

Policy 8.12

POLICY TITLE: STAFF PERSONNEL FILES	POLICY # 8.12		
Topic Area: HUMAN RESOURCES	Page 1 of 4	REVIEW DATES	
Applies to: LRE Staff	ISSUED BY: Chief Executive Officer	3/20/14	5/1/15
		8/20/15	1/23/17
		1/22/18	1/7/19
Developed and Maintained by: LRE CEO, LRE HR Coordinator	APPROVED BY: Board of Directors		
Supersedes: N/A	Effective Date: 4/1/2014	Revised Date: 1/7/19	

I. POLICY

It is the policy of the Lakeshore Regional Entity (LRE) that accurate employment records will be maintained on all employees and volunteer workers. Information contained in the employee's record will be kept confidential and will not be released except as provided for by the Bullard-Plawecki Act and Board policies pertaining to employee access to personnel records.

II. PURPOSE

To provide a mechanism for formally documenting and recording all information pertaining to the employment of an individual by the LRE.

III. REQUIRED BY

Section 5, "Personnel Management" Standards for Michigan Community Mental Health Services.
 Accrediting bodies.
 Bullard-Plawecki Act

IV. APPLICATION

All employees and volunteer workers.

V. MONITORING AND REVIEW

The LRE shall review at least annually, and as necessary, to maintain an adequate and acceptable standard of compliance and oversight as a Prepaid Inpatient Health Plan.

VI. DEFINITIONS

Personnel Record - A record kept by the employer that identifies an employee and is used, has been used, or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary action.

VII. PROCEDURES

1. An employee will be allowed to review his/her personnel file if a request is made either verbally or in writing to the Human Resources Coordinator.
 - 1.1 If an employee or former employee wishes a designated representative to have access to his/her personnel file, such request must be expressly authorized in writing by the employee or former employee.
 - 1.2 All personnel files must be reviewed in the presence of the Human Resources Coordinator.
2. An employee will not be allowed to remove any item from his/her personnel file but does have the right to a copy of information contained in the personnel file.
 - 2.1 If an employee requests a copy of any information contained in his/her personnel file, the employee may be charged the cost of the copying.
3. An employee's personnel file will be made available for review at the Norton Shores administrative office during normal working hours if an appointment is scheduled ahead of time with the Human Resources Coordinator.
 - 3.1 Arrangements may be made with the Human Resources Coordinator to make the personnel file available to the employee during non-working hours if necessary.
4. If an employee, after review of his/her personnel file, disagrees with material in the file, he/she may:
 - 4.1 Request that the material at issue be removed from the file or corrected. Material in the personnel file can be removed or corrected only by mutual agreement between the employee and the Chief Executive Officer or his/her designee.
 - 4.2 If agreement cannot be reached that the material in dispute should be removed from the file, the employee may enter into the file a statement challenging the information at issue. This statement must be limited to the specific information the employee finds objectionable and must not exceed five 8-1/2 x 11 sheets of paper in length. The employee's statement will be divulged to third parties along with the rest of the employee's personnel record whenever the personnel file of the employee is so divulged.
 - 4.3 If a representative of LRE or the employee knowingly place false information in the employee's personnel record, LRE or the employee, whichever is the affected party, has the right to take appropriate action to

have that information removed.

5. Information from an employee's personnel file, with the exception of date of hire and termination, will not be divulged to a third party except under the following circumstances:
 - 5.1 Where the employee has expressly waived such right to non-disclosure.
 - 5.2 Where disclosure was ordered in a legal action or arbitration.
 - 5.3 Where the personnel information was requested by a government agency as a result of a claim or complaint by an employee.
 - 5.4 Except in the case where disclosure is ordered in a legal action or arbitration, disciplinary information over four (4) years old will not be disclosed.
6. Personnel files do not have to include the following information and, except as noted below, this information does not need to be shared with the employee:
 - 6.1 Employee references if the identity of the persons making the reference would be disclosed.
 - 6.2 Material relating to staff planning where such planning relates to more than one employee.
 - 6.3 Medical reports or records (not including pre-employment physicals and drug screenings). These must be kept in a separate locked file. An employee may access these in the same manner as for personnel files.
 - 6.4 Information of a personal nature about another person if disclosure of this information would constitute a clearly unwarranted invasion of the other person's privacy.
 - 6.5 Information related to a criminal investigation of the employee.
 - 6.6 Information related to grievance investigations or proceedings.
 - 6.7 Records that are not shared with other persons and are kept in the sole possession of an executive, administrative or professional employee who is also the maker of the records. Such records may be entered into the personnel record if they concern an event or occurrence regarding an employee but only if they are entered into the record within six (6) months after the date of occurrence or the date the fact becomes known, whichever is later.

7. The personnel file will not include information concerning an employee's associations, political activities, publications or communications not related to his/her employment unless:
 - a. The employee authorizes the LRE to keep such records, or;
 - b. The activities occur on the LRE premises or during working hours and interfere with the employee's duties.
8. If an investigation of a suspected criminal activity by the employee takes place, the employee must be made aware of this activity upon completion of the investigation or after two years, whichever occurs first. When the investigation is completed and if no disciplinary action occurs, the investigative file and all copies of materials in it will be destroyed unless the investigation is related to a recipient rights violation, in which case the report will be filed per the Michigan Department of Health & Human Services Office of Recipient Rights' guidelines.
9. Personnel files will be secured at all times.

VIII. RELATED POLICIES AND PROCEDURES

None

IX. SUPPORTING DOCUMENTS: Not Applicable.