

POLICY 18
OFFICIAL PERSONNEL RECORDS

University Policy

Employee personnel records are maintained by the University for administering its human resources programs. Records maintained by the campus human resources office and, during the active service of an employee, by the employing unit, are official University records as well as State records.

Information about employees should include only that which is necessary and relevant to employment and should be used only for employment-related purposes. Persons collecting or maintaining personnel record data are responsible for its security. In accordance with the University's nondiscrimination policy, employee demographic information must not adversely affect any decision made or action taken.

The University, pursuant to the Personnel Records Review Act (820 ILCS 40/0.01 *et seq.*), extends certain rights to its employees with respect to these records, including:

A. Access

Employees have the right of access to their records and the opportunity to submit statements in the event of disagreement with any information included in their records.

B. Notice

Employees should be given the opportunity to review information in their personnel records prior to that information being used in an unfavorable personnel action.

C. Confidentiality

Dissemination of information contained in employee records will be monitored so that it is released only to those parties authorized by the employee, approved administratively, or legally warranted.

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Rule 18.01 - Adding or Removing Material

The campus human resources office is responsible for maintaining personnel records and for adding, correcting, and removing material from those records. The head of the campus office or a designee acts on requests from an employee, the employee's supervisor, or others responsible for decisions about the employee, for the addition, correction, or removal of documents from official records.

Regulations

18.011 Unit Employee Records/Performance Evaluations

Units may maintain records about employees which contain information relevant to employment, including departmental performance evaluations. If a performance evaluation is used in a personnel action regarding the employee, the individual evaluated can challenge or respond to the evaluation; a copy of any statement the employee makes shall be attached to the evaluation.

18.012 Investigatory Files

If there is reason to believe that an employee is engaged in criminal activity which may result in harm to University property or disruption of University activities and the University is engaged in an investigation of this activity, the University may keep a separate investigatory file. Upon completion of the investigation, if disciplinary action is taken, copies of investigatory material may be placed in the official personnel records.

18.013 Records of Non-Employment Activities

Under the provisions of the Personnel Record Review Act (820 ILCS 40/9) the University is not allowed to keep a record of the employee's associations, political activities, publications, communications, or other non-employment activities, unless the employee submits the information or authorizes the University in writing to keep or gather such information. This prohibition does not apply to activities that occur on the University's premises or that occur while the employee is working for the University and which interfere with the performance of the employee's duties or the duties of other employees. This prohibition also does not apply to activities which constitute criminal conduct or may reasonably be expected to harm the University's property, business, or operations, or cause the University financial liability.

18.014 Confidential Medical Records

Records and documents relating to medical information maintained for the purpose of administering work-related programs, such as the Family and Medical Leave or Workers' Compensation; or for the determination of disabilities and assessment of an

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employee's ability to perform the essential functions of the job; or for medical monitoring required by law, such as drug and alcohol testing of drivers, are to be kept in separate employing unit and human resources files and treated as confidential medical records.

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Rule 18.02 - Retention and Disposal

The University Archivist on each campus is responsible for matters concerning the retention and disposal of the employee personnel records, and facilitating compliance with the State Records Act (5 ILCS 160/1 *et seq.*). Under provisions of the General Rules Concerning University Organization and Procedure, Article 6, Section 4, “No University records shall be discarded or destroyed except upon the prior approval of the archivist [on that campus] pursuant to the finding and recommendation by the administrative unit involved that such records have no further administrative value.” Retention schedules for employee personnel records maintained by each campus human resources office and employing units shall be developed under the supervision of the University Archivist at the appropriate campus.

Regulations

18.021 Human Resources Office Personnel Records

Each campus human resources office shall prepare a Records Disposal Authorization in consultation with the University Archivist of that campus. Retention schedules shall be developed for employment-related records for permanent status employees who leave the University, non-status employees (extra help and temporary appointments), employees who have been discharged, and employees who have been laid off and are subject to reemployment. Other records, such as applications and referral records of applicants shall also be addressed. Retention schedules, approved by the campus archivist and the State Records Commission, shall document the retention period for records in offices prior to disposal, transfer to the archives, or conversion to alternate media.

At the discretion of the head of the campus human resources office, employee records may be microfilmed or essential data entered into a database. Microfilmed records must be in compliance with the standards of the Illinois State Records Commission. The information in electronic systems must also be scheduled on a Records Disposal Authorization approved by the University Archivist to insure that appropriate procedures exist to allow ongoing access to and backup of the records. The original documents, however, may be destroyed only as authorized by the University Archivist of that campus.

18.022 Employing Unit Records

Each campus human resources office shall develop policies for the retention of an employee’s personnel record by the employing unit following separation. All or part of it may be sent to the campus human resources office for retention as part of its record. Employee records maintained in campus units shall not be destroyed unless authorized

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by the University Archivist of that campus. Retention schedules for records maintained by campus units shall be developed by the campus unit under the supervision of the University Archivist of that campus and incorporated into a Records Disposal Authorization.

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Rule 18.03 - Access by Employee

Current employees, employees on leave or layoff, and employees who have been terminated within the preceding year have right of access to their personnel records maintained by the campus human resources office and/or by employing units. This right is protected by the Personnel Record Review Act (820 ILCS 40/0.01 *et seq.*) as well as by University policy. Inspection of personnel records should occur in the presence of a human resources or employing unit staff member in order to insure the security of the information. Therefore, access is subject to the availability of the staff.

Regulations

18.031 Employee Inspection

The University will grant an employee's request to inspect his or her personnel record not more than twice a year, and will provide an opportunity for such an inspection within seven (7) working days, or, if this is not possible, within fourteen (14) working days after receiving the request. Exceptions may be made with the approval of the head of the campus human resources office or as provided in any collective bargaining agreement.

This inspection should take place during the normal working hours and must be monitored by the campus human resources office or employing unit staff.

If an employee demonstrates that he or she is unable to review the personnel record at the office where it is maintained, or if the location of the record is not reasonably near the employee's place of employment, the request may be satisfied by providing a copy of the record to the employee.

18.032 Portions That May be Withheld

Portions of the record that may be withheld from the employee at time of review include:

- A. Letters of reference.
- B. Any portion of a test document, except cumulative total test score for either a section of or the entire test document.
- C. Materials relating to staff planning at the University, campus, college, or unit level, such as matters relating to a unit's development, expansion, closing, or operational goals, where the materials relate to or affect more than one employee. This

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exception does not apply, however, if such materials are, have been, or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation; or in determining an individual employee's discharge or discipline.

- D. Information of a personal nature about a person other than the employee, if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- E. Records relevant to a pending claim between the University and the employee which may be discovered in a judicial proceeding.
- F. Investigatory or security records maintained by the University to investigate criminal conduct or other activity by the employee which could reasonably be expected to harm the University's property, operations, or business or could cause the University financial liability, unless and until the University takes adverse personnel action based on information in such records.

18.033 Inspection by Employee Representative

An employee involved in a grievance may designate a representative to inspect his or her personnel record, with the exceptions noted in Regulation 18.032. An employee may also designate a representative to inspect the record for other reasons, for example, at time of illness or for legal purposes. Such representatives should be designated in writing, and a copy of the authorization kept in the employee's record.

18.034 Disputed Information

Employees may dispute information in the record and, if unable to reach an agreement with the University on correcting or removing that information, may submit a statement to be attached to the disputed material for as long as it is part of the record.

18.035 Copies of Records

Requests by employees or their designated representative for copies of personnel records will be honored at a cost not to exceed the actual cost of duplication.

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Rule 18.03 - Access by Employee

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18.036 Review of Employing Unit Records

The provisions in Regulations 18.031 through 18.035 regarding review of personnel records also apply to employing units' records.

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Rule 18.04 - Access by Supervisors and Others Within the University

Supervisors may have access to their employees' records, as may potential supervisors considering the individual for other positions within the University. Other University personnel may have access to an employee's personnel record when a reason for review has been established, and a request to review the record has been approved by human resources administration. A prospective supervisor should exercise discretion in reviewing information in employees' personnel records which is personal or might affect Equal Employment Opportunity negatively.

Regulation

18.041 Review and Removal of Records

Review of records should normally occur at the campus human resources office in the presence of a staff member. No record should be removed from the office without the consent of the head of the campus human resources office or a designee.

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Rule 18.05 - Release of Information to External Parties

Discretion should be exercised in releasing personnel information about any applicant, employee, or former employee, without a clear need, the explicit authorization of such individual, or unless requested in accordance with the provisions of the Freedom of Information Act (5 ILCS 140/1 *et seq.*) or authorized by law.

Regulations

18.051 Requests for Employment Information

Employing units should refer requests for employment information about current or former employees to the campus human resources office. The campus human resources office shall limit information released to outside parties, including prospective employers, to basic directory information only:

- Verification that an individual is or has been employed
- The dates of employment
- The title of position held
- Whether part-time or full-time
- The unit where employed

In order to protect the individual's right to privacy, information such as the following shall not be released without the affected individual's written consent or unless requested in writing and released by the University in accordance with the Freedom of Information Act:

- Salary information
- Performance evaluations
- Attendance
- Information about the work record or work quality
- Reason for termination
- Whether the employee would be rehired
- Social Security number
- Date of birth
- Home address
- Telephone number
- Leave or layoff status, unless pertinent to an inquiry

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Regulations (Continued)

18.052 Employment References

Members of the University's supervisory staff may be contacted and asked to provide an employment reference for a current or former employee. Staff members are not required to furnish employment references, and may refer such inquiries to the human resources office, which routinely provides basic information consistent with Regulation 18.051. Supervisors who choose to respond to a request should observe the following guidelines.

It is desirable for supervisors to obtain a written request or consent form from an employee prior to releasing employment information to a prospective employer. If the employee has not made a request or provided a consent form, a supervisor should provide only factual information regarding dates of employment, position(s) held, duties, etc.

Supervisors should be careful about expressing opinions about an employee's work performance, and instead communicate fact-based information about the employee's work performance which can be verified by others.

Illinois law provides protection to supervisors who provide truthful information to prospective employers. The Employment Record Disclosure Act (745 ILCS 46/1 *et seq.*) grants protection from civil liability for any employer who provides truthful written or verbal information, or who has a good faith belief in the truthfulness of the information provided, regarding a current or former employee's job performance.

Questions about appropriate reference information to release should be directed to the campus human resources office. The campus office may seek guidance from University counsel. A copy of any written response to such an inquiry should be sent to the campus human resources office for the employee's file.

18.053 Credit Information

Information concerning University employees will be furnished by the campus human resources office or, at the Springfield campus the payroll office, to aid employees in securing credit. However, the information will be limited to Social Security number, occupational classification, percent time of appointment, length of time employed, and salary. Employees will be contacted to sign a release for information needed to secure credit if an advance release has not been provided.

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Rule 18.05 - Release of Information to External Parties

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- 18.054 Law Enforcement Inquires
An individual's dates of attendance at work and home address may be released in response to a request by a properly identified law enforcement authority.
- 18.055 Voluntary Disclosure to Law Officials
A voluntary disclosure to law officials may be made to protect the legal interests of the University when it is believed that the actions of the applicant, employee, or former employee violate conditions of employment, threaten damage to University property or physical injury to any person, or that an individual may have been engaged in illegal activities.
- 18.056 Government Agency Requests
Requests for personnel information from government agencies will be satisfied if the employee concerned has signed a form authorizing release of this information, if an agency or agencies are investigating a complaint, or in response to a subpoena for such information. An employee may be informed of this type of request at the discretion of the head of the campus human resources office.
- 18.057 Disciplinary Records
Except when required in a legal action or arbitration, disciplinary reports, letters of warning, or other records of disciplinary action which are more than four (4) years old shall not be released to an outside party.
- 18.058 Union Notification
If required by an agreement with a union, whenever an employee covered by the agreement is given a written warning or reprimand, or is suspended, demoted, or discharged, a copy of the notice of such action, unless otherwise requested in writing by the employee, will be transmitted to the union.
- 18.059 Debt Complaints
Debt complaints from private creditors will be handled in the manner described in the Conduct and Discipline Section (Rule 16.02, Non-University Financial Obligations).