



**DEPARTMENT OF PUBLIC SAFETY  
POLICIES & PROCEDURES**



<b>POLICY NUMBER</b>	
PRS: 20	
<b>EFFECTIVE DATE:</b> 02/06/2007	<b>ORIGINAL ISSUED ON:</b> 06/15/1996
<b>REVISION NO:</b> 1	

**SUBJECT: PERSONNEL FILES**

**1.0 PURPOSE**

It is the purpose of this policy to identify the standards which constitute an official departmental personnel file and the handling of such file.

**2.0 POLICY**

It is the policy of the Department of Public Safety to provide guidance to its employees concerning official departmental personnel files and how they should be handled.

**3.0 APPLICABILITY**

This policy is applicable to all employees of the Department of Public Safety.

**4.0 REFERENCES**

- A. NMAC Rule 1.7.1.12 - Employment Records**
- B. Americans with Disabilities Act**
- C. Peace Officer’s Employer – Employee Relations Act**
- D. CALEA Chapter 26 – Disciplinary Procedures**
- E. CALEA Chapter 82 – Records**

**5.0 DEFINITIONS**

- A. Confidential** – The following material shall be regarded as confidential:
  1. Records and documentation pertaining to physical or mental examinations and medical treatment of persons, including those confined to any institution.
  2. Records and documentation maintained for purposes of the Americans with Disabilities Act.
  3. Letters of reference concerning employment, licensing, or permits.
  4. Records and documentation containing matters of opinion.
  5. Documents concerning infractions and disciplinary actions.
  6. Performance appraisals.
  7. Opinions as to whether a person should be re-employed.

8. College transcripts.
9. Military discharge, if other than honorable.
10. Information on the race, color, religion, sex, national origin, political affiliation, age, and disability of employees.
11. Laboratory reports or test results generated according to the provisions of PRS:06, Drug Awareness Policy, and PRS:07, Drug Testing Procedures.
12. As otherwise provided by law.

**B. DPS – Department of Public Safety.**

### **6.0 PROCEDURE**

**A. Handling Personnel Files** – The handling of personnel files shall be conducted as follows:

1. The main personnel file will be maintained and stored in the Personnel Bureau's filing room.
2. A second personnel file shall be maintained in divisions/bureaus outside the Personnel Bureau for active DPS employees. Should the employee terminate, the second file must be closed and forwarded to the Personnel Bureau for merging.
3. The only disciplinary documents that can be placed in the personnel file are those which the employee has been provided a copy. Any written response the employee may have submitted will be filed with the document.
  - a. A supervisor has the discretion to maintain a separate file of incidents or examples as a means of documenting certain employee conduct. This file should not be a part of the personnel file unless or until the employee's conduct has exacerbated the situation requiring discipline. In this case, the documentation may become a part of the personnel file as supporting documentation and a copy will be given to the employee.
  - b. All filing of disciplinary documents for commissioned officers will be done in compliance with the Officer's Bill of Rights.

**B. Strict Security Measures**

1. A minimum of locking file cabinets or desks will be maintained for all personnel files, including that discretionary information maintained by supervisors. If any such information is kept in computer files, the computer system must have a security measure which includes a password for access to the files.
2. An employee may view the contents (except confidential pre-employment documents) of his/her personnel file. This can be accomplished in the presence of an employee designated by the Personnel Bureau Chief or district commander, as applicable. By no means will an employee be left alone with the personnel file. The employee may not remove any item from the file.

## **PERSONNEL FILES**

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- a. An employee may have copies made of any item in the file that the employee is permitted to view. There may be a charge for copies.
- b. Copies of internal affairs investigations will not be a part of the personnel file and will be maintained in the Standards Bureau office.

### **7.0 ATTACHMENTS**

**NONE**

### **8.0 APPROVAL**

APPROVED BY: s/ John Denko  
DPS Cabinet Secretary

DATE: February 6, 2007