

18A.020 Records of Personnel Cabinet subject to open records law -- Employee access to personnel files.

- (1) The records of the cabinet shall be public records and shall be open to public inspection, as provided in KRS 61.870 to 61.884.
- (2)
 - (a) A personnel file shall be maintained by the cabinet and the appointing authority for each employee. The file maintained by the cabinet shall be the official personnel file for the employee. Upon transfer, the personnel file maintained by the appointing authority from which the employee transfers shall be forwarded to the new appointing authority;
 - (b) Each file shall include, but not be limited to, for each employee, his name, address, title of positions held, classification, rates of compensation, all changes in status including evaluations, promotions, demotions, lay-offs, transfers, disciplinary actions, commendations, awards, and preliminary and other supporting documentation for each action. Each file shall contain the complete record and supporting documentation for each personnel action;
 - (c) Whenever an employee is reprimanded for misconduct, other infraction, or failure to perform his duties in a proper or adequate manner, the supervising employee taking such action shall document such action in detail, and shall provide the employee with a copy of such documentation. The supervising employee shall inform the employee that he has the right to prepare a written response to the action taken after he has reviewed the written documentation prepared by the supervising employee. Such response shall be attached to the documentation prepared by the supervising employee. The supervising employee shall place a copy of the documentation and response provided for herein in the employee's personnel file and shall transmit a copy to the cabinet to be placed in the official personnel file of the employee. The supervising employee shall notify the employee that copies of the documentation and the response provided for herein have been placed in his personnel files.
- (3) Upon written request, an employee shall have the right to examine his personnel file. An employee may comment in writing on any item in his file. Such comments shall be made a part of his file and shall be attached to the specific record or document to which they pertain.
- (4) Upon written request a state employee, an applicant for employment, and an eligible on a register shall have the right to inspect and to copy any record and preliminary documentation and other supporting documentation that relates to him, except that an applicant, an eligible, or a state employee shall not have the right to inspect or to copy any examination materials.
- (5) No public agency, as defined by KRS 61.870, and no officer or employee shall deny, abridge, or impede the exercise of the rights granted in any manner by this section and by KRS 61.878.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 154, sec. 12, effective July 15, 1998. -- Amended 1986 Ky. Acts ch. 494, sec. 8, effective July 15, 1986. -- Repealed, reenacted, and amended as KRS 18.290, 1982 Ky. Acts ch. 448, sec. 4, effective July 15, 1982. -- Created 1960 Ky. Acts ch. 63, sec. 14.

Formerly codified as KRS 18.290.