

## **2-8 Personnel File**

In compliance with North Carolina Administrative Code 23.02C.0210 and N.C.G.S. 115D-28, the following outlines the policy and procedures applicable to employee personnel records and requests to access. A personnel file is maintained on all full-time, regular part-time, and part-time curriculum employees (whether current or former employees or applicants for such positions) in the Human Resources office and includes the following records that are subject to public information requests:

- Name
- Age
- Date of original employment
- Current position and title
- Current salary
- Date and amount of each increase or decrease in salary
- Date and type of most recent promotion, demotion, transfer, suspension, reclassification, separation or other change in position classification with the College
- Date and general description of the reasons for each promotion with the College since October 1, 2010
- Date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the College. If the disciplinary action was a dismissal after October 1, 2010, a copy of the final decision of the College setting forth the specific acts or omissions that are the basis of the dismissal shall also be maintained in the file and will constitute a public record.
- The office or station to which the employee is currently assigned

All other information in the file of an employee, former employee or applicant not specified above is confidential and will not be made available for inspection except to authorized persons, which will normally include:

1. The supervisor of the employee, including any individual or Board of Trustees member in the chain of administrative authority, the Board of Trustees' attorney, and members of a hearing panel trying to resolve a grievance of the employee;
2. Members of the General Assembly by the authority of N.C.G.S. 120-19;
3. A party by authority of a subpoena or proper court order;

4. An official of an agency of the federal or state government or any political subdivision of the state but only if the college President determines that such an inspection is necessary and essential to the pursuance of a proper function of the requesting agency. However, confidential information from an employee's personnel file may be limited. Confidential information shall not be divulged for purposes of assisting in a criminal prosecution, nor for purposes of assisting in a tax investigation.
5. The employee, applicant, former employee or person designated in writing by the employee or applicant as his agent. However, an employee or his agent may not be given access to letters of reference solicited before employment; and
6. Any person needing specified information in an emergency if the employee has consented to emergency release of information. Any person or agency requesting access to confidential information in the case of such an emergency will be required to submit satisfactory proof of identity and cause for the need of the confidential information to the college President.

A record of disclosures for public information, except for disclosure due to routine credit checks or processing of personnel records, is maintained. The record of disclosure includes the name of employee, the information disclosed, the date information is requested, the name and address of the person to whom the information is disclosed, and the purpose for which the information is requested. Records of disclosures are kept for two (2) years from date of disclosure and are discarded after that time. An employee may have access to the record of disclosure that pertains to the employee.

Any current or former employee or applicant may inspect the contents of his or her personnel file by making a written request to the Director, Human Resources. Such inspection must take place in the Director, Human Resources' office, during regular business hours. The employee may examine the file in its entirety, except for letters of reference solicited prior to employment.

If any employee objects to the material in his or her file, the employee may place a statement in the file about the material he or she considers inaccurate or misleading. If the objectionable materials have not been placed there in connection with a grievance procedure established by the Board of Trustees, the employee may seek removal of such material by submitting a written request to the Director, Human Resources. Within ten (10) working days, the Director, Human Resources will review the request, determine appropriate action, and notify the employee in writing. Should the employee be dissatisfied with the action taken by the Director, Human Resources, a written appeal may be

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submitted within ten (10) working days to the President. The President will render a decision on the appeal within ten (10) working days. The President's decision is final.

Personnel files shall be maintained for all employees, former employees and applicants for employment in other positions in compliance with the requirements of this policy. Such files may be maintained by persons other than the Human Resources Director when so designated by the President.