

## ARTICLE 34: PERSONNEL FILES

An Employee shall, upon written request to the Employer, have the opportunity to review his/her personnel file(s) within a reasonable time in the presence of a representative of the Employer. At the time of such request, the supervisor shall inform the Employee of the location(s) of the file(s).

Where operational requirements permit, an Employee shall be granted a reasonable amount of time without loss of straight time pay status to review his/her personnel file(s). When granting such requests, the immediate supervisor 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 SPOA representative may accompany the Employee when the Employee is reviewing his/her personnel file(s). Alternatively, an individual Employee may authorize a designated SPOA representative to review the Employee's personnel file(s) on the Employee's behalf. Such written authorization shall be valid for a period of 30 calendar days from the date of the signature of the authorization or within a written time limit specified by the Employee, whichever is later.

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. Employees' written comments, if any, regarding such letters shall be placed in their personnel file(s). Such comments shall not require the Laboratory to change or alter the letters of the actions indicated by the letters. Letters of warning and/or disciplinary action which do not involve criminal violations will, upon written request of the Employee, be removed from the Employee's personnel file(s) if there have been no other warnings or disciplinary actions for a two-year period. If there have been no other warnings or disciplinary actions for a two-year period, materials which would be removed upon an Employee's request which are more than two years old will not be used or relied upon to take or support disciplinary action.

Upon the Employee's written request, counseling memoranda and/or written records of discussion will be removed from the Employee's personnel file(s) if there have been no other such memoranda relating to or disciplinary action for a two-year period.

Counseling memoranda and/or written records of discussion, in and of themselves, are not discipline.

Records involving the processing of an Employee's grievance such as the grievance form, step appeals/responses, and settlement documents will be kept in a file separate and apart from the Employee's personnel file. It is not the intent of this section to exclude from the Employee's personnel file final disciplinary action documents that result from a settlement agreement.

Only records protected by recognized legal privilege and records 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 or confidential information relating to transfers or promotions of the Employee out of his/her bargaining unit, nor shall the Employee or his/her representative be entitled to review

documents related to internal Laboratory labor relations or personnel policy or agreement applications.

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 own records.