

POLICY MANUAL

GENERAL

Number 3009

Subject: Personnel Files

Covered Employees: University Employees

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Previous USU Policy #: 331: Personnel Files

3009.1 POLICY

It is the policy of the University to keep accurate and updated information deemed pertinent by the University in employees' personnel files. The University allows access to personnel files in accordance with all federal and state laws.

1.1 Disclosure Policy

(1) The University recognizes the right of each employee to examine, obtain a copy of, and challenge the accuracy of all factual data in documents contained in his/her personnel files. Exceptions to this disclosure policy include information and materials that are classified as "confidential" or marked "private" under the Government Records Access and Management Act of 1992 (GRAMA), or to which access is forbidden by state or federal laws.

(2) This policy applies only to personnel files as defined in the definition section of this policy and does not affect any right conferred by law on an individual to inspect, copy, or challenge the contents of other records and files of the University that relate to that individual.

(3) No person has a right under this policy to inspect, copy, or challenge the contents of the personnel files relating to any other individual, except to the extent that such person may be authorized to do so because of an official "need to know" as defined in state law.

1.2 Maintenance of Files

(1) The primary personnel files of budgeted University employees shall be maintained by the Office of Human Resources under the supervision of the President of the University and the Vice President for Finance and Administrative Services. These primary files are maintained in individual file folders in the Office of Human Resources, and also in electronic form on the Human Resource Information System.

(2) Secondary personnel files may be maintained by colleges, departments, or other operating units, as necessary.

3009.2 PROCEDURES

2.1 Inspection and Copying of Primary File

(1) Upon submitting a written request to the Office of Human Resources, an employee of the University will be given an opportunity to inspect and/or obtain a copy of his or her primary personnel file, or any part thereof. However, the following items will be temporarily removed from the employee's personnel file before inspection by the employee:

(a) Letters or documents of recommendation, evaluation, or criticism which were solicited or submitted under request or promise of confidentiality.

(b) Information which relates to person(s) other than the subject employee.

(c) Any information prohibited from disclosure by applicable state or federal laws.

The employee's written request should describe the records or information in the file the employee wishes to examine and/or copy.

(2) After the employee submits the appropriate request, the file will be made available subject to the provisions outlined in GRAMA. These provisions include:

(a) After verifying the identity of the employee making the request, the Office of Human Resources will take appropriate steps to comply with the requests. The request will be addressed as soon as reasonably possible, but no later than 10 business days after the written request is received, or 5 business days if the employee demonstrates that expedited response benefits the public rather than the employee.

(b) When immediate inspection is not possible or appropriate, the Director of Human Resources or his/her designee will have the personnel file assembled (including the preparation of comprehensible and readable transcription of data maintained in electronically stored format) and made available to the employee for inspection as soon as reasonably possible, normally within 10 working days from the date of request, at a reasonable place and time (during regular business hours).

(c) The employee will inspect his/her file in the Office of Human Resources or in the presence of their designee.

(d) A memorandum recording the request and how the request was addressed will be inserted in the file by the Office of Human Resources immediately after the inspection.

(3) If the employee requests a copy of the file or any part of it:

(a) Before preparation, the Office of Human Resources must calculate the cost of copying using the schedule of charges established from time to time by the Office of Human Resources. This copying fee will be communicated to the employee making the request.

(b) After the employee pays the fee, the Office of Human Resources shall arrange to prepare copies as requested and provide them to the employee with reasonable promptness as outlined above.

(c) The written request for copies shall be placed in the employee's personnel file, together with a memorandum recording when and in what manner the request was addressed.

2.2 Inspection and Copying of Secondary Files

An employee wishing to inspect and/or obtain copies of information in his/her secondary file(s) should submit a request to the caretaker of the file in question. The employee should follow the procedure for obtaining/ copying the file prescribed by the caretaker. If denied access to a secondary file, the employee may contact the University Records Officer.

2.3 Challenge to Contents

(1) An employee of the University may, at any time, challenge any factual statement or entry of factual data in his/her personnel files on the grounds that it is inaccurate, misleading, inappropriate, or otherwise in violation of his/her individual rights.

(2) Challenges shall be submitted in writing to the Director of the Office of Human Resources, who shall promptly review the facts and supporting data and seek to resolve the challenge. Upon recommendation from the Director of the Office of Human Resources, the appropriate dean or vice president may authorize the Director to make necessary changes in, deletions from, or additions to the personnel files to assure that the files include only factual, truthful, and relevant information. The employee shall be advised in writing of all approved modifications.

3009.3 DEFINITION

3.1 Personnel Files

Records of a University employee retrievable under the employee's name or identifying number containing information gathered in the course of official University business. The information relates specifically to the employee's qualifications, work assignments, promotions, compensation, performance, disciplinary action, and participation in the University benefit programs.

3009.4 RESPONSIBILITY

4.1 Office of Human Resources

Responsible for maintaining the contents of primary personnel files and for responding to employees' requests or challenges in accordance with state and federal law.

4.2 Employees

Responsible for notifying the Office of Human Resources in writing of their wish to review, copy, or challenge the contents of their primary files. Responsible for following procedures prescribed by caretakers of secondary files in order to obtain access to and/or copies of those files.