Disclosures
SOP# 1300

Employment Discrimination Bureau
North Carolina Department of Labor

Procedure approved by: Tiffany Lathan, Bureau Chief

Signature: Tiffany Lathan **Date:** 7/28/14

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Signature: Kathy Woodford **Date:** 7/28/14

STANDARD OPERATING PROCEDURE MANUAL

1. PURPOSE and SCOPE

1.1. Purpose

This SOP establishes the procedure used in the disclosure of case files after the closure of a complaint. This procedure has the following goal(s):

- To ensure that any disclosure requests are made in writing;
- To ensure that disclosure does not occur until a case closes;
- To ensure that certain information is redacted per policy and law;
- To ensure consistency in the disclosure and redaction process;
- To ensure that payment of any copy fees are made before copy disclosure.

1.2. Scope

This SOP outlines the necessary steps involved in disclosing a copy of the case file after the close of the case, such as the requirements for beginning the process, the redaction of sensitive information, file copy approval by the Bureau Chief, and fees payment associated with the disclosure. This SOP is not intended to be used for any Occupational Safety & Health (OSH) case file. Refer to the OSH Discrimination Manual for OSH procedures.

1.3. Regulation

The following statutes, rules and/or codes must be followed while performing this SOP (click the links for the most up-to-date rules and laws):

1.3.1. N.C. Gen. Stat. § 132 (NC Public Records Act)

1.3.2. Department of Labor (DOL) Record Retention Policy

2. PERSONNEL RESPONSIBILITIES

The following is a list of people who participate in the procedure and the overall responsibilities of each role.

Role	Responsibilities
Bureau Chief	• Must ensure that the request is in writing; • Should pull the case file and give it to Office Manager; • Must approve the redacted copy as accurate.

Office Manager (in Wage & Hour Division)	• Makes note of incoming file for redaction; • Provides original file to administrative assistant.
Administrative Assistant (in Wage & Hour Division)	• Must copy original file; • Must begin a disclosure checklist; • Must provide disclosure checklist and file copy to the appropriate EDB investigator for redaction; • Must inform the requesting party of any copy fees; • Must mail the redacted copy to the requesting person after all fees are paid.
Budget Personnel	• Must notify the administrative assistant when copy fee payment is received.
Investigator (with special disclosure duty assignment)	• Must redact the case file copy in accordance with the law; • Must ensure copy accuracy and legibility; • Must give redacted copy and original file to Bureau Chief for approval.

3. HEALTH AND SAFETY ISSUES

Refer to the *Employee Safety and Health Program Policies*, the *Employee Safety and Health Manual*, and the *Employee Safety Rules* on the DOL Intranet for information related to safety matters affecting EDB personnel. For information related to the Americans with Disabilities Act, refer to the ADA Checklist on the Intranet as well. To access these policies and checklists, click on the links above or visit the DOL Intranet *Safety and Health Program* and the EDB *Standard Operating Procedures* pages.

4. PROCEDURE

4.1. Trigger

This procedure is triggered when the case file is closed and a party or member of the public requests a copy of the case file.

4.2. Primary Procedure

4.2.1. The Bureau Chief must ensure that the disclosure request is in writing and that the case file has been *closed*. If yes to both, the Bureau Chief pulls the original case file and provides it to the Wage & Hour Office Manager.

4.2.2. The Wage & Hour Office Manager notes that the file was received and provides the file to the Wage & Hour administrative assistant responsible for disclosures.

4.2.3. The Wage & Hour administrative assistant:

a. Copies the case file (ensuring that double sided documents are copied appropriately);

b. Begins a disclosure checklist (completely filling in the top portion, such as requesting party's information, file number and name, etc.);

c. Provides the original file, the copy, and the disclosure checklist to the EDB investigator responsible for redacting files. See Exhibit 1300-1 for the disclosure checklist.

4.2.4. The investigator reviews the file *copy* for the following information and redacts such references on the *copy* by covering up the information with redaction / correction tape (preferably yellow tape) (Under no circumstances may the original document be altered. Only a copy may be redacted.):

a. Social security numbers;

b. Employer Identification Numbers;

c. Driver's License numbers (except when a driver's license number appears on a law enforcement record);

d. State Identification or Passport number;

e. Financial statements of employers;

f. Checking account or Savings account numbers;

g. Credit or debit card numbers;

h. Any other number that may be used to access an individual's financial resources;

i. Personnel records of state employees;

j. Trade secret information;

k. Information gathered during informal conciliation / settlement conferences;

l. Attorney-client privileged communications;

m. Inter / Intra agency documents or memos not relative to the outcome of the case (including Oracle data printouts);

n. Workers' compensation files.

4.2.5. The investigator shall copy each redacted page so that the redaction tape does not show. The copy with the redaction tape is destroyed via shredding, and the fresh

copy with white space is replaced in the appropriate page order in which it was initially found.

4.2.6. The investigator shall check the appropriate boxes on the disclosure checklist to indicate the type of information redacted in the file. The investigator also checks the box "Forward redacted file to Supervisor for Approval" and signs the disclosure checklist.

4.2.7. The investigator shall give the file copy to the Bureau Chief for review and approval.

4.2.8. The Bureau Chief will sign the checklist acknowledging that the redactions were applied.

4.2.9. After approval by the Bureau Chief, the Bureau Chief or investigator shall give the file copy and the disclosure form back to the administrative assistant. The original file shall be placed back in the appropriate filing cabinet or designated space.

4.2.10. The requesting party is required to pay copy fees over $5.00.

a. In certain circumstances, at the discretion of the Bureau Chief and Office Manager, the fee may be waived. Consult with management, if a waiver is desired by the requesting party.

b. If the requesting party is to be charged, the administrative assistant shall send an EDB payment letter to the requesting party, stating the applicable fees associated with the copying of the file and requiring payment to be made to the Budget Office. Refer to Exhibit 1300-2 for a sample EDB payment letter. The file shall not be released to the requesting party until payment is received by the Budget Office.

c. When payment is received, Budget Office personnel will notify the administrative assistant.

4.2.11. If there is no charge or once payment is received, the administrative assistant shall mail the redacted file copy and a letter to the requesting party. Refer to Exhibit 1300-3 for a sample letter.

4.3. **Alternative Procedures – N/A**

4.4. **Exception Procedures - N/A**

5. CUSTOMER SERVICE REQUIREMENTS

The following table lists the customer service requirements that must be satisfied for each Customer of the procedure.

Customer	Requirements
Public (Complainants, Respondents, and 3rd parties)	• It is necessary to provide accurate copies to the requesting party so that he/she receives all the evidence and information in the file. • The investigator must properly redact all information in order to protect the privacy of the parties in the case. • Any communications with the requesting party, either verbally or in writing, shall be professional and clear so that the requesting party understands what is being stated or asked of them.
Investigator	• The Administrative Assistant must provide a full and accurate copy to the investigator so that he/she can redact all appropriate information.
Bureau Chief	• The Administrative Assistant and Investigator must be sure to provide a full, accurate copy to the Bureau Chief for accurate certification purposes.

6. DATA AND RECORD MANAGEMENT

6.1. Data Entry in Oracle – N/A

6.2. Record Retention

6.2.1. All records must be retained in the file and may not be destroyed, per the DOL Retention Policy. The original case file records may not be altered.

7. Exhibits

Exhibits are examples of forms, letters, checklists, reports or other documents that are used or created during the execution of this SOP. Exhibits referenced in this SOP are available for view on the SOP website.

7.1.1. Exhibit 1300-1 (disclosure checklist)

7.1.2. Exhibit 1300-2 (EDB payment letter)

7.1.3. Exhibit 1300-3 (final letter to requesting party mailed with copy of file)