

Section: Employee/Labor Relations

Section Number: 4.9.10

Subject: Other Working Conditions: Personnel Records

Date of Present Issue: 04/01/91

Date of Previous Issues:
12/81, 03/87, 01/88

POLICY:

The Bullard-Plawecki Employee Right to Know Act, P.A. 397 of 1978, guarantees employees the right of access to their own personnel records. It is the policy of Lake Superior State University to uphold this right.

Upon written request by the employee, describing the personnel record, the University will provide all employees with an opportunity to periodically review, at reasonable intervals, their own personnel records. Requests must be submitted to the Director of Employee Relations who will set a time for the review, in the office where the record is kept. Bargaining unit members may request a union representative to accompany them in this inspection. After review, an employee may obtain a copy of all or part of the information in the record on payment of the cost of duplicating the material. If the employee demonstrates that he/she is unable to review the record in the office where it is maintained, the University, upon the employee's written request, will mail a copy of the record to the employee, at the employee's expense.

I. Content of Personnel Records:

A. Definition:

A personnel record is a record kept by the University which identifies the individual employee, and has been, or may be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary action; and may include employment contracts with the University, work records, absence records, payroll and compensation records for that individual.

B. Excluded:

The personnel file may not include the following:

1. employee references which would disclose the identity of the person making the reference.
2. materials relating to staff planning which include more than one employee.
3. medical reports and records that would be available to the employee from the doctor or hospital involved.
4. information of a personal nature about any person other than the employee which would constitute an invasion of the other person's privacy.
5. information regarding an investigation by the University that is kept separately from other records.
6. records limited to grievance investigations which are kept separately.
7. records considered to be education records which are directly related to a student.
8. records kept in sole possession of an administrator which are not accessible to, or shared with other persons. Records concerning an occurrence or fact about an employee may be entered in the personnel record if done so not more than six months after the fact becomes known.

C. Changing Content of Records:

Information which should have been included in the personnel record but was unintentionally omitted may be included at the request of the employee.

If there is a disagreement concerning information in a personnel record, removal or correction of the information may be mutually agreed upon by the University and the employee. If agreement is not reached, the employee may submit a written statement explaining his/her position which will become a part of the file along with the original record in question.

If information which is false is knowingly placed in the personnel record, the University or the employee shall have remedy through legal action to have it expunged.

II. Divulging Records:

The University will not divulge any written reprimand or record of disciplinary action to a third party outside of the University or union representing the employee, without prior written notice to the employee by first class mail, unless 1) the employee has specifically waived written notice, 2) disclosure is ordered in a legal action or arbitration, or 3) is requested by a government agency as a result of a claim or complaint by the employee.

A University official shall review and remove written reprimands or records of disciplinary action which are more than four years old before releasing the file to a third party, except when ordered to in a legal action or arbitration. The University will not keep records of an employee's associations, political activities, publications, or communications of non-employment activities, except as authorized in writing by the employee, unless these occur on University premises, during work hours, and interfere with performance of the employee's duties or duties of other employees.

If the University has reason to believe an employee is engaged in criminal activity which may affect the University's operations, the University may conduct an investigation and keep a separate file on this information. Upon completion of the investigation, or after two years, the employee must be informed that the investigation was conducted. If no disciplinary action is taken, the file and all copies must be destroyed.

III. Location of and Access to Records:

- A. University personnel files are maintained for each employee in the Office of Employee Relations. These files include: applications for employment and required employment testing results, appointment letters, payroll authorizations, Federal and Michigan W-4 tax withholding/exemption certificates, applications for membership in retirement fund and other group benefits, beneficiary designations, employee oath cards, approved absence forms, patent agreements, annual benefit letters, letters of commendation, evaluations, and disciplinary records. Files for academic personnel also may include: correspondence concerning the employee's original employment, transcripts, appointment letters and salary information, committee appointments, additional educational credits and degrees, requests from employees to add material such as publications and accomplishments, change of status forms, promotion and sabbatical leave information, and travel forms. Application to review a personnel file must be made in advance, in writing, to the Director of Employee Relations.
- B. General personnel records may be kept by department heads or administrative directors in the separate departments, relative to their staffing needs, problems and planning, which include all employees under their supervision. These may not be divulged to individual employees or to any third party outside the University.
- C. Official University personnel files that are kept by the Employee Relations Office will be maintained in a locked file room. Access of University officials to individual files will be limited to personnel working in the Employee Relations Office, and to others on a "need to know" basis for purposes of promotion, transfer, discipline, salary adjustment and other work related duties. A log will be kept in the file room, in which those requiring access will indicate the name of the employee whose file is reviewed, date, and purpose of reviewing the file, and signature of the official

reviewing the file. Numbered pages of this log will be kept in a retention file. Employees may request a list of those who have reviewed their personnel file and the purpose of the reviews.