



Blue Mountain Community College *Administrative Procedure*

Procedure Title: Personnel Records
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Board Policy Reference: IV.B.

Accountable Administrator: AVP of Human Resources
Position responsible for updating: AVP of Human Resources
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Purpose/Principle/Definitions

Blue Mountain Community College will establish an official personnel file for each person employed by the College (except student employment).

Parameters/Guidelines/Application/Limitations

Official Personnel Records

The Human Resources Department will maintain personnel files in lockable fireproof file cabinets; files shall contain only materials relevant to employment.

Contents of Official and Other Personnel Records

1. All job application forms, resumes, vitae, transcripts, and other employment-related documents submitted to the College for original employment or subsequent position changes, except any document(s) submitted based upon a promise to the party furnishing them that they would be held in confidence and/or not disclosed to the employee or other persons.
2. Copies of all performance evaluations.
3. A chronological file, record, or copies of approved personnel action forms, memoranda, or other documents that reflect authorized changes in employment status, salary, etc., when such documents are available.
4. Official correspondence with or about the employee, including any letters of commendation, reprimand (kept in accordance with collective bargaining agreement language), or employee comments concerning statements contained in the file.
5. Documents, certificates, diplomas, etc., related to further education, training, and certification completed by the employee.
6. Any other document, form, letter, memorandum, agreement, etc., that is deemed by the AVP of Human Resources to be an employee record that should be placed in the official personnel record.

The following documents shall **not** be placed in or be deemed a part of the official personnel record and shall not be subject to access under "Disclosure of Other Personnel Records" hereof:

1. Documents and papers including, but not limited to, complaints from any source regarding an employee's performance and letters of reference or recommendation that have been furnished under a promise of confidentiality or other statement that they will not be disclosed to the employee or other person.
2. Documents and papers constituting the preliminary portion of the employee evaluation process including, but not limited to, notes taken by and records prepared by supervisory personnel and peer reviewers that are not made verbatim part of the final evaluation documents concerning an employee.
3. Letters of communications or memoranda thereof pertaining to alleged or actual employee misconduct that are received or prepared by supervisory personnel unless, and not until, the documents themselves as described herein are used as the basis for any subsequent imposition of discipline.
4. All records containing employee medical condition information, such as workers' compensation reports and release/permission to return to work forms, will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.
5. Any and all medical records or evaluations submitted as a result of a "fitness for duty" examination or as part of the screening process required for recruitment.

Disclosure of Personnel Records

The College will disclose official personnel records only to the following persons:

1. The individual employee. An employee or designee may arrange with the Human Resources office to inspect the contents of his/her personnel file on any day the Human Resources office is open for business;
2. Others designated in writing by the employee;
3. Employees in the Human Resources Office;
4. College personnel who are determined by the AVP of Human Resources or the President or his/her designee to have a need for such records to fulfill a College-related function, including use in any judicial or administrative proceeding or any employee selection process that relates to employment matters concerning the affected employee or others;
5. Board of Education officials in the normal line of duty;
6. In response to a lawfully issued judicial or administrative subpoena or an order of a court of competent jurisdiction, provided that if the subpoena or order is not issued on behalf of the affected employee, a reasonable effort shall be made to notify the affected employee of the subpoena or order prior to compliance therewith;
7. Officials of Federal or state agencies, such as the U.S. Internal Revenue Service, U.S. Department of Labor, U.S. Equal Opportunity Commission, and Oregon Bureau of Labor, when authorized by applicable federal or state law or regulation or when needed to respond to investigations or inquiries initiated by such officials;
8. Appropriate parties in a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of either the employee whose records are sought or other individuals. The factors to be taken into account in determining whether personally identifiable information may be disclosed under this subparagraph shall include the following: (1) the seriousness of the threat to the health or safety of the employee or other individuals; (2) the need for the information to meet the emergency; (3) whether the parties to whom the information is disclosed are able to deal with the

emergency; and (4) the extent to which time is of the essence in dealing with the emergency;

9. Appropriate parties responsible for reviewing and elaborating on an employee's work history may review performance appraisals, letters of recommendation, etc.

Release of personnel records to parties other than those authorized to inspect them will occur only upon receipt of a court order.

Disclosure of Other Personnel Records

Those records identified as not being part of the official personnel record shall not be accessible to the affected employee nor to other employees or persons, except under the conditions set forth in the "Disclosure of Personnel Records" portion of this policy.

Procedure for Viewing Employee Files

If an employee wishes to view the contents of his/her Human Resources Department file, he/she should set up an appointment to do so with a representative of the Human Resources Department by giving 24 hours' notice. The employee should not assume that the staff member will make copies of any items in the file during this viewing, but may request specific copies to be picked up at a later date. A charge may be made for copies. Materials may not be removed from the file except by mutual consent of the employee and the College.

Notice of the Inclusion of Adverse Materials

Employees will be notified in writing within ten (10) working days when any adverse material is placed in the personnel file. This period of time will provide the employee an opportunity to review and initial the material. Employee initials indicate only that the employee has seen the material, not that he/she agrees with the content. If the employee refuses to sign said materials it will be so noted. An employee may attach a rebuttal to materials or add relevant materials of his/her choosing.

Legal Reference(s)

ORS 342.850
ORS 652.750
ORS 342.143
SB 755 (2005)

OSEA v. Lake County School District, Case No. C-202-83, 8 PECBR 7837 (1985); rev'd, Or App 623 (1986); order on remand, 9 PECBR 9501 (1987); aff'd, 93 Or App 481 (1988).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).