

ACCESS TO AND MAINTENANCE OF RECORDS

Chancellor's Office Policy

Effective 07- 01- 97

Applicability

All unclassified employees not covered by the Faculty Records Law.

Definitions

"Personnel Records" means records containing information kept by the Chancellor's Office and any of its divisions or departments concerning the employee furnished by the employee or by others, including, but not limited to, personal identifying information; job application; pre-employment test results; résumé; reference checks; offer of employment; employment contract; performance evaluations; time and attendance records; training and education; awards; disciplinary and counseling actions; compensation; personal status changes; and information pertaining to promotions; dismissal, or non renewal of the employment contract.

Certain Information Not Required to be Given by Employees

No employee shall be required to give, but may voluntarily provide, information as to race, religion, sex, political affiliation or preferences, except where such information may be required by state statute, federal law, or valid federal rules, regulations, or orders. Where the employee is asked for such self-designation for any purpose (including federal requests for information), the request shall state the purpose of the inquiry and shall inform the individual of the right to decline to respond.

Locations and Custody of Employee Records

1. An official employee personnel file shall be kept in the OSSHE Finance and Administration Division. Custody shall be assigned to designated personnel specifically charged with maintaining the confidentiality and security of the records in accordance with policy.

Release and Access to Employee Records

1. Appropriate information about the employee may be released on request and without the employee's consent. Except as otherwise limited by law, such information is limited to:

(A) Directory information, that is, information generally needed in identifying or locating a named employee including such information as is readily found in a published document such as directories; and

(B) Salary information and the record of terms of conditions of employment.

2. All information in the employee's personal file record, apart from that identified in section (1) of this rule, shall be considered personal and subject to restricted access as set forth in ORS 192.501(12) and ORS 192.502(2).

Confidential Records --- Restrictions on Release

1. Personnel records designated as subject to restricted access in accordance with the authority granted in ORS 192.410 -192.505 shall not be subject to inspection except by authorized personnel. These records may not be released to any other person without the employee's written consent, unless on receipt of a valid subpoena or other court order or process or as required by state statute, federal law, or valid federal or state rules, regulations, or orders.
2. Medical records shall not be retained in the personnel file, but in a confidential file which is physically separate from the personnel file.

Access to Files by Employees

1. At the request of an employee, the employer shall provide reasonable opportunity for the employee to inspect in the place of location of the file, those personnel records which are or have been used to determine the employee's qualification for employment, promotion, additional compensation, employment termination, or other disciplinary action. References from previous employers are excluded from the employee's review. At the request of the employee, the employer shall furnish a copy of the records referred to in this section.
2. The employee, at his or her discretion, may supply a rebuttal or explanation of any of any performance evaluation or disciplinary record, which shall be entered into the file and attached to the relevant document.

Retention of Records

The employee's record shall be maintained only for the schedule of retention as set forth by the Chancellor's Office and authorized by the State Archivist. The record should be disposed of in a manner designed to insure confidentiality.