



University Administrative Policies
 Policy Name: Official Personnel Files
 Policy Number 13-004; Web Link:

Responsible Office: Human Resources and Equal Opportunity Responsible Official: Assistant Vice President, Human Resources	Originator of the Policy: Executive Vice President Origination Date: January 2014	Effective Date: 2-17-14 Revision History: 3/30/2016
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1. RATIONALE

The University recognizes the expectation of employees that their personal information contained in the University’s personnel files is accurate, relevant, and protected from improper disclosure. The University is required by the state and federal law and applicable collective bargaining agreements to collect, retain and safeguard information concerning employee’s job history and performance.

Under this Policy, for all employees other than faculty and librarians, “official personnel files” are those records maintained by the Human Resources Office. The official personnel files of DGCE faculty are maintained in both the School of Continuing and Professional Studies and, in accordance with the MSCA Agreement, the Office of the Provost/Vice President for Academic Affairs and/or the Office of Graduate and Continuing Education.

Any other files containing personnel information are *not* considered official personnel files for the purposes of this Policy.

2. STATEMENT OF POLICY

Salem State University hereby establishes this Policy on Official Personnel Files to:

- A. comply with the applicable collective bargaining agreements, state and federal law regarding the management, retention, disposal, protection and disclosure of its official personnel files;
- B. document its management decisions; provide historical references of employee, participant, and University-initiated transactions and events; demonstrate regulatory compliance; and enhance its operational efficiencies;

- C. implement a uniform procedure for the release of any personnel files from an employee's official University personnel file;
- D. ensure that only job-related information will be contained in the official personnel file;
- E. reinforce safeguards against unauthorized or accidental disclosure of official personnel files and other records within the Human Resources and Equal Opportunity Office;
- F. establish accountability for human resource records management, retention; and disposal;
- G. ensure that the University employees responsible for official personnel files are given timely notice to preserve such records when preservation outside of the University's routine retention procedures is required; and
- H. provide for a two year review of the Policy to ensure that all procedures for the gathering, maintenance, retention and protection of the personnel information are being followed.

3. SCOPE

This policy shall apply to all full and part-time employees, consultants, graduate assistants and student employees.

4. FISCAL CONSIDERATIONS

	Direct Costs / Savings / Revenue Generation	Indirect Costs / Savings / Revenue Generation
Initial Implementation	None	None
Ongoing	Once all records are saved electronically, the institution will realize a cost saving.	Commonwealth Records Retention Policy requires agencies to maintain electronic records in conjunction with either microfiche or paper personnel files. SSU official paper personnel files are maintained at Iron Mountain.

5. DEFINITIONS

Manager's files	Manager's files may be kept and maintained in an employee's department to track work in progress and performance related information, and typically includes documents of ongoing work such as notes of conversations, assignments, and status reports, the employee job description, performance plans, summaries of
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	professional development activity, and committee participation. The supervisor may also maintain personal notes in the working file, which are not considered to be a personnel record so long as they are prepared by the supervisor for his or her own use and are not shared with anyone else.
Official Personnel File	Job-related employee records maintained by the Human Resources Office, or in the case of faculty and librarians, job-related data maintained by the Human Resources Office, the Office of the Provost/Vice President for Academic Affairs and/or the Office of Graduate and Continuing Education. Unsolicited and/or anonymous materials will not be included in the official personnel file.
Background Check	Products of background checks may be retained by the University. Background check reports are kept in a separate secure file only accessible to HR management. This information is considered confidential and not retained in the official personnel file.
Employee	Any full- or part-time employee of the University, including consultants, graduate assistants, and student employees.
Human Resources	The unit of the University responsible for the oversight and supervision of all employee records.
Medical Records	Medical information about an employee such as health status, medical condition, or medical history. This information is considered confidential and is not retained in the official personnel file, but in a separate and secure file maintained by the Human Resources Office.
Records	Job-related data or information concerning a specific employee that is preserved in a typed, written, or electronic format.
File	A collection of related records stored together in paper or electronic formats.

6. RESPONSIBILITIES

Responsible Party	List of Responsibilities
AVP/Human Resources	<ol style="list-style-type: none"> 1. Determine where the contents of the employees' official personnel files are maintained, i.e., Human Resources Office, Office of the Provost/Vice President for Academic Affairs and/or the Office of Graduate and Continuing Education. 2. Maintain personnel files with employment-related items such as application, letter of offer, personnel actions, position description, and performance evaluations in accordance with requirements of the applicable collective bargaining agreements. 3. Maintain separate, confidential files for all medical records. 4. Comply with the Massachusetts Statewide Record Retention Schedule. 5. Respond to public records requests per the Massachusetts Public Records Law or litigation requests as appropriate.

	<p>6. Secure both electronic and paper personnel records. No official personnel files may ever leave the office where they are stored.</p> <p>7. In the event an Administrator transitions over to a Faculty capacity, Human Resources reserves the right to share official personnel records with Academic Affairs. If a Faculty employee is assigned to an Administrator position, Academic Affairs will share the personnel file with the Human Resources department.</p> <p>8. All official personnel records in paper format are kept at Iron Mountain for safekeeping in compliance with MA Statewide Record Retention Schedule.</p>
Employee	Contact the Human Resources Office or, in the case of faculty and librarians, the Office of the Provost/Vice President for Academic Affairs and/or the Office of Graduate and Continuing Education, and request in writing to review, copy or challenge the contents of that file.
Manager	Contact the Human Resources Office or, in the case of faculty and librarians, the Office of the Provost/Vice President for Academic Affairs and/or the Office of Graduate and Continuing Education, and request in writing to review, copy or challenge the contents of that file.

7. PROCEDURES

Task	Procedure
Requesting a Copy of the Personnel File	<ol style="list-style-type: none"> 1. In accordance with and to the extent permitted by Mass. Gen. Laws c. 149, Section 52C, current and former employees may request to inspect and obtain a copy of their personnel files. 2. The University through Human Resources will respond to such requests within five (5) business days.
Access to Personnel Files	<ol style="list-style-type: none"> 1. Internal access to personnel files is limited to supervisory personnel who are considering the employee for promotion, transfer, accommodations, or other personnel action, and to other officials who have a legitimate need to access the files. 2. All other requests will be treated as requests for public records. 3. If an employee's union representative wishes to inspect the personnel file of a member, he/she must present written authorization signed by the employee that specifically and clearly describes the records the representative may inspect and/or copy.
Disputing Information	<ol style="list-style-type: none"> 1. Employees who question the accuracy of completeness of information in their files should discuss their concerns with the appropriate departmental manager. 2. The manager will consider the objections and consult with the Human Resources office where the official personnel file is stored.

	<p>3. If it can be verified that the information in question is erroneous, the information can be corrected/removed, if allowed, by the official in the Human Resources office where the official personnel file is stored. Collective bargaining agreements dictate the terms of the employee record dispute process. Certain information may be expunged from official personnel records without consultation with departmental management based on such terms.</p> <p>4. Should the disputed information be retained in the file, the employee may submit a brief written statement identifying the alleged errors or inaccuracies. This statement will remain in the file as long as the disputed information is retained.</p>
Public Records Requests for Official Personnel Files	Human Resources will be the office responding to a public records request. Human Resources will consult with General Counsel in this process.
Disposition of Human Resource Records	Records are to be managed in accordance with the methods specified in the Massachusetts Statewide Record Retention Schedule.
Background Checks	<p>1. Background checks are initiated when a contingent offer of employment is made</p> <p>2. Consent for a background check must be obtained prior to conducting such checks. Failure to consent to a background check will result in an offer of employment being withdrawn.</p> <p>3. An independent agency will be used for conducting the background check.</p> <p>4. A background check for a police officer candidate are conducted through University Police in association with an outside agency and are retained at University Police</p>
Subpoenas	Upon receipt of a subpoena for information from an employee's personnel file, both the employee and the University Legal Counsel will be advised immediately.

8. POLICY ENFORCEMENT

Violation(s)	It shall be a violation of this Policy to release any of the confidential information found in the personnel/medical files of employees to any person that does not have authorization to receive it. In addition, employees with access to personnel files shall not use the information found within those files for personal reasons.
Potential consequences	AVP Human Resources will review the alleged violation and make a recommendation to the President. University counsel should be consulted as necessary. If a violation is confirmed, and in accordance with the relevant provision of any applicable collective bargaining agreement, the sanction for the individual involved can be up to and including termination from the University and prosecution under the applicable federal and

	state laws.
How to Report a Suspected Violation of this Policy	Contact the University's AVP Human Resources or the University President.

9. REFERENCE DOCUMENTS

Policy or Document	Web Address
1. Massachusetts Statewide Record Retention Schedule	http://www.sec.state.ma.us/arc/arcpdf/0211.pdf
2. Massachusetts Public Records Law, Mass. Gen. Laws c. 66	http://www.sec.state.ma.us/pre/prepdf/guide.pdf
3. Mass. Gen. Laws c. 149, Section 52C	https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/Section52C
4. HR Policies	https://www.salemstate.edu/policies/

10. CONTACT(S)

Subject	Office or Position	Telephone Number	Email
Policy Clarification	AVP Human Resources	978.542. 6078	mquigley@salemstate.edu

11. APPROVALS/ENDORSEMENT/NOTICE REQUIRED

Level	Title & Name	Signature	Date
Chair or Director of Department or Office	N/A		
Dean or Assistant Vice President	Mark Quigley		
Vice President	John Keenan		
P.E.C. Initial Review	July 2012		
P.E.C. Final Review			
All College Committee	N/A		

President	Patricia Maguire Meservey		
Board of Trustees (notice)	N/A		

12. EFFECTIVE DATE

Upon approval by President

13. DISSEMINATION

Electronic to the Vice Presidents, Deans, Department Chairs

14. REVIEW CYCLE

Two years from inception and every two years there after