



NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY

SEC. III—RECORDS 1.0

CONFIDENTIALITY OF PERSONNEL RECORDS

ADMINISTRATIVE POLICY

According to North Carolina law (G.S. 126-23), certain records about each State employee are required to be kept by agencies and shall be open for inspection or a copy provided:

- (1) Name.
- (2) Age.
- (3) Date of original employment or appointment to State service.
- (4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that A&T has the written contract or a record of the oral contract in its possession.
- (5) Current position.
- (6) Title.
- (7) Current salary. The term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by A&T.]"
- (8) Date and amount of each increase or decrease in salary with A&T.
- (9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with A&T.
- (10) Date and general description of the reasons for each promotion with A&T.
- (11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by A&T. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the Chancellor of A&T setting forth the specific acts or omissions that are the basis of the dismissal.
- (12) The office or station to which the employee is currently assigned.

At A&T, the Division of Human Resources is responsible for maintaining this information for employees subject to the State Human Resources Act and non-teaching employees exempt from the State Human Resources Act (EHRA) and providing access upon request. The Office of the Provost is responsible for maintaining this information for faculty and for providing access upon request.

"Employee" means any current State employee, former State employee, or applicant for State employment. For employees who have been separated from State service for ten (10) or more years, the rules on releasing information is more flexible. Contact the Office of Legal Affairs for guidance.

"Personnel file" means any employment-related or personal information gathered by an employer, the Retirement Systems Division of the Department of State Treasurer, or by the Office of State Human Resources. Employment-related information contained in a personnel file includes information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination. Personal information contained in a personnel file includes an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries.

All other employment-related or personal information, gathered by A&T, or by the Office of State Human Resources, contained in a personnel file including information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination are confidential and not public records. Personal information contained in a personnel file including an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries are also confidential (G.S. 126-22) except as set out above.

Specific information regarding who may have access to confidential personnel files and the criminal penalties for improperly providing access can be provided by the Division of Human Resources, Office of Legal Affairs, or can be found in N.C.G.S. 126-24 and 126-27 respectively.

REPEAL OF OTHER POLICIES

This policy repeals Sec. 6.16, "Confidentiality of Personnel Records," of Chapter VI of the Faculty Handbook.

Date revised policy is effective: upon approval

Approved by the Chancellor

First approved: October 1, 1997

Revised: July 20, 2018