

CODE: FBLA.AR

EFFECTIVE DATE: (29-01-2020)

TOPIC: Working Files

ISSUE DATE: (29-01-2020)

REVIEW YEAR: (2024)

OBJECTIVE

To provide clarity and direction to supervisors in the effective management of employee records relative to performance and conduct in order to support consistent, fair and appropriate practices across the Division.

DEFINITIONS

Record for the purpose of working files means information in any form.

- **Significant record** means a record of enduring or legal value to the Division that is created or received relative to an employee. Such records may include, but are not limited to performance management actions and notes of verbal communications where significant actions or decisions have occurred (e.g., letters of expectation, change to working hours), and employee responses that may be attached to documentation retained in the working file.
- **Transitory records** are routine documents and correspondence of short-term value that are not required to sustain administrative functions or are no longer relevant. Transitory records are required only for the duration required to complete actions associated with them and should be destroyed when those actions are complete (e.g., timetable or annual work schedule).

Working file is a file held by the employee's supervisor relative to the employee's performance, competence, conduct, or matters that have not yet been resolved. Significant records and those records referred to in the Division Records Classification Scheme and Retention Schedule may also be held in the working file. The working file is the property of the Division, and may exist in paper and digital formats. The working file is separate from the employee file. The working file must not include:

- a. medical information , unless required for the immediate safety of and at the request of the employee.
- b. convenience/duplicate copies of documents retained in the employee file (e.g., resumes,
- c. disciplinary letters of reprimand, suspension)
- d. police information checks or vulnerable sector reports.
- e. personal information of third parties, unless required by the decision unit (D. U.) administrator.

Employee file is the permanent master record of an employee that is maintained centrally by Human Resources (i.e., PinPoint). As the official record, this file retains administrative (e.g., resumes, transcripts, payroll and benefits information, evaluations, contract information, etc.) and significant records (e.g., disciplinary action) relative to an employee's employment with the Division.

D. U. administrator is the administrative supervisor of a decision unit.

Direct supervisor means the supervisor of an employee if the employee does not report directly to the D. U. administrator. Supervisors may include line supervisors who assist in fulfilling day-to-day supervision needs by providing direction and monitoring employees in such areas as work quality, production and attendance.

Letter of Expectation is a non-disciplinary letter that is retained in the working file. The intent of the letter is to communicate expected performance or conduct to an employee in a supportive manner. The letter describes the concern, identifies prior attempts to address the concern, states expectations for required improvement and notes how progress will be monitored.

RESPONSIBILITY

1. The D. U. administrator is responsible for maintaining one working file for each employee in their decision unit. This responsibility may be delegated to the direct supervisor for non-teacher employees.
2. The D. U. administrator is responsible for the contents, management and security, and destruction of working files in accordance with the Division Records Classification Scheme and Retention Schedule for employees within their decision unit.
3. The D. U. administrator is responsible for consulting with Human Resources, Staff Relations, in matters of significant or repeated employee performance/competence or conduct concerns prior to the destruction or transfer of the working file. Human Resources, Staff Relations, is responsible for assisting D. U. administrators in determining information that should be retained, as well as, receiving files for retention.

REGULATION

A. ACCESS TO WORKING FILES

1. All supervisors responsible for an employee will have access to the working file. Responsibility for the file lies with the employee's D. U. administrator.
2. The file must be kept in a secure location to which only the employee's supervisor(s) has access.
3. The employee has the right to supervised access to their working file on request to the D. U. administrator.
4. The D. U. administrator must provide the employee with a copy of the working file on request, subject to requirements under the *Freedom of Information and Privacy (FOIP) Act*.
5. An employee may provide a written response to any information held in the working file and that response will be attached to the relevant document.

B. RETENTION AND REMOVAL OF INFORMATION FROM WORKING FILES

1. The supervisor(s) must review the contents of employee working files annually and cull transitory records.
2. Information in the working file may be held for up to three years, excepting information relative to ongoing matters or work in progress that may be held beyond three years, or as otherwise set out in respective collective agreements.
3. An employee may request in writing the removal of records from the working file. Removal of information is at the discretion of the D. U. administrator and cannot be delegated.

C. TRANSFER OF WORKING FILES

1. An employee's working file will be transferred to an incoming or receiving D. U. administrator after the employee has had the opportunity to review and respond to whatever information is being transferred.
2. If an employee leaves the active employ of the Division, the contents of the working file will be destroyed unless significant conduct or performance issues warrant retention of the information by the Division.
3. Records that support evaluation of a teacher will be held by the principal that completed the evaluation for two years, then destroyed. The principal will transfer the file to Human Resources, Staff Relations, if the principal transfers from the D.U. or leaves the active employ of the Division before the end of the two-year period.

REFERENCES

CN.BP - Managing Division Information

CN.AR - Creation, Use and Maintenance of Division Information

CNA.AR - Security of Personal and Division Information

FA.BP - Human Resources Framework

FGCA.AR - Supervision and Evaluation of Teachers

FGCB.AR - Supervision and Evaluation of Exempt Non-Management Staff

FGCC.AR - Supervision of Custodial, Maintenance and Support Staff

Teachers' Collective Agreement, Alberta Teachers' Association

Custodial Staff Collective Agreement, CUPE Local 474

Maintenance Staff Collective Agreement, CUPE Local 784

Support Staff Collective Agreement, CUPE Local 3550

Exempt Management – Terms and Conditions of Employment

Exempt Non-Management – Terms and Conditions of Employment

Division Records Classification Scheme and Retention Schedule, Items #1110, #1111

Alberta Human Rights Act

Freedom of Information and Protection of Privacy Act

Education Act Section 197(j)