

FOIL Request for Access to Disciplinary Records

NY Public Officers Law § 87(6) mandates that the Library develop a policy providing notification to public employees if we are responding to a request for access to his or her disciplinary records.

The obligation to provide notice of the request shall not serve to delay the response to the request for access. The notification to the employee may follow release of the records to the requester.

For purposes of this rule, employees shall include current and former employees.

Disciplinary records shall include any record created in furtherance of a disciplinary proceeding, including, but not limited to:

- (a) the complaints, allegations, and charges against an employee;
- (b) the name of the employee complained of or charged;
- (c) the transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing;
- (d) the disposition of any disciplinary proceeding; and
- (e) the final written opinion or memorandum supporting the disposition and discipline imposed including the agency's complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee.

This rule only relates to disciplinary records.

The notification rule/ requirement does not pertain to a request for access to any other type of record of an employee.

The requirement does not pertain to a request for a disciplinary record submitted by way of a subpoena.

This rule relates to notice to the employee of the receipt of the request for access to his or her disciplinary records and shall not pertain to the right to access to the records by the requester.

The right to access the disciplinary record by the requester shall be based on Article 6 of the NY Public Officers Law.

The Records Access Officer shall process a request for access to an employee disciplinary record and thereafter shall send notification to the employee that his or her disciplinary records were the subject of a request for access to records informing the employee of the date of the request and the person or entity that made the request.

The notification shall be sent to the last known address of the employee or former employee by regular mail. It shall be the obligation of employees and former employees to provide administration with an accurate current address. No further notification shall be initiated if the notification is returned by the United States Postal Service because the address on file is not accurate. There shall be no obligation to send notifications by email.

Approved by the Board of Trustees
March 18, 2025