

**ARTICLE 27
PERSONNEL FILES**

A. GENERAL PROVISIONS

1. **Location of Personnel Files** – Personnel files (electronic or otherwise) may be located in an employee's employing department and/or the campus/medical center/Laboratory Human Resources Department.
2. **Access to Personnel Files** – Access to personnel files shall be limited to those who need to access information in the personnel file in the performance of their University duties or as provided by law, or University policy. Nothing in this paragraph A.2., is intended to limit or to augment Teamsters Local 2010 rights to information under HEERA.
3. **Information in the Files**
 - a. An employee's personnel file(s) contain information pertaining, but not limited to: employment, such as the application for employment, tests and letters or statements of reference; pay and benefits; training; conduct; education, honors and awards; duties and job classification; performance; discipline, release, and dismissal actions; attendance; and other relevant or necessary information specified by the University.
 - b. Copies of letters of disciplinary action, along with copies of proofs of service that accompany the letters, upon being provided to an employee, shall be placed in the employee's personnel file(s). The employee's written comment, if any, regarding such letters shall be placed in her/his personnel file(s). Such comments shall not require the University to change or alter the letters or the actions indicated by the letters.
 - c. Copies of documents related to performance shall be provided to the employee when placed in the personnel file.
 - 1) The parties agree that transactional items need not be provided to employees in advance of being placed in the personnel file.
 - 2) Examples of transactional documents include but are not limited to payroll processing, employee-initiated personnel data changes, and leave records.
 - d. With the exception of performance evaluations, documents such as letters of disciplinary action or other documents concerning conduct or work performance, counseling memoranda and/or written records of discussions shall, upon the written request of the employee, be removed from the employee's personnel file(s) if there have been no other disciplinary actions of the same or similar kind or if there have been no other letters or memoranda relating to the same or similar issues for a period of two (2) years unless otherwise required by law, or University Policies named in Article 43. Materials which would be removed upon an

employee's request, or retained pursuant to a legal requirement or University policy which are more than two (2) years old will not be used or relied upon to take or support disciplinary action. Where documents are removed pursuant to employee request, the employee shall receive the written request and the documents back. Where electronic records are used, the employee will receive confirmation of the deletion. Counseling memoranda and/or written records of discussion, in and of themselves, are not discipline nor are they grievable/arbitrable.

B. EMPLOYEE AND/OR REPRESENTATIVE REVIEW OF PERSONNEL FILE(S)

1. An employee shall upon advanced notice, have the opportunity to review her/his personnel file(s), as described in Section A., above, within a reasonable time in the presence of a representative of the University.
2. An individual of the employee's choice may accompany the employee when the employee is reviewing her/his personnel file(s).
3. Alternatively, an individual employee may authorize a designated representative to review the employee's personnel file(s) on the employee's behalf. Such written authorization shall be valid for a period of thirty (30) calendar days from the date of the signature of the authorization or within a written time limit specified by the employee.
4. When the employee has chosen a member of the CX bargaining unit to assist in the review of the file(s), that person's release time shall be in accordance with the provisions of this Agreement.
5. An employee shall be granted a reasonable amount of time in without-loss-of-straight-time pay status to review her/his personnel file(s) within the operational needs of the department.

C. PROTECTED INFORMATION

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.

D. GRIEVANCE-RELATED FILES

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, including those that result from a settlement agreement.

E. DUPLICATION COSTS

Employees shall receive, without cost, a first copy of documents (electronic or otherwise), or extracts thereof, that are located in her/his personnel file. However, employees in the CX bargaining unit may be charged the same fees as are customarily

charged other staff employees for additional copies of documents in the employee's personnel file.