

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12 are hereby repealed and reenacted with the following amendments: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

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

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

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

19 * * * * *

20 (d) Any person, other than the employee in interest, a person authorized by the employee
 21 in interest, the Director of Human Resources Management, the appointing authority, or a person
 22 acting on behalf of the Director of Human Resources Management, who requests to review a
 23 personnel file, except those made pursuant to subpoena as a result of a criminal case, or when an
 24 employee is subject to an administrative investigation pursuant to Section 16-193, must be
 25 accompanied by a release form signed by the employee whose file is the subject of the request.
 26 When a personnel file is reviewed pursuant to subpoena, the Director of Human Resources
 27 Management shall notify the employee of the review within five (5) business days after the
 28 subpoena allows disclosure. When a personnel file is reviewed as part of an administrative
 29 investigation pursuant to Section 16-193, the Director of Human Resources Management shall
 30 notify the employee of the review 90 days after the examination of the Appointing Authority or
 31 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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