

# Staff Personnel Manual (SPP)

## SPP 1101: Personnel Records

Effective: 7/1/1978

Revised: 8/1/2021

### Purpose

To establish a consistent method for the maintenance of official personnel records, to identify who will be granted access to personnel records, and to define the circumstances under which release of information will be authorized

### Sources

*Arizona Revised Statutes § 41–1346*

*Arizona Board of Regents Policy Manual - 6–912*

### Applicability

All regular [classified employees](#), [university staff](#), and [non-faculty administrators](#)

### Policy

The Office of Human Resources (OHR) is responsible for the establishment and maintenance of official personnel records for all nonacademic staff employed by the university. All inquiries about nonacademic personnel information must be referred to OHR. Official personnel records will be retained by OHR for five years after an employee's separation date. Departments are solely responsible for the maintenance of personnel records for student and graduate workers assigned within that area.

### Personnel Records Maintained by OHR

The following personnel records will be maintained by OHR:

#### Initial Hire Documentation

1. application for employment and/or résumé, including job-related supplemental materials, as applicable
2. the original Personal Data form (PDF)
3. offer letter of employment
4. the State of Arizona Loyalty Oath.

#### Ongoing Employment Documentation

1. Notice of Appointments (NOA)—if applicable
2. EDGE Conversations summaries
3. professional letters of recommendation
4. employee's first and second written reprimand(s), including attachments (if applicable)
5. suspension without pay and/or demotion as outlined in SPP 809
6. resignation letters, nonrenewal notices, and RIF notices.

When appropriate, OHR will maintain separate files that may contain information related to employee grievances or appeals or employee complaints of discrimination or harassment. Such information will be retained in separate files.

## **Confidential Benefits Records**

OHR Benefits Design & Management maintains all benefits records separately from the official personnel records.

## **Personnel Records Maintained in the Department**

Departments shall maintain job related and, in separate files, confidential leave, disability, and medical records. Upon termination or transfer to another department, job related documents should be sent to OHR, and confidential leave, disability, and medical records, if within three years of leave, should be sent to OHR Benefits for retention purposes.

## **Job Related Documentation**

1. notices of promotions
2. reclassifications or salary changes
3. performance related documentation such as notes of coaching, training, and development records.

Under no circumstances should department personnel files contain non-job-related documents such as garnishments or immigration records.

Medical information, including physician notes or certifications of health care providers obtained in support for a leave request under the Family and Medical Leave Act (FMLA), or requests for reasonable accommodation under the Americans with Disabilities Act (ADA), must be maintained as described below.

All department personnel files are subject to an audit by OHR for compliance with this policy.

## **Confidential Medical Leaves of Absence Documentation**

Departments shall maintain all records of leaves of absence (LOA), including leaves of absence under the Family and Medical Leave Act (FMLA). Access to these records should be strictly limited to those individuals with a legitimate business reason. Departments are required to maintain the official records for FMLA and other leaves of absence (LOA) for three years after the leave is taken. As outlined in the Leaves Management user guides, departments who have eligible employees must maintain separate records detailing:

1. dates of leave taken by employees
2. hours of FMLA leave taken by FMLA eligible employees, if leave is taken in increments of less than one full day
3. copies of employee notices of leave furnished to the department
4. copies of all written notices given to employees
5. records of disputes between the employer and the employee regarding FMLA.

See the [Leaves Management](#) user guides located in the HR Business Center for more detail on required documents.

## **Confidential Disability Documentation**

Departments are required to maintain separate records connected with an employee's:

1. occupational injury to file a Workers' Compensation claim, including Employer's Report of Industrial Injury, Supervisor Incident Report, and Industrial Compensation Authorization form
2. request for reasonable accommodation due to a disability. Such records include all communications regarding the request and all records documenting any accommodations or restrictions. OHR Benefits Design & Management will provide ADA case management and maintain confidential medical documentation. See [ACD 405](#), "Individuals with Disabilities."

Access to these records should be strictly limited to those individuals with a legitimate business reason.

## **Employee Review/Access**

An employee or a person authorized by the employee may request to review his or her official personnel records upon presentation of proper identification. Requests must be made to OHR. Employees may obtain photocopies of any documents contained in their records for a copying fee and may submit written statements protesting and/or

supplement data to information contained in their records. All such statements must be signed and dated by the employee.

Except as provided for below, personnel records and information are confidential and their disclosure, other than as provided for in this policy, would be contrary to the best interests of the state and is unauthorized. Any unauthorized access, release, or use of personnel information shall constitute employee misconduct. Accordingly, except as provided for in this policy, personnel records shall be treated as exempt from the Arizona Public Records Law.

### **Disclosure of Information without the Staff Member's Consent**

The following information contained in personnel records may be released without the staff member's consent:

#### **Administrative Access**

1. All personnel, employment, or related records shall be available only to authorized users for authorized purposes. The president of the institution or the president's designee has final authority to determine which users and purposes are authorized pursuant to this policy. Any unauthorized access, release, or use of personnel information shall constitute employee misconduct.
2. As determined by the president of the institution, authorized officers, employees, or agents of the Arizona Board of Regents or of any institution under the jurisdiction of the board may have access to and may disclose personnel records or information as necessary in the prosecution, defense, or resolution of any hearing or dispute regarding personnel matters.
3. Access to personnel records or disclosure of personnel information may be provided when necessary to protect the interests of the institution when the institution believes the actions of an individual violate the conditions of employment or otherwise threaten injury to the institution or to others; to a properly identified law enforcement authority when the institution reasonably believes that an applicant, employee, or former employee may have engaged in illegal activities; or pursuant to a federal, state, or local government statute or regulation that specifically requires disclosure of certain information to certain parties.
4. An individual's dates of attendance at work and home address may be disclosed in response to a subpoena issued by a properly identified law enforcement authority.

**Information Considered to Be Public Record** The following information is a public record:

1. name
2. titles or positions, including academic degree and honors received
3. [department](#) name
4. campus telephone number
5. employment dates
6. salary or rate of pay
7. ASU official e-mail address

and

8. disciplinary records as defined by Arizona Board of Regents Policy 6-912(C)(4)(D)(a) Public Records Law.

### **Information Required by a Lawfully Issued Administrative Summons or Judicial Order, Including a Search Warrant or Subpoena**

The Office of General Counsel must review and approve disclosure. A reasonable effort will be made to notify the employee prior to compliance. The university may seek a protective order to prevent disclosure of certain documents, such as EDGE Conversations summaries, on the basis that a qualified privilege exists to protect those documents in the employee evaluation system that are used to make determinations of employee retention.

The requesting party may be assessed a reasonable charge for this service.

### **Information Required in Compelling Circumstances**

Access to personal records or disclosure of personnel information may be provided in compelling circumstances affecting the immediate health or safety of the individual employee or others.

### **Information Requested for a Legitimate Business Purpose**

Access to personnel records will be granted only to the following persons:

1. Arizona Board of Regents and regents' staff
  2. external auditors
  3. Office of General Counsel
  4. Office of Human Resources staff
  5. [president](#) or president's designee
  6. management directly responsible for the staff member
- and
7. other persons as authorized by the associate vice president of OHR or designee.

Access to pertinent information regarding job-related information and employee conduct and work performance will be granted only to the following persons:

1. ASU hiring officials considering an ASU employee during the hiring process, or for [transfer](#), [promotion](#), or re-employment
- and
2. other persons as authorized by the associate vice president of OHR or designee.

### **Disclosure of Information with the Employee's Consent**

Any of the contents included in the official personnel record may be released with the written consent of the employee; this may include verification for:

1. mortgage and bank loan application(s)
  2. student loan deferments
- and
3. government agency background checks.

Professional or personal reference requests are referred to individual departments (see [SPP 1104](#), "Job References").

### ***ASU Directory Information***

The following information will be published in the *ASU Directory*:

1. name
  2. working title
  3. department
  4. campus location
- and
5. campus telephone number.

## Cross-References

See the following related policies:

1. [SPP 201-01](#): "Recruitment/Employment," for documentation of offer letters
2. [SPP 309-01](#): "Classified Staff Performance Evaluation"
3. [SPP 403-08](#): "Salary Administration"
4. [SPP 705-01](#): "Extended Leave of Absence"
5. [SPP 705-02](#): "Family Leave of Absence"
6. [SPP 808](#): "Performance Management for University Staff"
7. [SPP 809](#): "Discipline," for procedure to remove employee written reprimand from the personnel file.

See the *Student Services Manual (SSM)*, [SSM 304-14](#): "Student Employment Records," for policy on maintaining student employment records.

See also the *Academic Affairs Policies and Procedures Manual (ACD)*, [ACD 405](#): "Individuals with Disabilities."