

UA Counterproposal 4 (redlined against the existing CBA)  
Presented 11/29/21

## **ARTICLE 12**

### ***Personnel Files***

- 12.1 The University maintains three (3) official personnel files for each ~~UNAC bargaining unit~~ member, which consist of an "employment record file," an "academic record file" and, when required by law, a confidential "medical record file." The employment record file shall be maintained by the Office of hHuman rResources ~~office of the MAU of the primary assignment~~. The academic record file of the ~~UNAC bargaining unit~~ member shall be maintained by the office of the relevant dean/director or the academic affairs office on the ~~UNAC bargaining unit~~ member's campus of their primary assignment. The medical record file shall be maintained by the Office of hHuman Rresources ~~office of the MAU of the primary assignment~~, separate from other official personnel files.
- 12.2 Other files, in addition to the three (3) official personnel files, containing information regarding ~~UNAC bargaining unit~~ members may exist. However, information in such files may not be kept for longer than one (1) year, or contain information not in the official personnel files which is more than one (1) year old. The University shall not take action with respect to a ~~UNAC bargaining unit~~ member based upon information that is not contained in the official personnel files.
- 12.3 ~~Bargaining unit UNAC~~ members shall have the right to examine the official personnel files at any time during normal business hours and shall have the right to receive a copy of the official personnel files upon submission of advance written request to the Office of hHuman rResources ~~office of the MAU of the primary assignment~~ or the location where the academic record resides. ~~Bargaining unit UNAC~~ members may place in these files a response to adverse information contained therein.
- 12.4 A United Academics representative, having written authorization from the ~~bargaining unit UNAC~~ member concerned, and subject to the University's duty to provide for security of the records, may examine and request a copy of the official personnel files of that ~~bargaining unit UNAC~~ member. Authorized University personnel or representatives of appropriate governmental agencies may examine official personnel files or may request a copy for routine administrative activity without notification, except as provided for in Article 12.8. Other persons may have access to the official personnel files only as provided by law, with notification to the ~~bargaining unit UNAC~~ member.
- 12.5 When a reprimand, disciplinary action, or delinquency in job performance is reduced to writing by a supervisor, the findings and decisions of the supervisor shall be filed, in writing, in the ~~bargaining unit UNAC~~ member's academic record file, and a copy thereof simultaneously given to the ~~bargaining unit UNAC~~ member and to United Academics. No such material may be placed in a ~~bargaining unit UNAC~~ member's academic record file without an original signature of the dean/director, or designee, and the ~~bargaining unit UNAC~~ member. The ~~bargaining unit UNAC~~ member shall sign such material to signify receipt and notification of such action. Such signature shall not be construed as agreement or disagreement with material contents. Material on disciplinary reprimands shall be removed after two (2) years except for specific formal disciplinary action for sexual

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harassment, physical assault, discrimination, theft, fraud, scientific misconduct, or substance abuse. Material on disciplinary suspensions and terminations shall be retained in the file. Upon mutual agreement of the University and United Academics, any disciplinary reprimand may be retained in a bargaining unit member's file for up to one (1) additional year.

12.6 The employment record file may contain the following:

- a. Information relating to the ~~UNAC~~bargaining unit member's original hire, such as application, job evaluation form or current job description, curriculum vitae, transcripts, and hire documents, including benefit enrollment forms.
- b. Correspondence relating to the individual's employment.
- c. Documents showing the history of the bargaining unit~~UNAC~~ member's work assignments and compensation, including workers' compensation payment documents and letter(s) of appointment.
- d. Other documents related to the bargaining unit~~UNAC~~ member's employment status at the University.
- e. Bargaining unit~~UNAC~~ member responses to the above, if any.

12.7 The academic record file may contain the following:

- a. Commendations, awards, honors, current curriculum vitae, official reprimands, including notices of unsatisfactory performance, disciplinary action, and appropriate material relating to the bargaining unit member's job performance.
- b. Correspondence relating to the individual's employment.
- c. Final grievance awards relating to the bargaining unit~~UNAC~~ member's job performance or discipline.
- d. University authorized performance, peer, and student evaluations.
- e. Written documentation of faculty workload and evaluations relating to promotion, retention, tenure, and contractual obligations.
- f. Summaries of submitted proposals, notices of awarded grants and contracts, and summaries of donations or gifts received.
- g. Other documents relevant to the bargaining unit~~UNAC~~ member's academic record at the University.
- h. All documents included in the promotion and/or tenure file.

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- i. Bargaining unit~~UNAC~~ member responses to the above, if any.
- 12.8 The medical records file shall contain all confidential medical information related to a bargaining unit~~UNAC~~ member's employment. Access to and use of information contained in the file shall only be as provided by applicable law. Authorized University personnel may examine or copy this file for routine administrative purposes without notification to the bargaining unit~~UNAC~~ member. If a representative of an appropriate government agency requests access to the medical record file of one or more named individuals, the University shall notify those individuals within ten (10) working days. Other persons may have access to the medical record file only as provided by law, with notification to the bargaining unit~~UNAC~~ member.
- 12.9 The University shall not include material in the bargaining unit~~UNAC~~ member's official personnel files unless the source is identified and the material contains the date on which the material was placed in the file.
- 12.10 No items may be removed from the bargaining unit~~UNAC~~ member's official personnel files without the expressed written authorization of the bargaining unit~~UNAC~~ member, except for brief inspection or copying.

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