



TOWN OF NORWOOD PERSONNEL BOARD

#P-402 – PERSONNEL RECORDS POLICY

1. Purpose and Scope

The purpose is to ensure that the Town remains in compliance with applicable Federal and State laws, specifically M.G.L. Chapter 149, Section 52C, and Town By-laws regarding the maintenance of and access to employee personnel files, while at the same time preserving employees' rights of confidentiality with respect to their personnel files.

2. Applicability

- 2.1 This policy applies to all full and part-time compensated positions, excluding elected officials and employees of the School Department. Positions covered by Civil Service Law or a collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by Civil Service Law or by a collective bargaining agreement.
- 2.2 To the extent permitted by law, individual employment agreements (new, updated or extensions) entered into after the effective date of this policy, with employees whose positions are subject to this policy, must follow all of the provisions of this policy.
- 2.3 This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.

3. Definitions

- 3.1 Please consult the Personnel Definitions Document (#D-100) regarding terms utilized throughout ~~h~~ this policy.
- 3.2 Personnel Records – 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.
- 3.3 Public Records – Those records defined in M.G.L. Chapter 4, Section 7, including all books, paper, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form, made or received by the Town to serve a public purpose, unless specifically exempted.

- 3.4 Keeper of the Records – That person who has custodial authority over certain records, such as the Human Resources Director for personnel files, and the Treasurer Collector for payroll data.
- 3.5 Pre-employment Documentation – Information, forms or other similar materials submitted by a candidate prior to the employee’s beginning employment with the Town
- 3.6 Post-employment Documentation – Information, forms or other similar documentation submitted by or about an employee after the employee begins employment with the Town.

4. Eligibility

This section intentionally left blank.

5. Policy

- 5.1 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, above.
- 5.2 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.
- 5.3 It is the policy of the Town of Norwood that all employees shall comply with the laws governing public records and confidential information. No employee shall knowingly or willingly release confidential personnel information nor shall employees refuse to provide public information. Town employees have a diminished expectation of privacy as public employees.
- 5.4 Department Heads are required to act consistent with this policy and ensure this policy is implemented consistently within their department.
- 5.5 In the event of an error or violation of this policy, either intentional or unintentional, Human Resources must be immediately informed. Human Resources will identify and make the proper correction(s). A violation of this policy, whether intentional or unintentional, will not change this policy, nor set a precedent in any future application of this policy.

6. Provisions

- 6.1 Procedures Governing Content of Personnel Files
 - 6.1.a Pre-employment document such as applications, resumes, required licenses, reference letters and reports, offer of employment letters, copies of transcripts, pre-employment physical reports, military discharge documentation, Civil Service certifications, and other similar materials shall be included in the personnel files.
 - 6.1.b Post-employment documents such as performance appraisals, disciplinary action, notices, physician statements, commendations, Civil Service promotional

certifications, copies of information sent to the employee or to third parties about the employee, etc. shall be included in the personnel file.

- 6.1.c All medical related information is confidential and will be maintained in a separate file.
 - 6.1.d 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.
 - 6.1.e An Appointing Authority or their designee, at their discretion, shall determine whether a report or record will be placed in the employee's personnel file, except for information submitted by the employee in rebuttal. Any material submitted by a person other than the Appointing Authority or the employee (excluding routine paperwork) shall be forwarded to the Appointing Authority for approval prior to insertion into the file.
- 6.2 Removal/Correction of Information/Records
- 6.2.a Once inserted into an employee's personnel file, documents may only be removed or corrected if there is a clear and compelling reason to do so. The employee or the Appointing Authority must make such requests utilizing document **#D-123 *Personnel Records Removal / Correction Request***. Please see the HR Department for the most current version to be utilized.
 - 6.2.b Removal / Correction Request By:
 - 6.2.b.i Employee - The employee shall fill out and complete document **#D-123** and forward to their Appointing Authority. The Appointing Authority shall forward the request, along with their comments of support or denial, to the HR Director.
 - 6.2.b.ii Appointing Authority – The Chairman or his/her designee shall fill out and complete document **#D-123** and forward to the HR Director.
 - 6.2.c The HR Director shall review submitted document **#D-123** and make the determination as to whether or not the material in question should be corrected or removed from the employee's personnel file.
 - 6.2.d If the requestor is not satisfied as to the decision of the HR Director, they may file an appeal to the Personnel Board using document **#D-123**. The decision of the Personnel Board is final.
 - 6.2.e If the requestor is not satisfied with the decision of the Personnel Board, they may submit a written statement explaining their position. This written statement shall be added to the employee's personnel file, and shall be included, along with the original information, whenever such information is transmitted to a third party.

- 6.3 Location. Employee personnel files will be maintained in the Human Resources Department at Town Hall under the supervision of the Human Resources Director who will be responsible for their safety and security.
- 6.4 Remote Locations. It is the responsibility of the Appointing Authority/Department Head to forward all relevant documents to the Human Resources Department for inclusion in the official file.
- 6.5 Procedures Governing Access / Copy Requests
- 6.5.a Employees requesting to access their personnel file, shall submit document **#D-124 Personnel Records Access / Copy Request** form [Section I] to the Human Resources Department. An employee will be provided with an opportunity to access and review his or her personnel record. Such review shall take place at the Human Resources Department during normal business hours, in the presence of the Human Resources Director or his/her designee, and within five business days of the employee's received request. An employee may be limited to no more than two reviews of his or her personnel record in a calendar year; provided, however, that a review caused by the notice of the placing of negative information in the employee's personnel record shall not be counted toward an employee's two permitted reviews.
- 6.5.b Employees requesting a copy of their personnel file shall submit document **#D-124 Personnel Records Access / Copy Request** form [Section II] to the Human Resources Department. The employee shall be provided with a copy of his or her personnel record within five (5) business days of the receipt of the request.
- 6.5.c Other individuals authorized access to employee personnel files shall include: the General Manager, the Human Resources Director and/or his/her designee, the Department Head, Appointing Authority Chair, attorneys or their agents representing the Town, and the attorney or union representatives of the employee who have written authorization from the employee, and third parties in response to a court order.
- 6.6 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.
- 6.7 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.
- 6.8 Release of Public Information.
- 6.8.a Verification of Employment. Authorized employees in the Human Resources Department or Payroll may respond to requests for verification of employment from

