



# New Mexico State Personnel Board State Personnel Office

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## Interpretive Memorandum 2014 - 001

Date: August 15, 2014

To: Cabinet Secretaries, Agency Heads, and Agency Human Resource Managers

From: Justin Najaka, Interim Director, State Personnel Office

Subject: Inter-Agency Personnel Records Reviews

A handwritten signature in black ink, appearing to read "Justin Najaka", is written over the "From:" line.

### 1. Purpose

This shall serve to interpret the application of State Personnel Board (SPB) Rules and Regulations of the New Mexico Administrative Code (NMAC) for compliance with agency employment records.<sup>1</sup> This interpretative memorandum is applicable for all state classified employee personnel records.

### 2. Background

The SPB Rules require that employment-related confidential records "shall be available for inspection by agencies during the process of interviewing for employment when the employee has provided a signed release."<sup>2</sup> It has come to the State Personnel Office's (SPO) attention that some agencies are sending each other questionnaires regarding the contents of employees' personnel files, in lieu of conducting an actual physical review of the employee's personnel file.

<sup>1</sup> NMAC 1.7.1.12.

<sup>2</sup> *Id.*

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### **3. Guidelines**

Agency Human Resources Managers should not send out questionnaires regarding the contents of an employee's personnel file.

Agency Human Resources Managers should always conduct in-person reviews of employee personnel files.