

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2022 Legislative Session

Bill No. CB-082-2022

Chapter No. 70

Proposed and Presented by The Chair (by request – County Executive)

Introduced by Council Members Hawkins, Harrison, Streeter, Turner, Glaros, Dernoga,
Franklin, Ivey, Medlock and Taveras

Co-Sponsors _____

Date of Introduction September 20, 2022

BILL

1 AN ACT concerning

2 Personnel Law

3 For the purpose of amending certain provisions of the Personnel Law relating to personnel
 4 records to reflect the current and future state of personnel record management within the County.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 16. PERSONNEL.

7 Sections 16-216 and 16-217,

8 The Prince George's County Code

9 (2019 Edition; 2021 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Sections 16-216 and 16-217 of the Prince George's County Code be and the same
 12 are hereby repealed and reenacted with the following amendments:

13 SUBTITLE 16. PERSONNEL.

14 DIVISION 16. PERSONNEL RECORDS.

15 Sec. 16-216. – Official personnel records.

16 * * * * *

17 (d) Inspection of Files.

18 * * * * *

19 (4) Any person, other than the employee in interest, a person authorized by the
 20 employee in interest, the Director of Human Resources Management, or a person acting on

1 behalf of the Director of Human Resources Management, who requests to review a personnel
 2 file, except those made pursuant to subpoena as a result of a criminal case, or when an employee
 3 is subject to an administrative investigation pursuant to Section 16-193, must be accompanied by
 4 a release form signed by the employee whose file is the subject of the request. When a personnel
 5 file is reviewed pursuant to subpoena, the Director of Human Resources Management shall
 6 notify the employee of the review within five (5) business days after the subpoena allows
 7 disclosure. When a personnel file is reviewed as part of an administrative investigation pursuant
 8 to Section 16-193, the Director of Human Resources Management shall notify the employee of
 9 the review 90 days after the examination of the Appointing Authority or designee conducting an
 10 investigation. [who reviews or examines a personnel file shall be required to record the person's
 11 name, authority to review this personnel file, and date of review on a form which shall be
 12 maintained in the personnel file. A copy of the form shall be forwarded to the employee within
 13 five business days. In the event that the personnel file of an employee who is the subject of a
 14 criminal investigation conducted by a law enforcement agency is reviewed pursuant to a
 15 subpoena or of an employee who is the subject of an administrative investigation concerning the
 16 employee's conduct pursuant to Section 16-193, the Director of Human Resources Management
 17 shall forward a copy of the form to the employee within five business days after the subpoena
 18 allows disclosure or after ninety days of the examination by the appointing authority conducting
 19 an administrative investigation.] If any person, including the employee in interest, a person
 20 authorized by the employee in interest, the Director of Human Resources Management or
 21 appointing authority, or a person acting on behalf of the Director of Human Resources
 22 Management examines a personnel file, the date of examination, reason for examination, and
 23 identity of the person examining the file shall be recorded in one or more logs maintained by the
 24 Director of Human Resources Management. The entry into a personnel file by staff assigned to
 25 the [Personnel Office] Office of Human Resources Management whose job function requires
 26 regular access to such files for the purposes of routine filing of records and/or verifying or
 27 updating information is not required to be logged.

28 (e) The official personnel file includes any file that contains documents relating to
 29 employment with the County, including, but not limited to, application, resumes, documentation
 30 of disciplinary actions and related appeals, performance ratings and counseling forms, processed
 31 employee actions, supervisor's report of injury, job-related letters of commendation, training

certificates, service awards, job-related personal information, and personal information provided by the employee, such as emergency telephone numbers and next of kin designations. Preemployment physical examination or fitness for duty examination reports and evaluations, records of required vaccinations or related waivers, infectious disease exposure reports, and benefit election and designation forms shall be maintained separately and in a manner that protects the confidentiality of medical information relating to the employee. [No unofficial file shall be maintained without the express knowledge of the employee.]

Sec. 16-217. – Departmental or agency personnel files.

(a) Appointing authorities shall not be authorized to establish and maintain separate departmental or agency personnel files regarding employees under their respective jurisdictions without consulting the Office of Human Resources Management and following the guidance and provisions provided thereupon. All documents and records maintained in any such departmental or agency personnel file shall be maintained by the appointing authority in a confidential manner and, as such, no other persons, except those individuals specified in Section 16-216(d)(1), above, shall be permitted to inspect any such file. All documents and records pertaining to an employee's performance which are not included in the employee's performance evaluation shall be destroyed after the submission of the performance evaluation or within one year of the date the record was created.

* * * * *

(d) Any person, other than the employee in interest, a person authorized by the employee in interest, the Director of Human Resources Management, the appointing authority, or a person acting on behalf of the Director of Human Resources Management, who requests to review a personnel file, except those made pursuant to subpoena as a result of a criminal case, or when an employee is subject to an administrative investigation pursuant to Section 16-193, must be accompanied by a release form signed by the employee whose file is the subject of the request. When a personnel file is reviewed pursuant to subpoena, the Director of Human Resources Management shall notify the employee of the review within five (5) business days after the subpoena allows disclosure. When a personnel file is reviewed as part of an administrative investigation pursuant to Section 16-193, the Director of Human Resources Management shall notify the employee of the review 90 days after the examination of the Appointing Authority or designee conducting an investigation. [who reviews or examines a personnel file shall be

1 required to record his name, authority to review the personnel file, and date of review on a form
2 which shall be maintained in the personnel file. A copy of the form shall be forwarded to the
3 employee within five business days.] If any person, including the employee in interest, a person
4 authorized by the employee in interest, the Director of Human Resources Management or
5 appointing authority, or a person acting on behalf of the Director of Human Resources
6 Management examines a personnel file, the date of examination, reason for examination, and
7 identity of the person examining the file shall be recorded in one or more logs maintained by the
8 Director of Human Resources Management. The entry into a personnel file for the purpose of
9 filing of records is not required to be logged.

10 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
11 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
12 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
13 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
14 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
15 Act, since the same would have been enacted without the incorporation in this Act of any such
16 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
17 or section.

18 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
19 calendar days after it becomes law.

Adopted this 24th day of October, 2022.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.

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