

<b>OGDEN-WEBER TECHNICAL COLLEGE</b>	Number  520.4	Effective Date 2/26/98 Revised 10/24/01	Page  1 of 2
<b>POLICY</b>	Approval		
Title  <b>PERSONNEL RECORDS AND PRIVACY</b>			

## 1. **PURPOSE AND SCOPE**

The purpose of the policy is to establish standards to ensure information contained in College personnel records is accurate, private, and in compliance with the law and to provide a guideline for disclosure of private records. This policy applies to all departments and employees of the College.

## 2. **POLICY**

### 2.1 **Personnel Files**

**2.1.1** Official personnel files are to be retained in only one central location and supervised by the manager of human resources. Access to personnel files is restricted to the employee, human resources employees, an employee's supervisor, director, vice president, president, or Board of Trustees (as a body for a personnel action); or other College employees, officials, or boards members who have a legitimate business reason to review the records as deemed by the president or president's designee.

**2.1.2** No complaint, reprimand, allegation, or note of poor job performance shall be placed in an employee's official personnel file without the employee receiving a copy. Employees shall have the right to submit to their personnel file a written response to anything placed in the file.

**2.1.3** Any information regarding an investigation taking place which concerns an employee shall be kept in a separate file until a conclusion is drawn or action is taken and the employee is made aware of the investigation and its result. The employee shall have the right to make a written statement to be included in the investigation file. If the investigation is inconclusive or does not support the charge or complaint, the file shall be maintained apart from the personnel file and shall be destroyed after five years. If the College concludes that the complaint or charges against the employee are supported by the investigation, the investigatory file shall be placed in the personnel file unless the file needs to be maintained separately for confidentiality reasons.

**2.1.4** Medical information shall kept in a separate, confidential file and made available only to those on a need-to-know basis as determined by human

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resources. Employee safety, College liability, and employee performance shall be criteria used to determine a need-to-know.

- 2.1.5** In accordance with the Government Records Access and Management Act, Section 63-2-24(1)(3a), a person making a request for a copy of a record must furnish a written request to the human resources containing their name, mailing address, daytime telephone if available, and a description of the record requested that identifies the record with reasonable specificity. The College shall respond to the request as soon as reasonably possible but no later than ten business days after receiving a written request.

### **3. DEFINITION**

- 3.1 Personnel Records:** Defined as standard College forms, applications and agreements, medical documentation if job requires (i.e., food handler), and any written notes or memos documenting a conclusion or an action which reasonably may have an impact on an employee's status or economic well-being.

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**1. Department Files**

Supervisors may retain copies of recent personnel records and other current performance information in their department to facilitate human resources needs. Department files shall be treated as confidential information and secured under lock and key. When an employee terminates employment, their file shall be hand-delivered to the human resources department for destruction or incorporation into the official file.

**2. Information Requests and Employment References**

All requests for information from employee files received from other departments as well as inquiries from outside the College (including requests for references regarding past employment) shall be directed to the human resources department. Supervisors and other employees may not supply without prior approval, personal or employment references on current employees or former employees, including writing letters of recommendation on College letterhead. Such letters are indicative of representing the College. Therefore, an employee shall obtain prior approval from their supervisor and the human resources manager before doing so.

**3. Telephone Inquiries**

Information verified by the human resources department via telephone shall be limited to the following:

- 3.1** Date of hire and/or date of separation
- 3.2** Job title
- 3.3** Confirm salary information in the possession of requesting individual

**4. Written Inquiries**

Other than as specified above, information requested on current or former employees must be in writing. The request must be an original document, and the individual on whom information is being requested or their designated attorney must forward a signed release of information form containing the employee's signature. A copy shall be retained in the employee's personnel file. Only facts such as performance ratings, dates of performance reviews, and basic employment information shall be released.

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## 5. References With Written Approval

With written release of the employee or former employee, salary, job chronology, performance information, or copies of documents in the personnel file may be released by the human resources manager. This shall be explained to separating employees by the human resources department representative during the exit interview. If the employee signs a release, the human resources manager or designee may release **specific authorized information** but **only** in response to written requests.

## 6. Examination of an Employee's Personnel File

An employee's official personnel file may be inspected during office hours under the following conditions:

- 6.1 Employees:** Employees may review their own personnel file in the presence of a human resources representative within the human resources records area.
- 6.2 Supervisor:** For Official use only (in the course of business), a director or supervisor may review an employee's official file if there is a business need-to-know.
- 6.3 Government Inquiries:** The College, at its discretion and subject to applicable laws, may cooperate with federal, state, and local government agencies conducting audits, College reviews, or investigating an employee if the investigators furnish proper identification and proof of legal authority to investigate. The human resources department may permit a government investigator to review a personnel file on College premises, but the investigator shall not be allowed to remove or reproduce this information without human resources first obtaining a release from the employee or confirmation of legal basis for allowing such a release of information.

## 7. File Retention

- 7.1 Personnel Records:** Personnel records shall be reviewed and purged regularly in accordance with the College's established record retention program. Personnel files shall be maintained in the human resources department for a period of six years beyond an employee's separation date.