



## **UNIVERSITY PERSONNEL FILES**

I. **PURPOSE:** The purpose of this policy is to establish clear guidance regarding access to, and custody and maintenance of University personnel files.

II. **DEFINITIONS:**

A. **Personnel File:** An employee's official employment record. The University Personnel File includes: the application for employment, wage or salary information, notices of commendations, warnings or disciplines, authorizations for a deduction or withholding of pay, fringe benefit information, leave records, employment history with the employer, job title, dates of changes, retirement record, attendance records and performance evaluations. Records which are not part of the personnel file are investigative files, letters of reference, documents prepared for use in civil, criminal or grievance procedures, medical records or materials subject to the federal *Fair Credit and Reporting Act*. (Excerpted from the *Pennsylvania Personnel File Inspection Act*, P.L. 1212 of 1978, No. 286.)

III. **POLICY:** All employee personnel files will be established, serviced, and accessed in accordance with all applicable state and federal requirements. The Chief Human Resources Officer will serve as official custodian of the files. No University Personnel files may leave the University Human Resources Office. Access to the Human Resources Office's Electronic Document Imaging System for University Personnel Files may not be extended beyond the University Human Resources and Payroll Offices. Employee requests to examine their own Personnel File must be made one business day in advance of the date of need.

IV. **PROCEDURES:**

A. **Access:**

1. **Employee or a Designated Agent:** Each University employee may inspect his or her personnel file. Access to information in personnel files is otherwise granted on a need to know basis. A designated agent must be authorized by the employee in a signed writing, limited to a specific date and purpose, also specified in the same writing. Files may only be examined during normal working hours of the Human Resources Department.

2. **Human Resources and Payroll Staff:** University Human Resources and Payroll staffs require access to University personnel files in the course of their

normal duties. Human Resources and Payroll staff accessing Personnel File information as part of their duties are expected to treat the information as confidential.

3. Internal and State Auditors: Auditors testing controls or engaged in annual or scheduled audit engagements, or investigating complaints are granted access to specific information contained in University Personnel files for these purposes by request for the duration of the audit work. Auditors examining University Personnel Files are expected to treat records reviewed for these purposes as confidential.

4. Supervisors and Managers Employed or Contracted by the University: Supervisors and managers employed or contracted by the University may be authorized to review certain documents in University Personnel Files on a strict, “need-to-know” basis for employees in their organizations. Supervisors and managers reviewing Personnel File documents are expected to treat records reviewed as part of their work as confidential.

5. Union Grievance Representatives: When University employees are represented by a union in a dispute covered by a collective bargaining agreement, access to information contained in University Personnel Files may be required to pursue or resolve a grievance. Generally, access of this nature may only be granted by the Chief Human Resources Officer. A determination on this type of request may require consultation with PASSHE labor relations professionals.

6. Third Parties: Other than designated agents, covered in IV.A.1. above, access to specific information contained in a University Personnel File may be granted by order of a court of proper jurisdiction, summons or by request for information from an administrative or law enforcement agency in association with a specific complaint. Generally, access of this nature may only be granted by the Chief Human Resources Officer after consultation with University legal counsel.

**B. Retention Standards of University Personnel Files:** Because University Personnel Files contain documents and information which are subject to varying state and federal requirements, the most conservative standards for personnel file retention will apply (*Title VII* and *ADEA*). Prior to January 2008, when the University’s Human Resources Document Imaging System for Personnel Files was introduced, “hard” copies of University Personnel files were archived to the State Library one year after the employee left University employment. Since January 2008, the Personnel File System is paperless. These older, archived files are retrievable from the State Library with 6-8 weeks notice to the State Library.

1. Personnel File: 7 years after employee leaves University employment; unless employee transfers to another Commonwealth or PASSHE

organization. In those cases, the file will be transferred to the gaining organization.

2. Personnel File of Employee Litigant or Prospective Litigant: If the claim, complaint or litigation exceeds 7 years, file will be retained until the action is finally adjudicated.

C. **Disaster Recovery**: Personnel files are considered strategic University data. The University's Information Services Division backs up the Human Resources Document Management Personnel File System daily, per their strategic data policy. A duplicate copy of the back-up is replicated to a remote back-up device.

D. **Special Personnel File Documents Unique To Higher Education**: There are certain documents which are not delineated as Personnel File documents by the Pennsylvania Personnel File Inspection Act, P.L. 1212 of 1978, No. 286.

1. Terminal Degree Transcripts: Copies of all regular faculty terminal degree transcripts will be kept in University Faculty Personnel Files.

2. Promotion and Tenure Letters: Copies of letters granting promotion or tenure to regular faculty will be kept in University Faculty Personnel Files. Supplemental documentation submitted by faculty members as part of the P & T process or accumulated by the P & T committee, endorsements and recommendations are not be part of University Faculty Personnel Files.

3. Faculty Evaluations: Copies of the final transmittal letter and actual three (3) page evaluation form for faculty evaluations will be kept in University Faculty Personnel Files. Supplemental documentation, endorsements and recommendations are not part of University Faculty Personnel Files.