



Personnel Records

Policy HR003

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Responsible Administrator(s): Vice President for Human Resource Management and Labor Relations

Responsible Office(s): Office of Human Resources

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Policy Statement

The Office of Human Resources (“OHR”) is responsible for Fashion Institute of Technology (“FIT”) personnel records, which will be maintained in confidence. Access to personnel records will be provided only to authorized individuals for legitimate College business purposes, or as otherwise required by law, in accordance with this policy. Personnel records remain the property of FIT.

Reason for the Policy

There are legal, labor, and ethical concerns regarding personnel records. For example, HIPAA may govern personnel records related to individual employees’ health conditions; the collective bargaining agreement sets forth certain limitations on access to employees’ personnel records; and there is a general expectation of privacy, albeit to a limited extent, by College employees regarding access to their personnel records. This policy also addresses compliance with the New York State Department of Labor, section 203-d, Employee Personal Identifying Information, which restricts an employer’s use and distribution of an employee’s social security number and other personal identifying information.

Who is Responsible for this Policy

- Office of Human Resources

Who is Affected by this Policy

- All FIT employees

Definitions

- **Personnel records** - refers to all records, in paper or electronic format, related to employees’ employment with FIT. This may include, but is not limited to, appointment letters; compensation and employment or other job action records; individual benefit and tax and I-9 or other identity records; emergency contact information; peer and performance evaluations; final disposition of disciplinary matters (but not investigatory files); prior employment and educational records; and reference and background check records. To the extent possible, the OHR shall treat all personnel records as requiring the highest level of confidentiality

Principles

- **Exceptions**

This policy does not apply to employee medical records, including leave of absence records, which are kept separate from personnel files, nor does it apply to supervisory files kept in accordance with section 14.9 of the CBA. Employee medical records may be subject to specific laws and regulations, above and beyond this policy, requiring additional limitations (e.g. being maintained separate and apart from other personnel records) regarding access and release and in all cases shall be treated with the utmost confidentiality.

- **Security of Personnel Records**

The Office of Human Resources (OHR) maintains personnel records within the Banner ERP/SIS System. These records are administered in a database that is both FERPA and HIPAA compliant. In addition, the Banner application and associated database are managed on computer hardware within the FIT/IT Datacenter. The Banner system is protected from outside intrusion, i.e., public Internet traffic, by a “firewall” that provides perimeter security to prevent unauthorized access to the FIT internal private network.

Data within the Banner system are controlled by file access control list (FACL) and auditing. Internal authorization for users is granted by approval of the departmental senior administrator via the Banner Access Form.

Responsibilities

- **Office of Human Resources**

The OHR is responsible for maintaining personnel records in confidence. It provides access only for legitimate business purposes, or as otherwise required by law, and only to such persons as authorized by this policy, by law, in accordance with the Collective Bargaining Agreement (“CBA”) by and between FIT and the United College Employees of FIT (“UCE”) and/or with a written release provided by the employee to whom the personnel records pertain. Where a written release is provided by the employee, access shall be granted only to relevant records as specified by such a release and only for such purposes as are necessary for the purpose of the release.

- **Employees**

FIT employees are responsible for reviewing their personnel record to maintain up-to-date and accurate information regarding personnel information such as name, home address, emergency contact information, benefit enrollment information, and other individual and material information that may be subject to periodic change. Employees should periodically review their personnel records file for such purpose.

Procedures

- **Access to Employee’s Own Personnel Record**

Employees shall have the right to access and view their own personnel records file during normal business hours with reasonable notice to the OHR. Such request may be made by Submitting a request to the [HR Solution Center](#). Should an error be found, please submit a request to the [HR Solution Center](#) and every effort will be made to rectify the issue.

- **Employee Granting Access to Third Parties**

Employees may periodically provide electronic or written access to third parties to that employee's individual personnel records file or, more commonly, the information therein for specific individuals or company representatives for specific limited purposes such as third-party employment verifications. These releases shall become part of the employee's personnel record. Employees must confirm in their written release specifically what information will be provided to the third party, based on the third party's request, and only this information will be released.

- **Employee Granting Access to Other FIT Employees**

Employees may periodically provide electronic or written access to other FIT employees to that employee's individual personnel records file for specific, legitimate FIT business such as tenure and promotion review or review of performance evaluations pursuant to an internal job change action. Releases become part of the employee's personnel record.

An employee may provide such a release by logging into MyFIT, navigating to the OHR tab and then the "forms" link, and using the appropriate link (e.g. "Employment Verification Request", "Personnel File Release Form" etc.)

- **Access by the OHR and Other FIT Employees or Third Parties**

The OHR shall have access to all employee personnel records for OHR operational purposes. Without a written release from the employee, access by other FIT personnel to an employee's personnel records will be provided in accordance with the CBA, unless otherwise required by law, such as through a valid subpoena. Except as may be required by law or the CBA, access by third parties to an employee's personnel records without a written release from the employee shall not be allowed by the OHR. The Vice President for the OHR, in consultation with the Office of the General Counsel, shall have sole discretion in determining when access to an employee's personnel file, without a written release, is allowed or required by law, the CBA or this policy.

- **Personnel Records Maintained**

Employees may periodically request records be placed in their file to become part of their personnel records file. Apart from legal or CBA requirements, the OHR shall have sole discretion in determining what records, and types of records, shall be placed in and maintained as part of employees' personnel records. The retention of personnel records shall be in accordance with New York State Archives MI-1 schedule (see Record Retention and Disposition policy).

Violations

Violations will be handled in accordance with the following:

- **Employees:**

Employees covered by the Collective Bargaining Unit will be disciplined according to the Collective Bargaining Agreement, as well as relevant law and college policy. For non-bargaining employees, the Vice President for Human Resource Management and Labor Relations, or their designee(s), will review the violation and make a recommendation for appropriate disciplinary action based upon relevant law and college policy.

Related Policies

- [Acceptable Use for FIT IT Systems](#)
- [Record Retention and Disposition](#)

Related Documents

- [Banner Access Form](#)
- [New York Labor Law § 203-d, Employee Personal Identifying Information](#)

Contacts

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