsylvania.

1013.4 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations. These should be permanently maintained.
- (e) Discipline records.
 1. A Counseling Statement shall be removed after a period of 1 year.
 2. Oral Reprimands should be documented in the member's annual Performance Evaluation.
 3. If a member refuses to initial or sign a discipline record, at least one supervisor should note the date and time of such refusal on the original record. Such a

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refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the discipline record into the member's file.

- (f) Commendations and awards.
- (g) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1013.5 TRAINING FILE

An individual training file shall be maintained by the Administrative Secretary for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Administrative Secretary with evidence of completed training/education in a timely manner.
- (b) The Administrative Secretary shall ensure that copies of such training records are placed in the member's training file.

1013.6 PERSONNEL INVESTIGATION FILE

Personnel Investigation files shall be maintained under the exclusive control of the Chief of Police. Access to these files may only be approved by the Chief of Police.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the Personnel Investigation file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

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- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Municipal Manager, Solicitor or other attorneys or representatives of the Municipality in connection with official business.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify Police Administration.

Upon receipt of any such request, Police Administration shall notify the affected member as soon as practicable that such a request has been made.

Police Administration shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

A member of the Mt. Lebanon Police Department may inspect his/her personnel files used to determine his/her qualifications for employment, promotion, additional compensation, termination or disciplinary action, except for information related to confidential employment references/recommendations, during regular business hours upon providing a written request. The member may also designate a specific individual to inspect the file by providing a signed authorization with the specific date for inspection, the purpose of the inspection or the particular records to be inspected. The member may place a counter statement in the file for any alleged error determined by the member. Any disagreement with the file content must be resolved through the grievance process (43 P.S. § 1321 et seq.).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing personnel investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

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- (b) Confidential portions of personnel investigation files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

In compliance with collective bargaining agreements, personnel records may be subject to purging.

1013.11 SEPARATION RECORDS

In addition to other required employment records, the following separation records shall be maintained (44 Pa. C.S. § 7308):

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- (a) Records of the reason or reasons for, and the circumstances surrounding, a separation from employment for an officer on the form provided by the Municipal Police Officers' Education and Training Commission (MPOETC)
- (b) Records of all criminal charges filed against an officer
- (c) Records of all civil or ethical complaints made against an officer
- (d) Records of the disposition of all charges and complaints, including final and binding disciplinary actions taken, as well as imposition of probationary or other conditions

1013.11.1 REVIEW AND DISCLOSURE OF SEPARATION RECORDS

A current or former officer may review a separation record upon a request made on the MPOETC form (44 Pa. C.S. § 7308). Any disagreements with the accuracy of the records shall be handled in compliance with 44 Pa. C.S. § 7308.

Upon written request from another law enforcement agency, the Open Records Officer shall disclose employment information relating to a current or former officer who is a candidate for employment as a law enforcement officer at the requesting agency pursuant to the requirements of 44 Pa. C.S. § 7304, 44 Pa. C.S. § 7305, and 44 Pa. C.S. § 7307.

1013.11.2 STATE REQUIRED REPORTING

Upon separation of an officer from employment, the Chief of Police or authorized designee should ensure that the appropriate separation records are submitted as required by MPOETC within 15 days of separation (44 Pa. C.S. § 7309).