



## **PERSONNEL POLICIES — SECTION 300**

**NUMBER: 331**

**SUBJECT: PERSONNEL FILES**

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**EXECUTIVE STAFF APPROVAL: 2/6/2023**

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### **331.1 – DEFINITIONS**

#### **1.1 – Personnel Files**

Records of a MTECH employee retrievable under the employee's name or identifying number containing information gathered in the course of official MTECH business. The information relates specifically to the employee's qualifications, work assignments, promotions, compensation, performance, disciplinary action, and participation in MTECH benefit programs.

### **331.2 – POLICY**

It is the policy of Mountainland Technical College (MTECH) to keep accurate and updated information deemed pertinent by MTECH in employees' personnel files. MTECH allows access to personnel files in accordance with all federal and state laws.

#### **2.1 – Disclosure Policy**

Access to and privacy of personnel records maintained by MTECH are governed by Title 63G, Chapter 2, of the Government Records Access and Management Act (GRAMA) and applicable federal laws. MTECH shall designate and classify the records and record series it maintains under the GRAMA statute and respond to GRAMA requests for employee records.

**2.1.1–** MTECH recognizes the right to review the employee's personnel file, upon request, in the presence of a Human Resources representative. Exceptions to a representative being present must be approved by the Director of Human Resources. An employee may request corrections, amendments to, or challenge any information in their electronic or hard copy personnel file by following the Procedure below.

**2.1.2 –** This policy applies only to personnel files as defined in the definition section of this policy and does not affect any right conferred by law on an individual to inspect, copy, or challenge the contents of other records and files of MTECH that relate to that individual.

**2.1.3 –** No person has a right under this policy to inspect, copy, or challenge the contents of the personnel files relating to any other individual, except to the extent

that such person may be authorized to do so because of an official "need to know" as defined in state law or other MTECH policy.

## **2.2– Maintenance of Files**

- 2.2.1**– The primary personnel files of MTECH employees will be maintained by the Human Resources Department under the supervision of the College President and the Vice President of Administrative Services. These primary files are maintained electronically by in the Human Resource Department and/or electronically.
- 2.2.2** – Secondary personnel files may be maintained by departments, or other operating units, as necessary.
- 2.2.3** MTECH shall maintain confidential medical files. Confidentiality shall be maintained in accordance with applicable regulations. Information in the medical file is private, controlled, or exempt in accordance with Title 63G-2.
- 2.2.4** Upon employee separation, MTECH shall retain electronic records for thirty years. Hard copy records shall be retained at MTECH for a minimum of two years.

## **331.3 – PROCEDURES**

### **3.1 – Inspection and Copying of Primary File**

- 3.1.1** – Upon submitting a written request to the appropriate authority (Director of Human Resources or Vice President of Administrative Services), an employee of MTECH will be given an opportunity to inspect and/or obtain a copy of his or her primary personnel file or any part thereof, in the presence of a Human Resources representative.
- 3.1.2** The employee's written request should describe the records or information the employee wishes to examine and/or copy.

The following items will be temporarily removed from the employee's personnel file before inspection by the employee:

1. letters or documents of recommendation, evaluation, or criticism which were solicited or submitted under request or promise of confidentiality;
2. information which relates to person(s) other than the subject employee; and
3. any information prohibited from disclosure by applicable state or federal laws.

The employee's written request should describe the records or information the employee wishes to examine and/or copy.

**3.1.3** – After the employee submits the appropriate request, the file will be made available subject to the provisions outlined in GRAMA. These provisions include:

1. After verifying the identity of the employee making the request, the Human Resources Department will take appropriate steps to comply with the requests. The request will be addressed as soon as reasonably possible, but no later than ten (10) business days after the written request is received or five (5) business days if the employee demonstrates that expedited response benefits the public rather than the employee.
2. When immediate inspection is not possible or appropriate, the Director of Human Resources or his or her designee will have the personnel file assembled and made available to the employee for inspection as soon as reasonably possible, normally within ten (10) working days from the date of request, at a reasonable place and time (during regular business hours).
3. The employee will inspect his or her file in the Human Resources Department or in the presence of their designee.
4. A memorandum recording the request and how the request was addressed will be included in the employee's file by the Human Resource Department immediately after the inspection.

**3.1.4** – If the employee requests a copy of the file or any part of it, the following steps will be completed:

1. Before preparation, the Human Resource Department must calculate the cost of copying using the schedule of charges established from time-to-time by the College President. This copying fee will be communicated to the employee making the request.
2. After the employee pays the fee, the Human Resource Department will arrange to prepare copies as requested and provide them to the employee with reasonable promptness as outlined above. (Any Campus Vice President or the College President may waive the copying fee, if they determine that to do so would be done in a spirit of cooperation and is in the best long-term interest of MTECH.)
3. The written request for copies will be placed in the employee's personnel file, together with a memorandum recording when and in what manner the request was addressed.

### **3.2 – Inspection and Copying of Secondary Files**

An employee wishing to inspect and/or obtain copies of information in his or her secondary file(s) should submit a request to the caretaker of the file in question. The employee should follow the procedure for obtaining/copying the file prescribed by the caretaker. If denied access to a secondary file, the employee may contact the Director of Human Resources.

### **3.3 – Challenge to Contents**

An employee may request corrections, amendments to, or challenge any information in the MTECH electronic or hard copy personnel file, through the following process:

**3.3.1** – An employee of MTECH may, at any time, challenge any factual statement or entry of factual data in his or her personnel files on the grounds that it is inaccurate, misleading, inappropriate, or otherwise in violation of his or her individual rights.

**3.3.2** –The Director of Human Resource will review and make necessary changes to, deletions from, or additions to the personnel files to assure that the files include only factual, truthful, and relevant information. The employee will be advised in writing of all approved modifications.

### **3.4 – RESPONSIBILITY**

#### **3.4.1 – Human Resource Department**

The Human Resource Department is responsible for maintaining the contents of primary personnel files and for responding to employees' requests or challenges in accordance with this policy and state and federal law.

#### **3.4.2 – Employees**

Employees are responsible for notifying the Director of Human Resources or Vice President of Administrative Services in writing of their wish to review, copy, or challenge the contents of their primary files, and are responsible for following procedures prescribed by caretakers of secondary files in order to obtain access to and/or copies of those files.