Personnel File Review

Bullard-Plawecki Employee Right to Know Act permits employees to review personnel records, provides criteria for the review and prescribes the information which may be contained in personnel records.

A "personnel record", as defined by this Act, is a record kept by the employer that identifies the employee, to the extent that the record is used or has been used, or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary action. A personnel record shall not include:

i. employee references supplied to an employer if the identity of the person making the reference would be disclosed;

ii. materials relating to the employer's staff planning with respect to more than one employee, including salary increases, management bonus plans, promotions, and job assignments;

iii. medical reports and records made or obtained by the employer if the records or reports are available to the employee from the doctor or medical facility involved;

iv. information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy;

v. information that is kept separately from other records and that relates to an investigation by the employer into potential criminal activity of an employee;

vi. educational records under the Family Educational Rights and Privacy Act ("FERPA"); and

vii. records kept by an executive, administrative, or professional employee that are kept in the sole possession of the maker of the record, and are not accessible or shared with other persons. However, a record concerning an occurrence or fact about an employee kept pursuant to this subparagraph may be entered into a personnel record if entered not more than 6 months after the date of the occurrence or the date the fact becomes known.

GUIDELINES:

Employees may review his/her personnel record up to two times per year by making an appointment with an HR Consultant and indicating which files he/she wishes to review. A personnel record may include a:

Employment/Compensation file	*Benefits file*
Supervisor file	*Criminal History Check file*
Employee Relations file	*Medical file*
Affirmative Action file	*Worker's Compensation file*
Payroll file	*Safety & Accident file*

- ✓ An employee may be required to provide verification of his/her identify before being permitted to review his/her files.

- ✓ Supervisors may review the files (employment/compensation file, employee relations file, job performance reviews) of an employee they supervise by scheduling an appointment with an HR Consultant. Hiring managers may also review the files of a prospective employee provided any information not to be considered during the hiring process is removed from the files prior to review (medical information and documents indicating marital status, age, race, etc.).

- ✓ The university will disclose information in personnel records to parties outside of the university only in compliance with applicable laws, collective bargaining agreements and university policy.

PROCEDURE:

1. Upon receiving a request to review a personnel record, the HR Consultant will review the Personnel File Review Form with the employee to notify him/her of what personnel records may exist. Based upon the response of the requestor, the HR Consultant will indicate which files the requestor wishes to review on the Personnel File Review Form and will set up an appointment. Every attempt will be made to assure the appointment is scheduled in a timely manner.

   - ✓ *If the employee requests to see his/her Employment/Compensation file, the HR Consultant will print off his/her performance evaluations from the electronic system and include them in the file.*

   - ✓ *Even though medical records are excluded from the personnel record, an employee can request to review his/her medical file, when appropriate.*

   - ✓ *If a request is received from an employee who is no longer employed by CMU, the HR Consultant will check with the last supervisor to assure that Employment Services has the complete supervisor file.*

   - ✓ *If records include student information (name, address, etc.), such information must be redacted before records are shared with the employee.*

2. The HR Consultant will review the files requested and make a determination in conjunction with Employee Relations to ensure that all appropriate documentation is provided at the time of the request.

3. The HR Consultant will sit with the person reviewing the files to ensure that nothing is removed, added or altered.

4. Following the review, the HR Consultant will:

   i. ask the reviewer to sign and date the Personnel File Review Form, which is kept in front of the employment/compensation file.

   ii. ascertain which documents the employee wants copied and arrange a time for the employee to pick up the copies. If an employee wants copies of records, he/she will be charged $.10 per page for anything in excess of 10 pages. The employee must present cash or a check made payable to CMU prior to receiving the copies. Due to the location of off campus employees, they will be allowed to receive one copy of their files for no fee. Also, depending upon the length of the files, HR may choose to scan and email the records to the employee at no charge, if agreeable to the employee.

   iii. if applicable, check on the bottom of the Personnel File Review Form that copies were requested, have the employee initial when copies are received and indicate cost and initial that payment has been received.

   iv. redact information of a confidential nature, such as names, addresses, and social security numbers of other individuals if contained in the copied records;

   v. mark original documents with a colored dot on the back to indicate a copy was given to the employee. A note will be made on the Personnel File Review Form indicating what color dot pertains to the documents that were copied.