

ARTICLE 17: PERSONNEL FILES

A. Access For Inspection

An employee shall be granted a reasonable amount of time in without-loss-of-straight-time pay status to review his/her personnel file(s). When granting such requests, the Employer shall take into account the frequency of such requests and the amount of time the employee is or will be engaged in such activity. A Laboratory representative may accompany the employee when the employee is reviewing his/her personnel file(s). Alternatively, an individual may authorize a Union representative to receive a copy of the employee's personnel file(s) or identified portions thereof on the employee's behalf. Such written authorization shall be valid for up to ninety (90) calendar days from the date of the signature of the authorization, or within a written time limit specified by the employee, whichever is later. When they are requested, copies will be provided within two (2) working days of the request.

B. Letters Of Warning/Discipline And Rebuttal Statements

Copies of letters of warning and/or disciplinary action shall, upon being placed in the employee's personnel file(s), be provided to the employee. The employee's written comments/rebuttals, if any, regarding such letters shall be placed in their personnel file(s) and shall be attached to the material being rebutted. Letters of warning and/or disciplinary action will be removed from an employee's personnel file(s) if there have been no similar warnings or disciplinary actions for a two (2) year period. If there have been no similar warnings or disciplinary actions for a two (2) year period, materials which are two (2) years old will not be used or relied upon to take or support disciplinary action. Counseling memoranda and/or written records of discussion, in and of themselves, are not discipline and shall not appear in employees' files.

C. Grievance Files

Records involving the processing of an employee's grievance such as the grievance form, step appeals and responses, and settlement documents will be kept in a file separate and apart from the employee's personnel file, and will be reviewable by the employee or his/her representative under Section A.

D. Protections From Disclosure

Except as allowed by law, by written permission of the employee, or provisions of this Article, no disclosure of an employee's personnel file shall occur. Only records protected by recognized legal privilege or excepted from disclosure by law may be withheld from the employee and/or the employee's representative. Neither an employee nor his/her representative shall be entitled to review confidential pre-employment information, nor shall the employee or his/her representative be entitled to review documents related to internal Laboratory labor relations.

E. Correction Of File

If, after inspection of his/her personnel file, an employee believes that any portion of the material contained therein is not accurate, the employee may make a written request to the appropriate Employer representative, to have the material corrected. The Employer shall notify the employee in writing of the correction or of its denial of said request. Denials shall be reviewable using only up to and including Step 2 of the Grievance Procedure as described in Article 29.

F. Fees

Pursuant to Employer's procedures, fees may be charged for making copies of personnel file information or extracts thereof; however, there is no charge for the first copy annually of the employee's records, either to the employee or to the employee's authorized representative.