

## **ARTICLE 17**

### **PERSONNEL FILES**

#### **SECTION 1. GENERAL.**

There shall be only one official personnel file maintained for an employee. For purposes of record keeping, copies of information contained in the official personnel file may be kept at the employee's work location. Upon an employee's relocation to another work location, his/her local file shall be transferred to the employee's new work location. Material pertaining to an employee's behavior, performance, and/or of a disciplinary nature shall be identical in both the local and the official files. Under no circumstances shall an employee's medical file be contained in the employee's personnel file; however, records of personnel actions based upon medical information may be kept in the personnel file. Grievance forms and decisions shall not be contained in an employee's personnel file. All material placed in a personnel file shall either be signed by the employee indicating receipt of a copy of same or routinely supplied to the employee.

If an employee disagrees with anything contained in his/her personnel file, the employee may seek removal or correction of same. If no agreement is made to remove or correct the information, the employee may submit a written statement explaining his/her position, and it shall be entered into the file. Such employee statement shall remain in the personnel file as long as the information to which it refers is part of the file.

#### **SECTION 2. ACCESS**

Access to individual personnel files shall be restricted to authorized Management personnel, the employee, and/or the Union Representative when authorized in writing by the employee. An employee shall have the right, upon request, to review his/her personnel file and may be accompanied by a Union Representative if she/he so desires. Upon request, the Employer shall make copies of documents in a personnel file and furnish such copies to the employee or his/her Union Representative when authorized in writing by the employee.

#### **SECTION 3. EMPLOYEE NOTIFICATION.**

A copy of any disciplinary action or material related to employee performance which is placed in the personnel file shall be provided to the employee (the employee so noting receipt, or the supervisor noting failure of the employee to acknowledge receipt) or sent by certified mail, return receipt requested, to the employee's last address appearing on the Employer's records.

#### **SECTION 4. NON-JOB-RELATED INFORMATION.**

Detrimental information not related to the employment relationship shall not be placed in an employee's personnel file(s).

## SECTION 5. REMOVAL OF RECORDS.

Records of disciplinary actions, reprimands, or less than satisfactory service ratings shall be removed from an employee's file twenty-four (24) months following the date on which the action was taken or the rating issued, provided that the employee has not received a less than satisfactory service rating or has not been the subject of disciplinary action for the same or similar reasons during such twenty-four (24) month period. Counseling memoranda shall similarly be removed twelve (12) months following the date of issuance, provided that the employee has not received a less than satisfactory service rating, been the subject of disciplinary action, or received further formal counseling for the same or similar reasons during such twelve (12) month period.

These provisions shall not prohibit the Employer from maintaining records of disciplinary action arising out of violations of prohibited practices as defined in Civil Service Rules and regulations. Nothing in these provisions is intended to prohibit the Employer from retaining and using records, even if "outdated," as evidence in defending against claims of unlawful discrimination by the Employer, the State, or its Departments/Agencies.

Any outdated material improperly placed or not removed timely shall not be used subsequently in any proceeding or in a selection process concerning the employee.

Within ninety (90) days of the effective date of this Agreement, the parties agree to establish the procedures for the removal and storage of outdated official personnel records.

## SECTION 6. RIGHT TO KNOW ACT.

The parties incorporate herein by reference the provisions of the Employee Right To Know Act, MCL 423.501 et. Seq., and agree that they shall abide by the terms thereof in administering this Agreement.

## SECTION 7. MAINTENANCE OF PAST PRACTICES.

All current procedures, practices, and conditions pertinent to personnel files in effect on the effective date of this Agreement, except as altered herein, shall be maintained during the term of this Agreement.