

Policy 602.7

NOTE: For purposes of all Appalachian State University policies, references to SPA (subject to the State Personnel Act [former terminology]) shall be interchangeable with SHRA (subject to the State Human Resources Act [current terminology]); and references to EPA (exempt from the State Personnel Act [former terminology]) shall be interchangeable with EHRA (exempt from the State Human Resources Act [current terminology]).

1 Introduction

2 Scope

This policy applies to all university employees.

3 Definitions

3.1 ?Chancellor?

shall mean the Chancellor of Appalachian State University.

3.2 ?Personnel File?

shall have the meaning defined in Section 4.1.1 of this policy.

3.3 ?Salary?

shall mean pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the University.

3.4 ?University?

shall mean Appalachian State University.

4 Policy and Procedure Statements

4.1 Personnel File

4.1.1 A personnel file consists of any employment-related or personal information gathered by an employer, the Retirement Systems Division of the Department of State Treasurer, or by the Office of State Human Resources. Employment-related information contained in a personnel file includes information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension,

performance evaluation, disciplinary actions, and termination. Personal information contained in a personnel file includes an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries.

4.1.2 Most employment-related information in a personnel file is confidential, and not open for inspection and examination except to the following persons:

1. The employee, applicant for employment, former employee, or his properly authorized agent, who may examine his own personnel file in its entirety except for (i) letters of reference solicited prior to employment, or (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. An employee's medical record may be disclosed to a licensed physician designated in writing by the employee;
2. The supervisor of the employee;
3. Members of the General Assembly who may inspect and examine personnel records under the authority of G.S. 120-19;
4. A party by authority of a proper court order may inspect and examine a particular confidential portion of a State employee's personnel file; and
5. An official of an agency of the federal government, State government or any political subdivision thereof. Such an official may inspect any personnel records when such inspection is deemed by the department head of the employee whose record is to be inspected or, in the case of an applicant for employment or a former employee, by the department head of the agency in which the record is maintained as necessary and essential to the pursuance of a proper function of said agency; provided, however, that such information shall not be divulged for purposes of assisting in a criminal prosecution, nor for purposes of assisting in a tax investigation.

4.1.3 However, the University is required to maintain separate records of the following information, and, subject to rules and regulations adopted by the State Human Resources Commission for the safekeeping of the records, permit such records to be inspected and examined and provide copies to any person upon request:

1. Name.
2. Age.
3. Date of original employment or appointment to State service.
4. The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession.
5. Current position.
6. Title.
7. Current salary.
8. Date and amount of each increase or decrease in salary with the University.
9. Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the University.
10. Date and general description of the reasons for each promotion with the University.
11. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the University. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the University setting forth the specific acts or omissions that are the basis of the dismissal.
12. The office or station to which the employee is currently assigned.

4.1.4 Notwithstanding any other provision of this policy, the Chancellor may, in the Chancellor's discretion, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or nonemployment of any applicant, employee or former employee employed by or

assigned to the University or whose personnel file is maintained by the University and the reasons therefor and may allow the personnel file of such person or any portion thereof to be inspected and examined by any person or corporation when the Chancellor shall determine that the release of such information or the inspection and examination of such file or portion thereof is essential to maintaining the integrity of the University or to maintaining the level or quality of services provided by the University.

4.1.5 Prior to releasing such information or making such file or portion thereof available as provided in this section, the Chancellor shall prepare a memorandum setting forth the circumstances which the Chancellor deems to require such disclosure and the information to be disclosed.

4.1.6 The memorandum prepared by the Chancellor shall be retained in the files of the Office of the Chancellor and shall be a public record.

4.2 Remedies of Employee Objecting to Material in File

4.2.1 An employee, former employee, or applicant for employment who objects to material in the employee's file may place in that person's personnel file a written statement relating to the material the person considers inaccurate or misleading.

4.2.2 An employee, former employee, or applicant for employment who objects to material in the employee's file because that person considers it inaccurate or misleading may seek the removal of such material from the file in accordance with applicable grievance procedures. If the University determines that material in the employee's file is inaccurate or misleading, the University shall remove or amend the inaccurate material to ensure that the file is accurate. Nothing in this subsection shall be construed to permit an employee to appeal the contents of a performance appraisal or written disciplinary action.

4.3 Penalties for Violation of Policy

4.3.1 Any person who knowingly and willfully permits any unauthorized person to have access to or custody or possession of any portion of a confidential Personnel File shall be subject to penalties as provided in N.C.G.S. § 126-27 and/or employment discipline under applicable policies.

4.3.2 Any person not specifically authorized to access a confidential Personnel File who knowingly and willfully examines in its official filing place, or removes or copies any portion of, a confidential Personnel File shall be subject to penalties as provided in N.C.G.S. § 126-28 and/or employment discipline under applicable policies.

5 Additional References

6 Authority

N.C.G.S. Chapter 126, art. 27
25 NCAC 01C

7 Contact Information

Office of Human Resources - 828.262.3186
Office of General Counsel - 828.262.2751

8 Original Effective Date

March 24, 2005

9 Revision Dates

October 28, 2014

February 18, 2015