

Personnel File Review Guidelines for Staff

The Bullard-Plawecki Employee Right to Know Act permits employees to review their personnel records, outlines criteria for such reviews, and specifies the information that may be included in personnel records.

Definition of Personnel Record

A personnel record, as defined by the Bullard-Plawecki Right to Know Act, is any record maintained by the employer that identifies the employee, and is used, has been used, or may be used relative to the *employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary action*.

Exclusions from Personnel Records

The following items are not considered part of the personnel record:

1. Employee references that, if disclosed, reveal the identity of the reference provider.
2. Materials related to staff planning involving more than one employee (e.g. salary increases, bonus plans, promotions, and job assignments).
3. Medical reports or records from a medical provider.
4. Any personal information that would constitute an unwarranted invasion of privacy.
5. Records related to an investigation into potential criminal activity.
6. Educational records protected under the Family Educational Rights and Privacy Act ("FERPA").
7. Records kept solely by executive, administrative, or professional employees that are not shared or accessible to others. However, factual records about an employee may be added to a personnel file within 6 months of the occurrence or discovery.

Following is a list of documents/files that may be retained in Human Resources and are not considered part of the personnel record. These records are kept in separate confidential files and are not relevant to an employee's *qualifications for employment, promotion, transfer, additional compensation, or disciplinary action*:

1. ADA Records
2. Benefit Records
3. FMLA Records
4. Grievances/Arbitrations
5. Investigation Notes*
6. Pre-Employment Physicals
7. Self-Identification Form
8. Unemployment Records
9. Work Eligibility Form (I-9)
10. Worker's Compensation Records

*If an investigation results in an adverse employment action (termination, discipline, etc.) the notification to the employee regarding the action will be placed in the Employment file and become part of the personnel record.

Guidelines for Reviewing Personnel Records

- ✓ Employees may review their personnel record up to two times per year by making an appointment with Human Resources or requesting copies of their personnel records.
- ✓ An employee may be required to verify their identity before accessing their personnel records.
- ✓ If an employee disagrees with the information contained in their personnel record, removal or correction of the information may be mutually agreed upon by the employer and the employee. If an agreement is not reached, the employee may submit a written statement explaining the employee's position and it will be placed in the personnel file.
- ✓ Supervisors may review the personnel file of an employee they supervise by scheduling an appointment with Human Resources.
- ✓ Hiring managers may also review the personnel file of a prospective employee, provided any non-job-related information (marital status, age, race, etc.) is removed beforehand.
- ✓ Disclosure of personnel records to an external third party will be handled by General Counsel/Freedom of Information Officer and comply with applicable laws, collective bargaining agreements and university policy.

Procedures for Reviewing Personnel Files

Upon receiving a request:

1. Human Resources will review the **Personnel File Review Form** with the employee to notify them of what personnel records may exist (employment, compensation, supervisor's file, payroll records, driving records, etc.).
2. Human Resources will gather and review all documents to ensure they belong in the file.
3. Confidential information of other individuals (names, addresses, social security numbers), must be redacted before sharing the file.
4. Based upon the employee's request, Human Resources will either review the files with the employee in person or electronically send the information to the employee (electronic files are preferred to reduce time and cost); however, electronic records should **not** be shared with a supervisor or hiring manager.
5. Every attempt will be made to ensure that personnel records are provided in a timely manner.
6. If a hard copy is requested, the employee will be charged \$.10 per page for anything exceeding 10 pages. Before receiving copies, payment must be made in cash or check payable to CMU. A receipt will be provided to the employee and a note made at the bottom of the **Personnel File Request Form**.
7. Human Resources will have the employee (reviewer) sign and date the Personnel File Review Form and keep it in front of the Employment file.