

Personnel Records

A personnel file shall be established for each employee. The file shall contain all current and future references to the following materials:

- Application for employment
- Time sheets with sick day and vacation records
- Letters of reference
- Letters of recommendation and commendation
- Disposed disciplinary proceedings, if any

Access to the employee's personnel records shall be according to the following guidelines:

1. The employee must fill out and submit the Personnel Records Request Form.
2. The employer shall grant at least 2 inspection requests by an employee in a calendar year when requests are made at a reasonable interval, unless otherwise provided in a collective bargaining agreement.[1]
3. The designee will provide the employee the opportunity for inspection within 7 working days after the request, or, if the employer can reasonably show such deadline cannot be meant, the employer shall have an additional 7 days.[2]
4. The employee will inspect the personnel record at the employer's administrative office during normal working hours or at another time mutually convenient to the employer and employee.
5. Inspection of records will be done under the supervision of an administrative staff member.
6. Should the employee demonstrate his or her inability to inspect his or her personnel records in person, the employer will mail a copy of the specified records upon request. [3]
7. The employee may copy material maintained in his or her personnel record. Payment for copying shall be based on actual costs.[4]
8. The employee may not remove any part of his or her record from the file and may not remove any part of the record from the administrative office. [5]
9. Should the employee be involved in a current grievance proceeding against the employer, the employee may designate in writing a representative who has authority to inspect the records under the same rights as the employee.[6]
10. If the employee disagrees with any information contained in the record, a removal or correction of that information may be mutually agreed upon by the employer and employee. If an agreement cannot be reached, the employee may submit a written statement explaining his or her position. The employer will attach the employee's statement to the disputed portion of the record and the statement will be included whenever that record is released to a third party. Inclusion of any written statement attached to the disputed record in a personnel file without any further comment or action by the employer will not imply or create any presumption that the employer agrees with the statement's contents. [7]
11. The employer shall not gather or keep a record in an employee's personnel file of an employee's associations, political activities, publications, communications, or nonemployment activities, unless the employee submits the information or authorizes the employer in writing to keep such records; providing, however, that nothing herein shall be construed to prohibit the employer from gathering or keeping records concerning activities that occur on the employer's premises or during the employee's working hours which interfere with the performance of the employee's duties or the duties or activities of other employees, regardless of when and where occurring, which constitute criminal conduct or may reasonably be expected to harm the employer's property, operations, processes, or programs, or could, by the employee's actions, cause the employer financial liability.[8]

12. When the employer receives a written request for personnel records from a third party, the employer shall review the requested records and, before releasing them, delete disciplinary reports, letters of reprimand, or other records of disciplinary actions which are more than four years old, unless the release is ordered to a party in a legal action or proceeding.[9]

Before the employer divulges disciplinary reports, letters of reprimand, or records of other disciplinary action which are less than four years old to a third party, to party who is party of the employer's organization, or to a party who is part of a labor organization representing the employee, the employer will provide the employee with written notice. The notice shall be mailed to the employee's last known address and will be mailed on or before the day the information is divulged to any of the aforementioned parties. No notice is required if the employee has specifically waived written notice as part of a written, signed employment application with another employer; the disclosure is ordered to a party in a legal action or arbitration; or information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency. [10]

13. The right of an employee or employee's representative to inspect personnel records does not extend to [11]:
 - a. Letters of reference for that employee.
 - b. Any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document.
 - c. Materials relating to the employer's staff planning, such as matters relating to the employer's development, expansion, closing, or operational goals, where the materials relate to or affect more than one employee, provided, however, that this exception does not apply if such materials are, have been, or are intended to be used by the employer in determining an individual's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual's discharge or discipline.
 - d. Information of a personal nature about a person other than an employee if disclosure would constitute a clearly unwarranted invasion of the other person's privacy.
 - e. Records relevant to any other pending claim between the employer and employee which may be discovered in a judicial proceeding.
 - f. Investigatory or security records maintained by the employer to investigate criminal conduct by an employee or other activity by the employee which could reasonably be expected to harm the employer's property, operations, process, or programs, or could by the employee's activity cause the employer financial liability, unless and until the employer takes adverse personnel action based on information in such records.

1. Personnel Record Review Act, 820 ILCS 40/2
2. *Id.*
3. *Id.*
4. 820 ILCS 40/3
5. 820 ILCS 40/2
6. 820 ILCS 40/5
7. 820 ILCS 40/6
8. 820 ILCS 40/9
9. 820 ILCS 40/8
10. 820 ILCS 40/7
11. 820 ILCS 40/10

____ **Public Library Personnel Records Request Form**

Requestor's Name: _____ Date of Request: _____

Phone Number: _____ Address: _____

Description of Records Requested:

Library Response (Requestor does not fill in below this line)

Approved:

() You may inspect the records at _____ on the date of _____.

(Under section 2 of the Personnel Record Review Act, the employer has 7 business days to comply).

() The documents will be made available to you upon payment of copying costs in the amount of \$_____ (pursuant to section 3 of the Act).

() The documents you requested are enclosed (upon demonstration by the employee that he/she is unable to review the records in person, pursuant to section 2 of the Act).

Denied:

() Request delayed for the following reasons:

_____ (pursuant to section 2 of the Act, the employer has an additional 7 days to comply if reason for the delay is reasonable).

() The requested materials are exempt under section 10 of the Personnel Records Review Act for the following reasons:

Individual that determined request is to be denied : _____.

Personnel Officer: _____ Date of Reply: _____