

West Virginia Northern Community College

Access to Employee Personnel Files

Rule Number: NC-2002

Effective Date: June 1, 2020

Date Approved by WVNCC Board of Governors: April 30, 2020

Date Approved by WVCTCS: May 8, 2020

Authority Reference: WV Code §29B-1-4; HEPC Series 55, Section 14

Replaces previous rule dated: WVNCC Rule NC#2002, effective March 25, 2004

Purpose:

The purpose of this rule is to provide guidelines for accessibility of official employee personnel files.

Rule:

The College maintains individual employee personnel files for each employee. Personnel files including but not limited to employment notifications, benefit information, evaluations and payroll records are maintained by the Human Resources office who serves as the official custodian of the employees' personnel files.

An employee may have access to his/her personnel file during normal business hours. An employee may examine his/her own personnel file and the contents therein with the following exception:

Materials that were gathered with the employee's prior agreement to forfeit his/her right of access, such as some references.

To maintain confidentiality of employee's personnel information including payroll records, no individual, private or public agency external to the College will be permitted access to any employee's personnel file and information without the express, written consent of the individual employee, with the following exceptions:

1. Information will be voluntarily provided to federal or state agencies responding to written requests when:
 - the agency has jurisdiction to make the particular inquiry; and
 - the information being sought is obtainable by subpoena; and
 - the appropriate College officials are satisfied that the information being sought is actually pertinent to the agency's inquiry.
2. Information is being requested by legal subpoena or other requirements by law or court order.

College supervisors, managers and officials will have access to an employee's official personnel file on a need to know business reason. All persons examining an employee's personnel file, must treat the contents of the file as confidential, unless under a legal subpoena.

A representative of the Human Resources Office shall be present when an employee's personnel file is being reviewed by others outside of the Human Resources Office. The date, time and name of the reviewer shall be recorded on the employee's personnel file review card for any necessary future reference.

A copy of any documents in an employee's personnel file, except as noted above, shall be provided to said employee upon written request. A copy will be provided electronically when possible. If a hard copy of a document is needed, a copy fee may be charged.

Positive identification of the employee must be established prior to providing access to the employee's personnel file. Documents may not be removed from an employee's personnel file by the said employee, supervisor or manager.

An employee may petition in writing for either the removal or addition of documents to his/her own employee personnel file. The written petition is to be addressed to the Human Resources Office and will include the employee name, document(s) to be removed or added, the reason for the removal or addition and the employee's signature. The petition will be reviewed by the Human Resources Official, who will determine if the removal or addition of the requested document(s) comprise the employee's official personnel record. A decision regarding the requested removal will be made by the Human Resources official. If an employee wishes to appeal the decision, a written appeal request can be made to the President of the College.

In addition to an employee's personnel file, the College maintains faculty credentials in the online platform WEAVE. To maintain confidentiality, College personnel who supervise faculty and accreditation reviewers are the only individuals who would normally review these files. The Human Resource Office maintains the credential documents when the documentation is received from the employee or issuing agency. For each faculty teaching, academic supervisors verify credentials stored in WEAVE for alignment to teaching assignments.

An appointment with Human Resources Office is necessary to review an employee's personnel file unless there is an emergency situation and information from the employee's personnel file is necessary.