

EMPLOYEE PERSONNEL FILE- BP 2.14

Legal Authority: NCGS 115D-27; NCGS 115D-29; NCGS 115D-30; 23 NCAC 2C .0210

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Revision:

EMPLOYEE PERSONNEL FILE

Purpose

The purpose of this Personnel Records Policy is to (i) address how and under what circumstances the College will maintain and release personnel information pertaining to College employees and (ii) establish a procedure by which a College employee who objects to material in his or her personnel file on the grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place a statement relating to the material in the file. For purposes of this Policy, the term “employee” shall include an applicant for employment with the College, a current employee of the College, and a former employee of the College.

Maintenance of Personnel Information

A personnel file shall be maintained for each College employee and shall consist of any information in any form gathered by the College with respect to the employee and relating to the employee's application, selection or nonselection, promotion, demotion, transfer, leave, salary, suspension, performance evaluation, disciplinary action, or termination of employment. Any statement by an employee objecting to material in his or her personnel file that he or she considers to be inaccurate or misleading also will be placed in the employee's personnel file.

Information pertaining to an employee's medical condition (including information about disabilities and workers' compensation claims, if any, reasonable accommodations offered and/or provided to an employee, and all other medical information) is maintained separately from an employee's personnel file and is considered to be confidential, except that:

- (1) physicians and appropriate supervisory personnel may be informed regarding any restrictions in work duties or necessary accommodations;
- (2) first aid and safety personnel may be informed, when appropriate, if a disability might require emergency treatment;

- (3) government officials investigating compliance with the Americans with Disabilities Act may be provided information in compliance with applicable laws and regulations;
- (4) the College may submit information to appropriate state workers' compensation offices, appropriate state second injury funds, or its workers' compensation carrier(s) in accordance with applicable workers' compensation laws; and,
- (5) the College may use the information for insurance purposes.

The College may also consult with occupational health professionals and other similar agents for purposes of considering possible direct threats to health or safety posed by an individual with a disability and/or possible reasonable accommodations for that individual.

Release of Personnel Information

- (1) Public Record: The following information about an employee is considered to be part of the public record and must be released upon request:
 - (a) Name;
 - (b) Age;
 - (c) Date of original employment or appointment;
 - (d) Current position;
 - (e) Title;
 - (f) Current salary;
 - (g) Date and amount of most recent increase or decrease in salary;
 - (h) Date of most recent promotion, demotion, transfer, suspension, separation, or other change in position classification; and,
 - (i) Office or station to which employee currently is assigned.

All other personnel information concerning an employee is considered to be private and confidential, and may not be inspected, examined, or copied, except as provided in this Policy.

- (2) Employee Access: An employee or his or her duly authorized agent may inspect his or her own personnel file in its entirety at all reasonable times, except for letters of reference solicited prior to employment. An employee's duly authorized agent will be provided access to the employee's personnel file only upon presentation of and in accordance with a release form executed and dated by the employee. Employees should contact the Personnel Office to obtain an appropriate release form.
- (3) President, Counsel, Supervisor Access: The President and the College's counsel may examine all material in an employee's personnel file.
- (4) Board of Trustees Access: The Board or a designated committee may review the contents of an employee's personnel file only in the course of an official investigation or employee grievance.

- (5) Access Required by Law: By authority of a subpoena or order of a court of competent jurisdiction, any party may examine a particular confidential portion of an employee's personnel file to the extent specified in the subpoena or court order.
- (6) Notwithstanding any other provision of this Article, the President may, in his or her discretion, or shall at the direction of the Board, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or nonemployment of any applicant, employee or former employee employed by or assigned to the board of trustees or whose personnel file is maintained by the board and the reasons therefore and may allow the personnel file of the person or any portion to be inspected and examined by any person or corporation provided that the Board has determined that the release of the information or the inspection and examination of the file or any portion is essential to maintaining the integrity of the Board or to maintaining the level or quality of services provided by the Board; provided, however, that prior to releasing the information or making the file or any portion available as provided herein, the President shall prepare a memorandum setting forth the circumstances which the President and the Board deem to require the disclosure and the information to be disclosed. The memorandum shall be retained in the files of the President and shall be a public record.

Objections to Materials Contained in an Employee's Personnel File

An employee who objects to material in his or her personnel file may place a statement in the file relating to the materials considered to be inaccurate or misleading. Provided that the material has not been placed in the file in connection with a grievance procedure established by the Board of Trustees, the employee may seek to have the material removed from his or her personnel file by submitting a written request for such removal to the Personnel Office within five workdays of the date he or she first becomes aware that the objectionable material has been placed in his or her file. The request should explain the reasons why the employee believes the material sought to be removed is inaccurate or misleading and should be removed from the file. The Personnel Office will forward the request to the employee's supervisor and/or other appropriate members of the College administration, who will consider the request and either shall remove the material requested to be removed, shall amend the material requested to be removed, or shall provide the employee with written notice that the material requested to be removed will not be removed and place a copy of this notice in the file.

If material objected to by an employee is not removed from his or her personnel file following the request made in accordance with this procedure, the statement included with the request for removal shall be placed in his or her file. If material objected to by an employee is amended in accordance with this procedure and the employee's original statement references information not reflected in the amended material, the employee shall be permitted to prepare a modified request for removal and statement for placement in his or her personnel file.

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