

**AMERICAN ARABIC BENEVOLENT ASSOCIATION  
PO BOX 320037  
WEST ROXBURY, MA 02132**

**PERSONNEL RECORDS POLICY**

---

The following policy is hereby adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2006, which governs personnel records maintained by the American Arabic Benevolent Association, Inc.

The American Arabic Benevolent Association and any AABA affiliated or controlled companies (hereinafter referred to as "AABA") are subject to this approved Personnel Records Policy.

**1. Purpose and Scope**

The purpose is to ensure that the AABA remains in compliance with applicable Federal and State laws, specifically M.G.L. Chapter 149 Section 52C, regarding the maintenance of and access to employee personnel files, while at the same time preserving employees' rights of confidentiality with respect to their personnel files.

**2. Applicability**

This policy applies to all employees of the AABA and any & all employees of an AABA affiliated or AABA controlled company.

**3. Definitions**

**3.1 Personnel Records** – Those records, defined by M.G.L. Chapter 149 Section 52C, including the name, address, date of birth, job title and description, rate of pay and any other compensation paid to the employee; starting date of employment; the job application of the employee; resumes or other forms of employment inquiry submitted to the employer in response to his advertisement; all employee performance evaluations, including but not limited to, employee evaluation documents; written warnings of substandard performance; lists of probationary periods; waivers signed by the employee; copies of dated termination notices; any other documents relating to disciplinary action regarding the employee.

**3.2 Public Records** – Those records defined in M.G.L. Chapter 4 Section 7, including all books, paper, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form, made or received by the AABA to serve a public purpose, unless specifically exempted.

**3.3 Fair Information Practices Act** – M.G.L. Chapter 66, Section 10 that governs public access to records.

**3.4 Keeper of the Records** – That person who has custodial authority over certain records, such as the HR Director for personnel files, and the Treasurer for payroll data.

**3.5 Pre-employment Documentation** – Information, forms or other similar materials submitted by a candidate prior to the employee’s beginning employment with the AABA.

**3.6 Post-employment Documentation** – Information, forms or other similar documentation submitted by or about an employee after the employee begins employment with the AABA.

#### **4. Policy**

**4.1** A centralized personnel file shall be maintained by the HR Director for each employee. Such files shall include applications, evaluations, reports, and records pertinent to an employees’ employment, as defined in Personnel Records, above.

**4.2** To insure the uniformity and confidentiality of employee personnel files, content of and access to files is limited and shall be controlled in accordance with this policy.

**4.3** It is the policy of the AABA that all employees shall comply with the laws governing public records and confidential information. No employee shall knowingly or willingly release confidential personnel information nor shall employees refuse to provide public information.

**4.4** In addition, any AABA authorized individual with access to an employee’s personnel file shall comply with the laws governing public records and confidential information and shall not knowingly or willingly release confidential personnel information nor shall employees refuse to provide public information.

#### **5. Procedures Governing Content of Personnel Files**

**5.1 Pre-employment documents** such as applications, resumes, required licenses, reference letters and reports, offer of employment letters, copies of transcripts, pre-employment physical reports, military discharge documentation, Civil Service certifications, and other similar materials shall be included in the personnel files.

**5.2 Post employment documents** such as performance appraisals, disciplinary action, notices, physician statements, commendations, copies of information sent to the employee or to third parties about the employee, etc. shall be included in the personnel file.

**5.3 All medical related information** will be kept segregated.

**5.4** When post- employment information is inserted into an employee’s personnel file (excluding routine paperwork), the employee shall be given a copy of such material by the HR Director.

**5.5** The HR Director, in consultation with the Supervisor, shall determine whether a report, record, or document, not considered routine in nature, will be placed in the employee’s personnel file, except for information submitted by the employee in rebuttal. Any material submitted by a person other than the HR Director, Supervisor, or the employee (excluding

routine paperwork) shall be forwarded to the HR Director and Supervisor for approval prior to insertion into the employee's personnel file.

## **5.6 Removal**

**5.6.1** Once inserted into an employee's personnel file, documents may only be removed if there is a clear, compelling, and extraordinary reason to do so or if legally mandated to do so. The general policy of the AABA is that no documents contained in a personnel file are to be removed. The employee, the Supervisor, or the HR Director must make such requests.

**5.6.2** The employee should forward a request [**Attachment A**] to his/her Supervisor. The Supervisor shall acknowledge and forward such request to the HR Director. The Supervisor shall forward the request, along with a letter of support or denial to the HR Director.

**5.6.3** The HR Director will make the determination as to whether or not the material in question should be removed from the employee's personnel file. If either party is not satisfied as to the decision of the Human Resources Director, they may file an appeal with the full HR Committee.

**5.7 Location.** Employee personnel files will be maintained in/by the HR Committee at a location determined by said Committee under the supervision of the HR Director, who will be responsible for their safety and security.

## **6. Procedures Governing Access**

**6.1** An employee, upon written request [**Attachment B**], may, in the presence of the HR Director, review, add a rebuttal to a particular document or be provided with a copy of all or part of the employee's personnel file. An employee now or formerly in the employ of the AABA may see or receive a copy of his or her own personnel records by asking in person or in writing.

**6.2** Other individuals authorized to access an employee personnel file include: the HR Director, the direct Supervisor and/or his/her designee, the attorney representative(s) of the employee who have written authorization from the employee; attorneys or their agents representing the AABA, and third parties in response to a court order.

**6.3** Compliance with Subpoena or Court Order. A subpoena or court order requires the appearance of the named individual, such as the keeper of the records, and may also require those individuals to bring to a court appearance certain employee records that they have in their possession. Any employee who receives a subpoena or court order requiring personnel or payroll information should contact Human Resources immediately. The Town will only release confidential personnel information in response to a court order.

**6.4** Notice of Release of Information. The Human Resources Department will notify the employee in the event that confidential employee data is released in response to a court order.

**6.5 Release of Public Information.**

**6.5.1 Verification of Employment.** Authorized employees on the HR Committee or the Treasurer may respond to requests for verification of employment from banks, mortgage companies, credit card agents, etc. by providing basic public information such as length of service and salary rate.

**6.5.2 Requests for Personnel Information.** Employees who receive requests for personnel information other than employment verification, even that which is a public record, should refer such requests to the HR Committee Chairperson or his/her designee.

Policy Adopted by the American Arabic Benevolent Association, Inc. Board of Directors:

SIGNED:

_____ Kenneth J. Raffol – President	_____ /     / DATE
_____ Camille Sarrouf, Sr., Esq - Clerk	_____ /     / DATE
_____ Rosanne Solomon – Recording Secretary	_____ /     / DATE



