

ARTICLE XX. EMPLOYMENT RECORDS
HAW-UAW Counter Proposal December 2, 2024

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EMPLOYMENT RECORDS

Section A. "Employment ~~record~~file" shall be defined as documents maintained by the ~~Employer~~University, including but not limited to letters of appointment or reappointment to a position covered under this agreement; revision or termination of such appointment; related work evaluations; information relating to the employee's academic and professional accomplishments submitted by the employee or placed in the file at their request; memoranda of discussions with the employee relating to evaluations of the employee's professional performance; and any disciplinary action related to such appointment.

Section B. Documents related to filed union grievances will be kept separate from other employment records. ~~not be part of the employment file.~~

Section C. Upon request to their departmental administrators, employees shall be granted access to their University employment records file within five (5) business days following such a request.

Section D. Employees shall have the right to review and have a copy made of their employment records. ~~material in their employment file.~~

Section E. Employees shall have the right to request removal or correction of any factually incorrect material from their employment record. The ~~Employer~~University shall correct any such factual errors or shall remove the factually incorrect material within seven (7) business days of the employee's request. "Factually incorrect material" is defined as a misspelled name, incorrect date of birth, incorrect degree received, and incorrect job title, ~~or~~ other objectively verifiable information, or statements that are unclear, misleading, or that a reasonable person may misinterpret, ~~but in no event shall "factually incorrect material" include statements of opinion or statements that may involve more than one interpretation, such as student evaluations, supervisory evaluative judgments or similar documents.~~

~~Employees shall have the right to request, in writing, the removal of any other disputed material. The Employer shall remove the disputed material within seven (7) business days of the Employee's request or provide detailed, written justification of its retention. In the event the disputed material is retained, the Employee's request for removal and the Employer's justification for retention shall, at the Employee's request, be included in the employment record. Employees shall also have the right to request in writing removal of disputed material from their employment record. The University shall remove the disputed material within seven (7) business days of the employee's request.~~

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Section F. If an Employee disagrees with any information that is contained ~~in an~~ ~~in the~~ employment ~~record file~~, the employee may submit a written statement commenting upon the information. Such a statement shall be maintained as part of the employment ~~file~~ records.

Section G. Employment ~~records~~ files are kept confidential ~~and are used only for University business~~ by the employee themselves, by an authorized Union representative, and when required by. The ~~EmployerUniversity~~ shall not share such records except with appropriate University personnel as may be necessary for them to perform their duties, when requested by an authorized Union representative, or as may be required by law or regulation, federal background check, subpoena or court order or when disclosure is made as part of arbitration or other legal proceedings. If the ~~EmployerUniversity~~ receives a lawful subpoena or by court order that has been properly served by one having the authority to do so, the ~~EmployerUniversity~~ will notify the Employee of such a request when it is received.