



ADMINISTRATIVE RULES OF MONTANA



2.21.6612 RECORDS THAT CONSTITUTE EMPLOYEE PERSONNEL RECORDS

- (1) Employee personnel records, both electronic and paper, include:
 - (a) preemployment information (resumes, references, interview questions, etc.);
 - (b) compensation, job history, and timekeeping records;
 - (c) employee accident reports and worker's compensation claims;
 - (d) I-9 forms;
 - (e) W-4 forms;
 - (f) benefit plans and employee medical records (including disability accommodation requests and supporting documents, and any record that contains genetic information);
 - (g) performance appraisals;
 - (h) disciplinary action records;
 - (i) background check information, including criminal and credit checks, and employment verification;
 - (j) office policies/documents signed by employee; and
 - (k) awards and acknowledgements.
- (2) Disciplinary action records resulting from an investigation are part of the employee personnel records and are confidential. Other documented information related to an investigation, while not a part of an employee record, will be treated as confidential information to protect the privacy of the individuals involved. If a request for the information is made, the agency shall review the information and balance the merits of public disclosure against an individual's right to privacy to determine whether the information or portions of the information may be released.

Authorizing statute(s): 2-18-102, MCA

Implementing statute(s): 2-18-102, MCA

History: NEW, 2010 MAR p. 1070, Eff. 4/30/10; AMD, 2018 MAR p. 92, Eff. 1/13/18.