

EASTERN WEST VIRGINIA COMMUNITY & TECHNICAL COLLEGE
BOARD OF GOVERNORS
POLICY NO. BP- 5.12

TITLE: **Access to Personnel Files**

SECTION 1. GENERAL

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| 1.1 | Scope | This policy establishes rules regarding access to personnel files. |
| 1.2 | Authority | West Virginia Code Section 29B-1-4. |
| 1.3 | Effective Date | December 20, 2005 |

SECTION 2. POLICY

- 2.1 The College maintains individual official personnel files for each employee in the course of regular business for employment, benefit and payroll purposes. Personnel and payroll files are maintained in the Business Office area and the official custodian of these records is the Payroll Representative.
- 2.2 To maintain confidentiality of employee personnel and payroll records, no individual, private or public agency external to the College will be permitted access to any employee's personnel file and information without the express, written consent of the individual employee concerned, but with the following exceptions:
1. Information will be voluntarily provided to Federal or State agencies responding to written requests when: the agency has jurisdiction to make the particular inquiry; the information being sought is obtainable by subpoena; and the appropriate College officials are satisfied that the information being sought is actually pertinent to the agency's inquiry.
 2. Information is being requested by legal subpoena or other requirements by law or court order.
 3. College supervisors, managers and officials will have access to an employee official personnel file on the basis of a need to know. All persons examining a file on the basis of a need to know must treat the contents of the file as confidential, unless under a legal subpoena.
- 2.3 An employee is entitled to inspect or to obtain a copy of their own personnel file. The employee shall not be entitled to inspect or obtain a copy of any document the employee has previously waived the right to access, or any other record exempt by the statute.

SECTION 3. RATIONALE

- 3.1 The College sets forth a means to restrict personnel file access and maintain confidentiality of employee personnel files to minimize intrusiveness, maximize fairness and create legitimate expectations of confidentiality of the employee official personnel records.

SECTION 4 DELEGATION OF AUTHORITY

The responsibility for implementation and interpretation of this policy is delegated to the Executive Dean for Financial and Operations Services.

BOARD OF GOVERNORS, CHAIR

DATE