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**TITLE: PERSONNEL INFORMATION AND RECORDS DISCLOSURE**

**POLICY NO: 3-20**

**EFFECTIVE DATE: 01/27/92**

**VCCS POLICY NO: N/A**

**REVISED DATE: 07/18/17**

I. Purpose:

To establish guidelines for access and release of personal information on college employees from official personnel files and to provide guidance to employees for submitting changes to their personnel information. Additionally, this policy will identify the appropriate contents of the official personnel file, the supervisor's file, and the proper disposition of these files upon the transfer or separation of the full-time or part-time employee or their supervisor.

II. Definitions:

Employee: full-time 9-month and 10-month teaching faculty, 12-month teaching faculty, administrative or professional faculty, full-time classified staff, adjunct faculty, wage/hourly employee, and work-study students.

Health Insurance Portability and Accountability Act (HIPAA) of 1996: a federal law that protects confidential health information that identifies employees or could be used to identify employees and relates to a physical or mental health condition or the payment of health care expenses. The college is required by law to make certain that health information that identifies employees is kept private and make employees aware of the college's legal duties and privacy practices with respect to health information.

Official personnel file: the "official" or master personnel file, housed in the college's Office of Human Resources that includes documents with original authorization signatures relating to an individual's employment with the Commonwealth of Virginia and J. Sargeant Reynolds Community College.

Personal information: any information that describes, locates, or indexes anything about an individual relating to tax withholding information, his or her education, financial transactions, medical history, ancestry, religion, political ideology, criminal or employment records, or that affords a basis for inferring personal characteristics.

Supervisors' files: an employment-related file retained in the work unit for an active employee.

Third parties: individuals other than the subjects of the records, including other state agencies who request information from the records maintained by agencies.

III. Policy:

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A. Official records keeper

J. Sargeant Reynolds Community College (Reynolds) Office of Human Resources shall serve as the official record keeper of all personnel information and records for each college employee. Reynolds, as required by the Department of Human Resource Management, must maintain a confidential personnel file for each full-time and part-time faculty, classified, wage/hourly, and work-study employee.

B. Disclosure – employment verification

1. Requests received by college staff members for employment verification by third parties should be referred to the Office of Human Resources.
2. The Office of Human Resources shall provide employment verification information to third parties, upon request, and without the knowledge and consent of the employee. This information includes:
  - a. employee’s position or role title
  - b. employee’s working title
  - c. dates of employment
  - d. annual salary or rate of pay
3. The Office of Human Resources typically receives third party requests via telephone and responds via telephone. If the requestor supplies a written form for the requested information, the completed form is copied and placed in the college employee’s official personnel file prior to mailing to the requestor.
4. College staff members or the Office of Human Resources shall not disclose to third parties any other personal information without the written consent of the subject employee.

C. Disclosure – employment references

1. College staff members are not required to provide employment references (job performance) on current or past employees to prospective employers.
2. If a college staff member provides employment references, the following guidelines apply:
  - a. Before releasing employment reference information, written or oral authorization from the subject employee should be received.
  - b. The information given should be accurate, verifiable, and limited to employment-related information.

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D. Disclosure – medical information

1. The college maintains employee medical records separate and apart from the official personnel file.
2. The college shall only discuss or disclose employee medical information to the Department of Human Resource Management (DHRM) benefits affiliates, such as health care and life insurance providers, disability administrators, workers' compensation administrators, etc.

E. Disclosure – general

1. Supervisors may review the complete personnel file of employees under their supervision. This does not include medical information protected under HIPAA.
2. Department of Human Resource Management (DHRM) benefits affiliates, such as health care and life insurance providers, workers' compensation administrators, etc., may have access to employees' files, without their knowledge, in order to provide such employee services.
3. The Office of Human Resources and college supervisors shall comply with all subpoenas ordering official employee records data to be submitted to court.
4. In making an application for a multi-year appointment, the faculty member is acknowledging and providing his/her consent for members of the Ad Hoc Appointment Advisory Committee to have access to certain personnel information, as is specified in the college's Faculty Evaluation and Reward Plan. At the appropriate time in the process, the Office of Human Resources shall provide the Ad Hoc Appointment Advisory Committee members with such individual personnel information as required for the committee's purpose of making recommendations for multi-year appointments.
5. All other requests for employee information, except as noted in Sections B., C., and D., shall be handled by the college under the Virginia Freedom of Information Act. [Reynolds Policy No. 4-15](#), Public Information, provides guidance for the handling of Freedom of Information Act requests.

F. Employee access to official personnel file

1. Employees may review their official personnel file located in the Office of Human Resources. Employees are encouraged to call in advance of their visit to the Office of Human Resources to view their individual file.
2. College employees shall be provided an opportunity to examine their official personnel file, or the supervisors' file, with the exception of records excluded by DHRM Policy 6.05, Reviewing Personnel Files.

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3. Upon request, an employee shall receive a personal copy of any forms or documents added to his/her official personnel file, or the supervisors' file, with the exception of routine personnel forms required by VCCS or DHRM.
4. Only official personnel documents, copies of completed employment verifications, or letters of commendation shall be added to an employee's official personnel file; all other documents shall be maintained in the supervisor's file.
5. Each employee may request in writing to the college president, the removal or modification of any item(s) that the employee thinks should not be in his/her official personnel file. The president shall issue a decision regarding this request within ten (10) workdays. The associate vice president of human resources shall ensure immediate compliance with the president's decision.
6. File requirements for official personnel files – the personnel file should contain, at a minimum, the following information:
  - a. Completed Commonwealth of Virginia Application for Employment form(s) with original signature(s).
  - b. Any letters offering/accepting employment.
  - c. Originals of the Report of Appointment or Change of Status (P-3) and Personal, Faculty and Miscellaneous (P-3a) forms, or the official agency substitute forms, signed by appointing authorities. Additionally, the verification or "turn-around" P-3s for general salary adjustments, re-grades and other changes which were initiated or specifically approved by the Department of Human Resource Management.
  - d. Originals of the Probationary Progress Review (Classified Staff) or "Mid-Year Evaluation" (Faculty) forms.
  - e. Original performance evaluation forms (any official performance-related form as listed on the college's Forms Directory). Note: Any documents related to monthly/periodic performance matters should not be kept in an employee's personnel file, unless they are attached to the annual performance evaluation or used as documentation related to Written Notices or Formal Letters of Reprimand.
  - f. The original of Written Notices under Policy 1.60, Standards of Conduct; and original of Letters of Reprimand in accordance with VCCS Policy 3.12, Faculty Sanctions.

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- g. Information regarding Workers' Compensation claims.
  - h. Medical and/or mental health records kept in a confidential file in the Office of Human Resources.
  - i. Authorizations for exceptional salary actions.
  - j. Original of the Employment Eligibility Verification (I-9) form.
  - k. Original of employees' Employee Work Profiles (EWPs), position descriptions, performance standards, PD&R plans, confidentiality statements, physical demands worksheet, and organizational charts.
  - l. Original agency personnel forms used to initiate personnel transactions.
  - m. Signed, original Summary of the Commonwealth of Virginia's Policy on Alcohol and Other Drugs.
7. File requirements for supervisors' files – Supervisors may maintain employment-related files on employees. Employees should be given copies of information at the time it is placed in the file, and employees may attach rebuttals to information in the supervisors' files. Information which may be maintained in such work-related files includes:
- a. Documentation/supervisor's notes regarding employees' work performance or performance evaluation on any interim basis (daily, weekly, monthly, or other periodic timeframes).
  - b. Documentation of counseling sessions (i.e., Formal Counseling Memorandums, Notice of Improvement Needed/Substandard Performance, etc.) with employees on such things as performance or behavior problems or department policies and procedures.
  - c. Copies of probationary progress reviews, mid-year evaluation forms.
  - d. Copies of annual evaluations or any official performance-related form as listed on the college's Forms Directory.
  - e. Copies of Formal Written Notices or Letters of Reprimand.
  - f. Letters or memoranda from other sources regarding employees' job performance such as letters of recommendation or complaint.

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- g. Attendance records.
  - h. Copies of training certificates and/or other training records.
  - i. Copies of Employee Work Profiles (EWPs), position descriptions, performance standards, PD&R plans, confidentiality statements, physical demands worksheet, and organizational charts.
  - j. Copies of agency personnel forms used to initiate personnel transactions.
- G. Reporting changes to personal data
- 1. Employees are responsible for entering changes and/or corrections to their personal information (address, telephone numbers, and emergency contacts) directly into PeopleSoft HRMS via Employee Self Service. Additionally, employees are encouraged to verbally inform their immediate supervisor of submitted changes and/or corrections.
  - 2. Employee name changes require the completion of a new [Form I-9](#), Employment Eligibility Verification. The employee is required to present updated identity documents and proof of employment eligibility with the name change to the Office of Human Resources.
  - 3. Other employee changes, such as tax status and other benefits changes, are to be sent to the Office of Human Resources only.
- H. File audit and security
- 1. The associate vice president of human resources shall conduct periodic file audits in order to ensure the accuracy of official employee personnel files.
  - 2. The associate vice president of human resources shall take all reasonable precautions to ensure the physical security of official employee personnel files.
  - 3. College staff with access to official personnel files (Human Resources staff and supervisors) must maintain the confidentiality of employee information and records. Violations of confidentiality of this policy including HIPAA may result in disciplinary action, as provided by VCCS or DHRM.
- I. Disposition of supervisors' files upon transfer or separation
- 1. Supervisors' records are considered working files and information in them should be maintained only as long as it is useful to the supervisor.

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2. When employees or supervisors transfer or separate, supervisors' files should be sent to the Office of Human Resources for appropriate handling.

J. Record Retention

1. The Records Management Section of the Virginia State Library and Archives provides guidance to the college regarding the management, retention, and disposition of personnel records according to established policy and procedures.
2. A summary of the record schedule is as follows:
  - a. Official personnel files and supervisors' files are to be appropriately retained only during active employment, by the Office of Human Resources and the respective supervisors.
  - b. In the event that the full-time employee transfers to another state agency, Reynolds Human Resources is responsible for providing the original official personnel file to the requesting agency in a timely manner.
  - c. Record retention for all other terminated employee situations will require Reynolds Human Resources to retain files as noted below:
    - (1) Full-time faculty and staff – file is retained five (5) years after termination of employment.
    - (2) Wage/hourly employees and work/study students – file is retained five (5) years after termination of employment.
    - (3) Adjunct faculty – file is retained for fifty (50) years after termination of employment.

IV. Procedures: N/A

V. Other Information:

The college's Office of Human Resources is responsible for the official interpretation of this policy. Questions regarding the application of this policy should be directed to the associate vice president of human resources.

Authority

[Department of Human Resource Management \(DHRM\), Policy 6.05](#), Reviewing Personnel Files

[Department of Human Resource Management \(DHRM\), Policy 6.10](#), Personnel Records Management

[Form I-9](#), Employment Eligibility Verification

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[Reynolds Policy No. 4-15](#), Public Information