

# SJSU Research Foundation Employee Records Administration Policy

## Human Resources

Policy No.: HR. 01-01-001 Rev. A

Effective  
Date: 01-01-2017

Supersedes: N/A –Initial Release

Publication  
Date: 02-17-2017

### 1.0 Purpose

The *Employee Records Administration Policy* sets forth guidelines for San José State University Research Foundation (“Research Foundation”) employee records management, maintenance, and access. This policy also provides details regarding the protection of employee privacy.

### 2.0 Responsibility

The senior director of Human Resources or designee is responsible for ensuring compliance with this policy. The Human Resources department is responsible for maintaining employee records, personnel files, and medical records in hard copy and electronic format (HRIS system). All employees are responsible for adhering to this policy.

### 3.0 Scope

This policy applies to all current and former employee requests for information maintained by the Human Resources department pertaining to their employment.

### 4.0 Definitions

This table provides definitions for special terms, acronyms, and abbreviations used in this policy.

Term, Acronym, or Abbreviation	Description
Employee	A person in the service of another under any contract of hire, expressed or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed. The employee may be full or part time; benefited or non-benefited; exempt or non-exempt.
Former Employee	A terminated employee of the Research Foundation. The former employee may have been employed full or part time; benefited or non-benefited; exempt or non-exempt.

Personnel File	The individual employee folder or file that contains employee documentation, including both administrative information, such as the employment application, and private information, including the employee's financial or family information. An employee's health related information is stored and maintained in a separate file.
----------------	--

## 5.0 Policy

The Research Foundation Human Resources department maintains employment records for all Research Foundation employees. To protect the privacy of its employees' information, the Research Foundation maintains and stores the records in a manner designed to limit access to only those individuals who have a legitimate reason to access and review the information.

### 5.1 Administration of Records

The Human Resources department maintains records containing employment information for all employees. It is important that employees notify the Human Resources department promptly of any changes in their personal information, including their name, home address, telephone number, marital status and number of dependents.

All current employee personnel files are stored within locking cabinets in the Human Resources office, and all original documents in the employee's personnel file will remain under the control of the Human Resources department at all times.

If a manager wishes to review an employee's personnel file, the manager must make the request directly to one of the Human Resources. A Human Resources professional will discuss the details of the request with the manager. Only if the manager establishes a legitimate need to know the information contained in the employee's personnel file and the information determined to be needed, will the information from the employee's personnel file be disclosed to the inquiring manager by Human Resources. Under normal circumstances, the employee's original personnel file will not leave the Human Resources department's area of control.

Current and former employees may review their original personnel file at reasonable intervals and at reasonable mutually convenient times as provided by this policy and in accordance with applicable law. Current and former employees wishing to review their personnel file must submit a written request. They may do so on the **"Request to Inspect and Copy Personnel File and Contents Form"** available from the Research Foundation Human Resources department. A formal written and signed request will also suffice.

**Example:** An email that is subsequently signed.

The review shall be scheduled for a mutually convenient date that is within thirty (30) calendar days of the request unless the Research Foundation and the employee agree in writing to a day that is no more than thirty-five (35) calendar days from the date of the request. Current and former employees wishing to review their original personnel file may do so in the presence of a representative from the Human Resources department. Current and former employees have the right to request a copy of the contents in their personnel file. If a copy is requested, the employee or former employee may be charged the actual cost of copying.

Current and former employees also have a right to inspect their payroll records and other such records pertaining to their employment. The employee shall be allowed to inspect these records at a mutually convenient date, which shall be as soon as practicable after the request has been made, but which shall not be a date greater than twenty-one (21) calendar days from the request. Current and former employees also have the right to request a copy of these records. If a copy is requested, the employee or former employee may be charged the actual cost of copying.

Employees also have the right to designate a representative to conduct the inspection of their personnel file or receive a copy of their personnel file or payroll records. The representative must have prior written authorization by the employee to inspect or receive a copy of the current or former employee's personnel file. The Research Foundation may take reasonable steps to verify the identity of a current or former employee or his or her authorized representative. For example, the Research Foundation may request a driver's license or valid photo ID before releasing any documents for inspection or for photocopying.

The Research Foundation maintains each employee's personnel file for a period of not less than seven (7) years after termination of employment. The employee files are sent to a Research Foundation designated company for archiving following one year from separation, and are kept in the archives for seven (7) years.

## **5.2 Updating and Correcting Employee Records**

- a) Employees may submit commendations, copies of college degrees, certifications and special licenses, and may submit an updated resume to the appropriate administrator annually for placement as soon as possible in the personnel file.
- b) If, after review of his or her records, an employee believes that any portion of the material is not accurate, the employee may request in writing to the senior director of Human Resources or designee, correction of the record.
- c) An employee may submit a rebuttal statement to material in his/her personnel file which shall be placed in the employee's personnel file.

## **5.3 Employment Verifications**

All requests for employment verifications, including written and telephone inquiries, and employee references must be directed to the Human Resources Department.

The Research Foundation does not respond to telephone requests from any person or entity concerning an employee's prior employment with the Research Foundation other than for verification of employment and dates of employment. For more detailed information, the Research Foundation must first receive written authorization from the person or entity, signed by the employee or former employee, requesting the information.

Upon receipt of the authorization form, the only information the Research Foundation will disclose about the employee or former employee's employment with the Research Foundation is the period of time they were employed, and the position (s) held with the Research Foundation. Upon proper request, we will also disclose the highest annual or hourly salary earned prior to separation. As a matter of Research Foundation policy, we do not respond to the question "Would you rehire?"

## 5.4 Access to Employee Records

In keeping with its mandate to protect employee privacy, the Research Foundation maintains and stores its employee records in a manner designed to limit access only to those individuals who have a legitimate reason to access and review the information.

There may be instances where employees have access to employee records in the HRIS system. **Having “access” does not equate to having a “right” to view or access employee records.** No employee at any level is authorized to access employee records without specific advance authorization from Human Resources, and strictly on a “need to know” basis.

In furtherance of this policy, the Research Foundation has implemented the following steps:

- a) Access to employee personnel files is limited to persons with a demonstrated legitimate need to know. Personnel Files and records are stored in a secure location.
- b) Access to a current or former employee’s personnel file or payroll records is granted pursuant to this policy or as otherwise required by applicable law, such as in response to a lawfully issued subpoena. Employees are permitted to request copies of documents in their personnel files and copies of their payroll records or other appropriate records pertaining to their employment in accordance with this policy and pursuant to applicable law.
- c) Access by any level of employee to other employee’s online information (BiTech) is strictly prohibited, except on a “need to know” basis or as specifically authorized by Human Resources in advance.
- d) Employment and related records are maintained for the retention period required by law for the particular type of record.
- e) The Research Foundation complies with applicable requirements for protection of personal health information as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- f) Medical records and background data are maintained in a separate file from the general personnel file. These separate files are also stored in a secure location within the Human Resources department. Access to these files is limited to only those employees or managers who need to know their contents.

## 6.0 Related Policy Information

Not applicable.

## 7.0 Required Forms

This table contains a list of forms and special tools referenced in this document.

Form	Description of Use
Request to Inspect and Copy Personnel File and Contents Form	Used by employees and former employees to request access to inspect and request photocopies of their personnel file contents. Any written request by the employee or former employee, or designated representatives, suffices.

## 8.0 References and Related Information





*Records Retention Policy*

## 9.0 Record Retention

All documents and records are maintained in accordance with SJSU Research Foundation *Record Retention* requirements.

Record	Retention
<i>Employee Records Administration Policy</i>	This document is effective until further revised or updated. Outdated or revised documents will be maintained in accordance with Research Foundation Record Retention requirements. The Research Foundation will maintain the signed original and electronic copies of the approved policy and all updates and replacements.

### SJSU Research Foundation Policy Approvals:

Title	Name	Signature	Date
Executive Director	Sandeep Muju		2/17/17
Interim Director, Human Resources	Guadalupe Lechuga		02/14/2017
Senior Director, Finance and Accounting	Kam Lam		2/14/2017
Senior Director, Office of Sponsored Programs	Rajnish Prasad		2/14/2017