Policy 5.29

Personnel Files Policy

The College maintains personnel files for its employees and former employees. A personnel file consists of any information gathered by the College relating to the individual's application for employment, including the application itself, selection, promotions, demotions, transfers, leave, salary, suspension, performance evaluation forms, disciplinary actions, and termination of employment. The Human Resources Office will maintain custody of all personnel records.

Records Open to the Public

The following information is kept on each employee and is available to the public from the Director of Human Resources in compliance with G.S. 126-23 and 115D-28.

- Name
- Age
- Date of original employment or appointment
- The terms of any contract by which the employee is employed whether written or oral, past or current, to the extent that the board has the written contract or a record of the oral contract in its possession.
- Current position
- Title
- Current salary
- Date and amount of each increase or decrease in salary with the community college.
- Date and type of each promotion, demotion, transfer, suspension, separation, and other change in position classification with the community college.
- Date and general description of the reasons for each promotion with the community college.
- Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the community college. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board of trustees setting forth the specific acts or omissions that are the basis of the dismissal.
- The office or station to which the employee is currently assigned.

Any person shall be permitted to inspect and examine and have copies made by every person having custody of the records during regular business hours. Any person who is denied access to any record for the purpose of inspecting, examining or copying the record shall have a right to compel compliance with the provisions of this section by application to a court of competent jurisdiction for a writ of mandamus or other appropriate relief. Copies will be provided of these records at a cost per page.

Items Not Open to the Public

All information in an employee's personnel file not specified above is confidential and is not made available for inspection except to the following persons:

- The supervisor of the employee, which includes any individual or board in the chain of administrative authority above the employee, and members of a hearing panel trying to resolve a grievance of the employee;
- Members of the General Assembly by the authority of General Statute 120-19.
- A party by authority of a proper court order;
- An official of an agency of the federal, state, or local government when the President of the College determines that the record sought is necessary and essential to the pursuance of a proper function of the requesting agency. However, confidential information from an employee's personnel file shall not be released to a government official to assist in a criminal prosecution or in a tax investigation.
- The current employee or a person designated in writing by the current employee as his/her agent. However, an employee or his/her agent may not be given access to letters of reference solicited before employment or to information concerning a medical disability that the physician furnishing the information has indicated not be disclosed to the employee. An employee may designate, in writing, a licensed physician to whom he wishes the medical record be disclosed. A 24-hour notice must be given to the Director of Human Resources.
- Any person needing specified information in an emergency if the current employee has consented to emergency release of information.

Any person requesting access to confidential information will be required to submit satisfactory proof of identity to the Director of Human Resources.

The College maintains in each employee's personnel file a record of disclosure of confidential information, except disclosures to the employee himself/herself and to supervisors.

No official report or any derogatory statement about an employee of the College shall be filed unless the employee is given an exact dated copy or has the opportunity to read and sign the filed copy. Further, each College employee has the right to submit a response to any report he/she considers to be derogatory and that response shall be attached to and filed with the report or statement. Also, each employee shall be allowed to place in his/her personnel file material which attests to his/her professional competence.

Correcting Records

If a current employee objects to material in his/her file, the employee may seek to have material removed in accordance with the due process procedures of the College. A

current employee may also place in his/her file a statement relating to the material considered to be misleading.

References

Legal References: *1C SBCCC 200.94*

SACSCOC References: *Enter SACSCOC references here*

Cross References: Personnel Actions Policy

History

Senior Staff Review/Approval Dates: *10/5/10*

Board of Trustees Review/Approval Dates: *10/5/10*

Implementation Dates: *Enter date(s) here*