

UCOP Human Resources Procedures 80 – STAFF PERSONNEL RECORDS

I. POLICY REFERENCE UC-PPSM 80, Staff Personnel Records

II. GENERAL

OP Local Human Resources is responsible for the maintenance of personnel records for all employees in accordance with the provisions set forth in UC-PPSM 80. Certain departments (Officers of the Regents and those physically separated from UCOP) maintain personnel records for their staff under the direction of Local HR and according to these procedures.

Personnel files are stored in locked filing cabinets. Local HR also has a separate set of files for FMLA and Workers' Compensation cases, as well as a set of files for background checks. These files are stored in the same set of filing cabinets and labeled accordingly. Local HR also keeps files for employees that have separated in separate cabinets stored by separation year and then by alphabetical order. These files will be kept for 5 years then sent to off-site storage.

III. FILE FORMAT

Creating a New File

All new employees should have a personnel file created and filed in the active files no later than close of business on their first day of employment. Personnel files should have four tabs and be set up as follows:

PERSONNEL FILE (Career, Contract & Limited Appointments)

Tab 1 Appointment and Salary Actions (including: New Hire Packet, Offer Letter, Signed Contract, Equity, Stipend, Promotions or any other actions related to Appt/Salary)

Tab 2 Signed Job Descriptions

Tab 3 Performance Evaluations/Discipline/Commendations

Tab 4 Training Awards/Certificates

Because service credit and service award information can contain leave of absence information, these documents should be kept in a separate file placed in the personnel file. This file can then be removed if someone wants to review the file.

Multi-Location Agreements and Rehired Retiree files should be clearly marked on the label to indicate these types of appointments.

IV. REVIEWING PERSONNEL FILES

Employees:

Personnel files are available for review by appointment only. Employees may schedule an appointment by calling or emailing the appropriate staff member. Since employees are allowed to view their personnel file, but not to remove documentation, it will be necessary for a Local HR representative to be present as they review the file.

In an employee would like a copy of the file, an employee shall be provided a copy of his or her own personnel records within sixty (60) calendar days from the receipt of a request for records that are geographically dispersed, inactive, or in storage, within thirty (30) calendar days from the receipt of a request for other records. There will be no charge for the first copy. However, records protected by recognized legal privilege and records exempted from disclosure by the Information Practices Act may be withheld.

Supervisors/Managers:

Personnel files are not to be removed from the department due to confidentiality reasons. Supervisors and/or managers shall make a request, including reason, in writing to review an employee's personnel file. Supervisors and/or managers will need to come to Local HR to review any files and a Local HR representative will be present at the time of review.

See appropriate bargaining agreement for contract terms applicable to represented staff:

<http://ucnet.universityofcalifornia.edu/labor/bargaining-units/>

Prospective Non-University Employers

A prospective non-University employer has access rights to some information contained in staff personnel records held by the office of record (see 80.D Notes, below) as a member of the public. The information is limited to those items described as "public information" in Policy 80.C.

Prospective University Employers

Prospective University employers (departments) can access the personnel file of an applicant who is a current or former University employee (except for confidential information as defined in Business & Finance Bulletin RMP-8), without prior notice.

Business & Finance Bulletins RMP-8 and RMP-9 provide helpful information about confidentiality and accessibility to records. Available on the web at policy.ucop.edu/index.html

V. REMOVAL OF DOCUMENTATION:

An employee may request certain documents, i.e., letter of disciplinary action or other documents concerning conduct or work performance, counseling memoranda and/or written records of discussions, be removed from his/her personnel file.

The employee must submit in writing the item(s) they would like removed from their personnel file. Compare the item(s) on the employee's list to verify that the document(s) qualify for removal. Additionally, consult with SME Employee Relations Representative to ensure there are no ongoing issues.

See appropriate bargaining agreement for contract terms applicable to represented staff:

<http://ucnet.universityofcalifornia.edu/labor/bargaining-units/>

VI. INTER-CAMPUS TRANSFERS

Personnel files must be reviewed before they are sent to the transferring employee's new campus. Ensure that the separation documentation has been placed in the file and review the file for any inappropriate documents.

All transferring employees must have their files sent to the new location on the last day of UCOP employment

FOR REFERENCE:

What Should or Should Not Be Included in a Personnel File

Any record that includes protected and/or non-job related information such as date of birth, marital status, dependent information, SSNs, medical information, immigration status, national origin, race, gender, religion, sexual orientation, criminal history, financial history, subjective statements or accusations, etc should not be included in the employee's personnel file.

When determining whether to place a document in the personnel file consider if the document contains any protected information. If it does, this document does not belong in the employee's personnel file.

Next consider whether the document is relevant to a supervisor who may review this file when making employment decisions. Is it related to the employee's performance, knowledge, skills, abilities, and/or behavior? If it is, then it belongs in the employee's personnel file.

What ***should*** be included in a basic personnel file?

- Job descriptions
- Records relating to job offers, promotion, demotion, transfer, layoff, rates of pay and other forms of compensation, and education and training records.
- Records relating to other employment practices (including policy acknowledgments and agreements).
- Letters of recognition
- Disciplinary notices or documents.
- Performance evaluations and goal setting records.
- Termination records.

What ***should not*** be included in a basic personnel file:

- EEO/invitation to self-identify disability or veteran status records.
- Interview notes and employment test results.
- Reference/background checks.
- Drug test results.
- Immigration (I-9) forms.
- Medical/insurance records (medical questionnaires, benefit enrollment forms and benefit claims, doctors notes, accommodation requests, and leave of absence records).
- Child support/garnishments.
- Litigation documents.
- Workers' compensation claims.
- Investigation records. (Only any relevant disciplinary action, counseling or other direct communications would be placed in the employee's personnel file.)
- Requests for employment/payroll verification