

# **Kansas Administrative Regulations**

## **Department of Administration**

### **Article 13.—Records, Reports, Research and Evaluation of Personnel System**

#### **1-13-1b. Disclosure of employee information.**

(a) Except as otherwise provided in this regulation and the Kansas open records act, K.S.A. 45-215 *et seq.* and amendments thereto, the information contained in each state employee's official personnel record shall not be open to public inspection.

(b) Upon any inquiry, the appointing authority shall disclose the following information concerning any current or former employee:

- (1) The name of the employee;
- (2) the employee's current job title;
- (3) the employee's current or prior pay;
- (4) the employee's length of employment with the state;
- (5) the name of the employing agency; and
- (6) the length of time the employee has served in the employee's current position.

(c) When appropriate personnel from one of the following agencies, in carrying forth their official duties, establish a need for information contained in an employee's official personnel record, the appropriate personnel from these agencies shall be permitted to access the other employee's personnel record:

- (1) The Kansas department of administration;
- (2) the Kansas attorney general's office, including the Kansas bureau of investigation;
- (3) the federal equal employment opportunity commission and the Kansas human rights commission;
- (4) the Kansas civil service board;
- (5) legislative post audit;
- (6) the agency employing that employee; and

(7) employees of the Kansas department of social and rehabilitation services responsible for that agency's child support enforcement activities.

(d) Any current or former employee, or any other individual or an organization if authorized in writing by the current or former employee, may review that employee's official personnel record upon written request to the appointing authority. The appointing authority shall place in the employee's personnel record a copy of the written request and the written authorization from the employee. The review shall be consistent with the conditions established by the appointing authority and at a time and place mutually convenient to the parties.

(e)(1) Any appointing authority with an established need to review the personnel record of an employee in another state agency may, upon request to the appointing authority of the employing agency, review the employee's official personnel record, including applications for employment and performance reviews.

(2) Each appointing authority responding to job-related reference and performance questions from another state agency shall answer the questions in good faith.

(3) If a prospective employer, other than another state agency, requests information about a current or former state employee as part of a reference check, the response of the appointing authority shall be consistent with the requirements of K.S.A. 44-119a, and amendments thereto.

(f) The official personnel record of any specifically named employee shall be made available for inspection in connection with litigation, pursuant to the terms of an order entered by a judge of any federal, state, or municipal court having proper jurisdiction over the litigation.

(g) This regulation shall be effective on and after June 5, 2005.  
(Authorized by K.S.A. 2004 Supp. 75-3747; implementing K.S.A. 75-2950 and 75-3746; effective June 5, 2005.)

\*\*\*\*\* Authenticated Kansas Administrative Regulation \*\*\*\*\*