



WEST VANCOUVER POLICE DEPARTMENT

Administrative Policy

AB0100: Employee Records

1.0 PURPOSE

- 1.1 The purpose of this policy is to identify the types of Employee records maintained by the Department, the information contained therein, permitted access and the approved process for dissemination of records or extracts.

2.0 DEFINITIONS

- 2.1 For the purposes of this policy, the following definitions will apply:

“Act” means the BC Police Act, [RSBC 1996], Chapter 367, as amended from time to time.

“Board” means the West Vancouver Police Board.

“Department” means the West Vancouver Police Department.

“Department Executive” means the Sworn Executive and civilian Managers of the Department.

“Director of Human Resources” means the Director of the Human Resources Division.

“Discipline Authority” – means, as set out in the Act:

- a) in relation to a Member who is not the Chief Constable or a Deputy Chief Constable, any senior officer as delegated by the Chief Constable;
- b) in relation to the Chief Constable or a Deputy Chief Constable, the Chair of the Board; and
- c) in relation to a misconduct complaint or investigation to which a conclusion of “no misconduct” is found to be incorrect, a retired judge (“adjudicator”).

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“Employee” means any Employee of the Board, including sworn and civilian, and including exempt, temporary, casual, permanent full-time, permanent part-time Employees, dependent and independent contractors and volunteers and practicum students.

“FIPPA” means the Freedom of Information and Protection of Privacy Act, RSBC 1996, Chapter 165, as amended from time to time.

“Human Resources Records” means personnel, personal, WorkSafeBC and grievance records maintained by the Director of Human Resources, but does not include Service Records of Discipline (SROD).

“ISU” means the Information Services Unit of the Department.

“Member” means a sworn peace officer employed at the Department.

“OIC Investigations and Intelligence” means the Inspector in charge of the Investigations and Intelligence Division and includes an acting Inspector.

“OIC Operations” means the Inspector in charge of the Operations Division and includes an acting Inspector.

“OPCC” means the Office of the Police Complaint Commissioner of B.C.

“PSS” means the Professional Standards Section of the Department.

“SROD” means Service Record of Discipline, a record of a Member’s formal disciplinary history, maintained by PSS in compliance the Act and Regulations, and the Bulletins and Guidelines established by the OPCC.

3.0 POLICY

- 3.1 The Department will maintain Service Records of Discipline for all Sworn Members in accordance with the Act.
- 3.2 The Department will maintain Human Resources Records for all Employees.
- 3.3 Human Resources Records are the property of the Department and subject to applicable legislation. The Department reserves the right to determine the records’ contents and their use.

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4.0 PROCEDURES

Human Resources Records

Contents

4.1 Entries in a personnel record include, but are not limited to:

- a) education, training history and exam marks;
- b) Supervisor input and performance appraisals;
- c) promotions, transfers and reassignments;
- d) awards, recognition and commendations;
- e) Oaths, declarations and agreements;
- f) resumes;
- g) accommodated or light duty assignments; and
- h) performance management measures and grievance records.

4.2 Entries in a personal record include, but are not limited to:

- a) Employee contact and emergency contact information (address, telephone numbers);
- b) return to work ("RTW") plans, medical assessments, doctors' notes, invoices for psychological services;
- c) benefits documentation and forms;
- d) application and hiring documents;
- e) tax and garnishment documents; and
- f) fingerprints.

4.3 Entries in a WorkSafeBC record include all documentation and communication related to the Employee's WorkSafeBC history.

4.4 Entries in a grievance record include all documentation and communication related to the grievance history of a union-represented Employee.

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- 4.5 Information in any of an Employee's Human Resources Records is considered personal information within the meaning of FIPPA. Any disclosure of personal information must comply with FIPPA legislation.

Access

- 4.6 Only the following personnel may view an Employee's personnel record:
- a) the Employee;
 - b) the Employee's current Supervisor;
 - c) designated Employees assigned to Human Resources; and
 - d) designated Employees assigned to PSS.
- 4.7 Only the following personnel may view an Employee's personal record and WorkSafeBC record.
- a) the Employee;
 - b) a designated Employee assigned to Human Resources; and
 - c) a designated Employee assigned to PSS.
- 4.8 Employee requests for access to view Human Resources Records will be facilitated through the HR Associate.
- 4.9 Requests for access to, or copies of, any of an Employee's Human Resources Records from individuals other than those noted in Secs 4.6 and 4.7 will be directed to either the Director of Human Resources or ISU Records Information and Disclosure Supervisor for processing under FIPPA.

Destruction of Records

- 4.10 Human Resources Records of retired/resigned/terminated Employees are subject to a 7-year retention schedule. Upon retirement, resignation or termination of an Employee the active background file and personnel file will be scanned and stored electronically, original documents will be offered to the Employee and then shredded immediately.

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Security

- 4.11 Human Resources Records security is the responsibility of the Director of Human Resource. Records will be stored in locked cabinets or in a locked storage room, and are only accessible by designated HR Employees.
- 4.12 Records must physically remain within the Human Resources area while being viewed by Employees.

Updating of Personal Information

- 4.13 Employees must immediately advise Human Resources, in writing, of any change in their name, address or telephone number

Service Records of Discipline

General

- 4.14 The Department will maintain a SROD in accordance with the stipulations and expungement requirements contained in the Act.
- 4.15 Unless the Member is dismissed from employment as a form of discipline, a retired or resigned Member's SROD is subject to the regular expungement timelines stipulated in Sec. 180 of the Act. If a Member with an SROD transfers to another police force or law enforcement agency which falls under the jurisdiction of the Act, the SROD will be forwarded to that agency. If a Member with an SROD transfers to another police force or law enforcement agency which does not fall under the jurisdiction of the Act, the SROD will be retained by the Department until expungement.

Contents

- 4.16 The SROD will contain the records and documents stipulated in Sec. 180(1) of the Act, arising from:
 - a) Public Trust Complaints and Ordered Investigations; and
 - b) Internal Discipline Investigations (only where misconduct is substantiated).
- 4.17 Where a Public Trust Complaint is resolved by way of Informal Resolution or Mediation, but which results in disciplinary or corrective measures being imposed upon the Member, the requisite records of that complaint file will be entered and maintained on the SROD in accordance with Sec. 180 of the Act.
- 4.18 Where a Public Trust Complaint is resolved by way of Informal Resolution or Mediation, and no disciplinary or corrective measures are imposed upon the

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Member the complaint file will be immediately expunged from the SROD in accordance with Sec. 180 of the Act.

- 4.19 The Professional Standards Sergeant will ensure that the SROD is updated when a Member completes a disciplinary or corrective measure.

Access

- 4.20 The following individuals may view a Member's SROD:

- a) the Member;
- b) the Chief Constable or a Deputy Chief Constable;
- c) the Discipline Authority;
- d) the Pre - Hearing Conference Authority;
- e) the Internal Discipline Authority;
- f) the Adjudicator appointed pursuant to Sec. 142 of the Act for a Public Hearing or Review on the Record;
- g) the Chair of the Board;
- h) a Member assigned to PSS;
- i) the Police Complaint Commissioner; and
- j) an arbitrator appointed under the collective agreement in relation to an Internal Discipline matter concerning the conduct of the Member.

- 4.21 Access to or copies of SRODs, may be requested by anyone other than those listed in Sec. 4.21 by submitting a written request to the Deputy Chief Constable. The request will outline which record is sought and the specific reason for the request. Pursuant to Sec. 180 (5) of the Act, disclosure of a Member's SROD requires both the authorization of the Chief Constable (or designate) AND consent of the Member.

- 4.22 Information in a Member's SROD is considered personal information within the meaning of FIPPA. Any disclosure of personal information will comply with FIPPA legislation.

- 4.23 If asked by anyone other than those individuals enumerated in Sec. 4.21, Employees are to neither confirm nor deny the existence of an SROD.

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Security

- 4.24 SRODs are retained under the authority of the Chief Constable in a secure area in PSS, separate from the Members' HR records.
- 4.25 Only the Chief Constable, the Deputy Chief Constable, and the Members assigned to PSS have direct access to SRODs.

Non-Disciplinary Use

- 4.26 A Member's SROD may be considered in decisions regarding a Member's promotion, transfer or re-assignment.
- 4.27 Sec. 4.23 notwithstanding, HR may, for competition selection purposes, request from PSS whether an SROD exists for a candidate. Access to an SROD for this purpose is granted to HR designated Employees.
- 4.28 Access will be limited to those SROD entries or documents relevant to the selection process, and/or to PSS file synopses created by PSS personnel summarizing the nature of the files entered on a Member's SROD.
- 4.29 Any physical copies of SROD extracts or PSS file synopses created for the HR review will, on conclusion of the HR review, be returned to PSS and destroyed at the close of the competition.

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