

Personnel Records Law Policy



Effective Date: 11/9/2021

POLICY SCOPE:

The Town of Stow will protect the privacy and confidentiality of its employees' personnel files and the information contained therein while complying with Federal and State laws regarding those files.

All Town of Stow employees' personnel, medical and benefit files will be kept and maintained by the Human Resource Department.

APPLICABILITY:

This policy applies to all full and part-time employee of the Town of Stow. Employees governed by a collective bargaining agreement are subject only to those provisions of this policy not specifically regulated by law or agreement.

DEFINITIONS:

Personnel Record – Those records, defined by M.G.L. Chapter 149, Section 52C, including the name, address, date of birth, job title and description, rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the employer in response to his advertisement; all employee performance evaluations, including but not limited to, employee evaluation documents; written warnings of substandard performance; lists of probationary periods; waivers signed by the employee; copies of dated termination notices; any other documents relating to disciplinary action regarding the employee.

POLICY DESCRIPTION:

A centralized personnel file shall be maintained in the Human Resources Department for each employee. Such files shall include applications, evaluations, reports and records pertinent to an employees' employment, as defined in Personnel Records. To ensure the uniformity and confidentiality of employee personnel files, content of and access to files is limited and shall be controlled in accordance with this policy. It is the policy of the Town of Stow that all employees and supervisors shall comply with the laws governing personnel records and confidential information. No employee shall knowingly or willingly release confidential personnel information. Public employees have a diminished expectation of privacy as public employees.

PROCEDURE:

Procedures governing changes/additions to the personnel file:

- Employees will be notified within 10 days of the placement of any negative information into the employee's personnel record that may be used to negatively affect the employee's qualifications for employment, promotion, transfer, additional compensation or will be subject to disciplinary action.
- If there is a disagreement with any information contained in a personnel record, removal or correction of such information may be mutually agreed upon by the employer and the employee. If an agreement is not reached, the employee may submit a written statement explaining the employee's position which shall thereupon be contained therein and shall become a part of such employee's personnel record.
- When post-employment information is inserted into an employee's personnel file (excluding routine paperwork), the employee shall be given notice of such insertion by the Appointing Authority or their designee or the Human Resource Director within ten (10) days of its placement in the personnel file.
- Compliance with Subpoena or Court Order. A subpoena or court order requires the appearance of the named individual, such as the keeper of the records, and may also require those individuals to bring to court certain employee records. Any employee who receives a subpoena or court order requiring personnel or payroll information should contact Human Resources immediately. The Town will only release confidential personnel information in response to a court order.
- Notice of Release of Information. The Human Resources Department will notify the employee should confidential employee data be released in response to a court order.
- **Although some information in the personnel file may be confidential, some information is public record such as name, job title, job description and wage/salary information. Resumes are public record with personal information, such as address, telephone number and email address redacted.**

Employee Review of Personnel File:

- An employer receiving a written request from an employee shall provide the employee with an opportunity to review such employee's personnel record within 5 business days of such request. The review shall take place at the place of employment and during normal business hours.
- An employee shall be given a copy of the employee's personnel record within 5 business days of submission of a written request for such copy to the employer. An employer shall not be required to allow an employee to review the employee's personnel record on more than 2 separate occasions in a calendar year; provided, however, that the notification and review caused by the placing of negative information in the personnel record shall not be deemed to be 1 of the 2 annually permitted reviews.