

**ARTICLE 29
PERSONNEL FILES**

A. An employee shall, upon written request to the University, have the opportunity to review his/her personnel file(s) within a reasonable time in the presence of a representative of the University. At the time of such request the supervisor, to the extent he/she is aware of the location(s) of such files, shall inform the employee of the location(s) of the file(s).

1. An individual of the employee's choice may accompany the employee as their representative when the employee is reviewing the employee's personnel file. Release time shall be paid in accordance with Article 10 – Grievance Procedure.
2. Alternatively, an employee may authorize a designated representative to review the employee's personnel file on the employee's behalf. Such written authorization shall be valid for a period of up to thirty (30) calendar days from the date of signature of the authorization.
3. An employee shall be granted a reasonable amount of time in without-loss-of-straight-time pay status to review the employee's personnel file(s) within the operational needs of the department.

B. DISCIPLINARY ACTIONS

1. Copies of letters of warning and/or disciplinary action shall, upon being placed in the employee's personnel file(s), be provided to the employee. Employees' written comments, if any, regarding such letters shall be placed in their personnel file(s). Such comments shall not require the University to change or alter the letters or the actions indicated by the letters. Proof of Service (pursuant to M. of Article 10 - Grievance Procedure) shall accompany the copies.
2. Written warnings and/or disciplinary action which did not involve criminal violations will, upon written request of the employee, be removed from the employee's personnel file(s) if there have been no other warnings or disciplinary actions of the same or of a similar kind for a two- year period. If there have been no other warnings or disciplinary actions of the same or similar kind for a two-year period, materials which would be removed upon an employee's request which are more than two years old will not be used or relied upon to take or support disciplinary action.
3. Upon the employee's written request, counseling memoranda and/or written records of discussion will be removed from the employee's personnel file(s) if there have been no other such memoranda relating to or disciplinary action on the same or similar issue(s) for a two-year period.

4. Counseling memoranda and/or written records of discussion, in and of themselves, are not discipline nor are they grievable/arbitrable.
- C.** Records involving the processing of an employee's grievance such as the grievance form, step appeals/responses, and settlement documents will be kept in a file separate from the employee's personnel file. It is not the intent of this section to exclude from the employee's personnel file final disciplinary action documents that result from a settlement agreement.
 - D.** Records protected by recognized legal privilege and records excepted from disclosure by law may be withheld from the employee and/or the employee's representative. Neither an employee nor his/her representative shall be entitled to review confidential pre-employment information or confidential information relating to transfers or promotions of the employee out of his/her bargaining unit, nor shall the employee or his/her representative be entitled to review documents related to internal University labor relations or personnel policy or Agreement applications.
 - E.** Pursuant to University procedures, fees may be charged for making copies of personnel file information or extracts thereof; however, there is no charge for the first copy of the individual employee's own records.