

Part 2. Employee Personnel Records.

§ 120-36.40. Privacy of employee personnel records.

- (a) The following definitions apply in this Part:
- (1) Employee. – A current employee, former employee, or applicant for employment.
 - (2) Legislative branch employer. – The office within the legislative branch that hired an employee and has the power to separate the employee from a position. If the legislative branch employer was a legislator who no longer holds office, the Legislative Services Commission shall be deemed the legislative branch employer.
 - (3) Personnel file. – Any employment-related or personal information gathered by the legislature. Employment-related information contained in a personnel file includes information related to an individual's application, selection, promotion, demotion, transfer, leave, salary, contract for employment, benefits, suspension, performance evaluation, disciplinary actions, and termination. Personal information contained in a personnel file includes an individual's home address, social security number, medical history, personal financial data, marital status, dependents, and beneficiaries.
 - (4) Record. – The personnel information that is maintained in accordance with G.S. 120-36.41.
- (b) The Legislative Services Commission shall establish policies on personnel records of positions subject to this Part.
- (c) Except as otherwise provided in this Part, personnel files of employees are not administrative records and shall not be subject to inspection and examination under G.S. 132-6. Personnel files of former employees who have been separated from employment for 10 or more years may be open to inspection and examination, except for papers and documents relating to demotions and to disciplinary actions resulting in the dismissal of the former employee. (2026-40, s. 2(c).)