

1MAINE COMMUNITY COLLEGE SYSTEM

PERSONNEL AND EMPLOYEE RELATIONS

Section 406

SUBJECT: PERSONNEL FILE ADMINISTRATION

**PURPOSE: To establish a policy for administering personnel files in the Maine
Community College System**

A. Contents of Personnel Files

Official personnel files shall be considered to contain only the following:

1. Information relating to the employee's original hire, such as application, curriculum vitae, transcripts, and hire documents, including benefit enrollment forms;
2. Correspondence relating to the individual's employment;
3. Commendations, official reprimands, including notices of unsatisfactory performance, and like material relating to the employee's job performance;
4. Employee responses to the above;
5. Documents showing the history of the employee's work assignments and compensation, including workers' compensation documents;
6. Official statements summarizing the decision in a grievance by the employee;
7. Performance evaluations; and
8. Professional license.

B. Use of Personnel Files

Only the contents of the official current personnel file will be considered in making personnel management decisions relevant to the employee. Information not contained in the personnel file may be considered only if a specific identifying reference to the material is contained in the file, or if recently prepared information has not yet reached the file in the normal course of business.

When a reprimand, disciplinary action or infraction of discipline, or delinquency in professional performance is reduced to writing by a supervisor, the findings and decisions of the supervisor shall be filed, in writing, in the employee's personnel file, and a copy thereof simultaneously given to the employee.

The source of all material shall be identified. Unauthorized or anonymous material may be removed by the System upon request. At the time unauthorized anonymous material is removed, notification shall be provided to the employee.

An employee may place in the employee's personnel file a response to adverse information contained therein.

C. Contents of Related Files

A unit or department may maintain files containing whatever information is needed for efficient and convenient operation; however, these files are not official personnel files. Any actions taken by the System utilizing information about an individual will be based only upon that information kept in official personnel files. Any unit or department which elects to maintain additional files shall be held responsible for assuring the confidentiality of the information contained therein if permitted by law.

D. Access to Personnel Files

Employees may examine their own personnel files during normal business hours. Employees shall have the right to a copy of their own files provided that the copies are made at the expense of the employee.

E. Confidentiality of Personnel Files

In recognition of the privacy rights of employees, the System will seek to avoid unnecessary exposure of the contents of individual personnel files. The contents of an employee's personnel file will be made available under any of the following circumstances:

1. To representatives of outside agencies in the course of an investigation, where the information requested is specific, the information requested is reasonably related to the issues under investigation, and access to such information is provided for under a valid law. Most information contained in personnel files is potentially available to investigators for federal and state agencies responsible for enforcement of equal employment opportunity laws and to officials of the State of Maine, upon presentation of appropriate credentials;
2. In response to a subpoena or court order;
3. In situations such that revealing information from personnel files is judged to be reasonably necessary to protect life or property;
4. In response to a FOAA request, a "final written decision" that imposes or upholds discipline may be disclosed pursuant to 5 M.R.S.A §7070 (2)(E);
5. To any person or agency with written consent of the affected employee;

6. For use internally within the System, to any person having a "need to know" in the course and scope of employment by the System, such as an official in the employee's supervisory reporting chain; and
7. When information in a personnel file is released to any person other than within the System, notification of what was sent, when, and to whom it was sent shall be provided to the employee.

REFERENCES: 1 M.R.S.A. §402(3); 5 M.R.S.A. §7070 and §7070(2)

DATE ADOPTED: June 24, 2009

DATE(S) AMENDED: November 15, 2023