

Personnel Records Management

Personnel records shall be maintained by the Human Resources Manager. The College shall maintain in individual personnel record files only that information which is necessary and relevant to accomplishing legitimate personnel administration needs. The records maintained on part-time instructors employed by Continuing Education are excluded from those files maintained by the Human Resources Manager. Those personnel records shall be maintained by the Dean of Continuing Education or the Director of Polk Center. On an annual basis, the Dean of Continuing Education and the Director of the Polk Center shall provide the Human Resources Manager a list of all personnel files maintained in his/her respective area.

I. PUBLIC INFORMATION

The following information on each college employee is public information and shall be open for inspection:

1. Name
2. Age
3. Date of original employment or appointment
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the board has the written contract or a record of the oral contract in its possession
5. Current position
6. Title
7. Current salary
8. Date and amount of each increase or decrease in salary with the College
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the College
10. Date and general description of the reasons for each promotion with the College
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the 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
12. The office or station to which the employee is currently assigned

“Salary” includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation.

Any person may have access to the information listed above for the purpose of inspection, examination, and copying during regular business hours 8:00 a.m. to 4:30 p.m. Monday through Friday. Access to personnel files may be arranged by contacting the Director of Human Resources for an appointment. An employee of the College or a non-employee of the College may request that materials from personnel files be reproduced as allowed by the policy guidelines stated above. The College may require a reasonable duplication fee.

II. CONFIDENTIAL INFORMATION

All information other than the information listed above is confidential and shall not be open for inspection and examination except to the following persons:

1. The employee, applicant for employment, former employee, or his/her properly authorized agent, who may examine his/her own personnel file at all reasonable times in its entirety except for letters of reference solicited prior to employment;
2. The President, other supervisory personnel and legal counsel for the President;
3. The Board of Trustees and the Board's attorney;
4. A party by authority of a subpoena or proper court order may inspect and examine a particular confidential portion of an employee's personnel file;
5. An official of any agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such information is deemed by the College to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purposes of assisting in a criminal prosecution nor for purposes of assisting in a tax investigation.
6. The President may, in his/her discretion, or shall at the direction of the Board of Trustees, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or non-employment of any applicant, employee or former employee and the reasons for such action and may allow the personnel file of the person or any portion to be released or inspected to any person or corporation provided that the Board of Trustees has determined that the release of the information is essential to maintaining the integrity of the Board of Trustees or to maintaining the level or quality of services provided by the College. Prior to releasing the information or making the file or any portion available to a person or corporation pursuant to this subsection, the President shall prepare a memorandum setting forth the circumstances which he/she 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.

Each individual requesting access to confidential personnel information will be required to submit satisfactory proof of identity.

III. OBJECTING TO RECORDS IN PERSONNEL FILE

An employee, former employee or applicant for employment who objects to materials in his/her personnel file may place in the file a statement relating to the materials the employee considers to be inaccurate or misleading. If the material has not been placed in the file in connection with a grievance procedure, the individual may seek the removal of such material from the file through College grievance procedures.

IV. MEDICAL AND IMMIGRATION INFORMATION

Pursuant to the Americans with Disabilities Act, all medical information, including workers' compensation history and requests for reasonable accommodation for a disability, medical insurance information and medical documentation for FMLA and

other types of leaves related to an employee's medical condition shall be kept separate from an employee's personnel file and shall be disclosed only as follows:

1. To supervisors who may be told only about work restrictions for an applicant or employee;
2. To first aid and safety officials where emergency treatment might be required; and
3. To government officials charged with enforcement of disability law.

All I-9 and other immigration status records shall be kept in a separate file not included within an employee's personnel file.

V. MAINTENANCE OF FILES

The following guidelines shall govern the removal of materials from personnel files:

1. The College reserves the right to permanently remove material that has been contained in the file for five (5) years or more.
2. Each employee has the right to request in writing that material filed for five years prior to the request be removed permanently from his/her personnel file. Such material shall be removed by the College.
3. Any material removed from the file shall be returned to the employee.
4. Materials excluded from these guidelines shall include: employment data such as verification of job experience, transcripts of credits, records of certification necessary for initial salary placement, and subsequent salary changes or adjustments, and confidential pre-employment credentials of an evaluative nature or other legally necessary documents.

It is the responsibility of each employee to see that employment data—application, verification of job experience if necessary, transcripts of credits, and other records of certification necessary for initial placement—is sent to the College for filing in the personnel folder.

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Legal Reference: 23 NCAC 02C.0210(12)
N.C.G.S. § § 115D-27 through 115D-30

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