

Memo to: All UH-Downtown/PS Holders

UH-Downtown/PS 02.A.19

Issue No. 2

From: Max Castillo, President

Effective date: 07/11/08

Page 1 of 4

Subject: Access to and Maintenance of Personnel Files

## **1. PURPOSE**

The purpose of this policy statement is to facilitate compliance with federal and state regulations as well as University of Houston System Administrative Memoranda, to ensure the integrity of personnel files and the accessibility of personnel file information and to preserve the confidentiality of records when such disclosure would constitute an unwarranted invasion of privacy. This policy applies to the personnel records of all University of Houston-Downtown employees, regardless of status, classification, full-time equivalency (FTE) or duration of employment.

## **2. DEFINITIONS**

2.1 Personnel File: A personnel file is defined as the official file of a University of Houston-Downtown employee which contains all documents or copies of documents relevant to the employment relationship that are collected, assembled, or maintained by the University of Houston-Downtown Office of Employment Services and Operation (“ESO”).

## **3. POLICY**

3.1 The University of Houston-Downtown, (sometimes hereinafter referred to as “the University”), establishes and maintains personnel files for each of its employees, with only one official file centrally maintained in ESO. Benefits records, including group insurance programs; retirement plans; supplemental retirement programs, as well as deferred compensation programs; medical records; and affirmative action records related to an investigation and/or possible pending litigation are maintained centrally in ESO but separately from the employee’s personnel file.

3.2 The University of Houston-Downtown complies with the Texas Public Information Act (formerly the Texas Open Records Act) pertaining to access and maintenance of personnel-related information. Requests for information covered by the Public Information Act are subject to the provision of SAM 03.H.02, Open Records.

3.3 Maintenance of personnel records is also subject to SAM 03.H.01, Records Retention.

3.4 All information and records pertaining to all employees will be maintained in confidence and with respect for the individual’s privacy to the extent practicable. The University of Houston-Downtown will permit access to personnel-related information as required by the Texas Public Information Act. The Office of General Counsel of the University of Houston System will make decisions regarding access under this act.

- 3.5 It is the responsibility of the employee and/or immediate supervisor of the employee to notify ESO of any additions to and corrections of information in the employee's personnel file.
- 3.6 Nothing in this policy shall be used as the basis for discrimination or retaliation against any individual or group on the basis of race, gender, age, color, religion, national origin, disability, sexual orientation, or veteran status.

#### **4. PROCEDURES**

- 4.1 **Collection:** All necessary personal information will be directly obtained from the employee and maintained in the employee's personnel file.
- 4.2 **Retention:** Retention of personnel files will comply with the official University of Houston System Records Retention Schedule, which is prepared in accordance with state and federal regulations.
- 4.3 **Employee Access to Personnel Files:** Each employee or a designated representative of the employee (prior written designation and approval is required) is entitled to review the entire contents of his or her own personnel file and to obtain a copy of any document(s) in the file, subject to paying a reproduction charge as established by the Texas General Services Commission and the University of Houston-Downtown. No employee (or designee) is allowed to remove any item stored in any personnel file. If an employee disagrees with any information in his or her file, he or she must immediately notify either his or her supervisor or the Vice President for Employment Services and Operations (VPESO). He or she may ask the VPESO to correct or delete any item in the file or write a statement of disagreement. The final decision about revising, deleting, or adding rests with the Vice President for Employment Services and Operations or designee.
- 4.4 **Access to Personnel Files by Other Employees and Supervisors:** Employees and supervisors, in the course of performing their job functions, may access personnel records of other employees only on a need-to-know basis, except pursuant to a proper subpoena or Texas Public Information Act (formerly Texas Open Records Act) request.
- 4.5 **Disclosure of Employee Information to Outside Sources:** The public is generally entitled to obtain information in official personnel files that is not deemed confidential by law. All requests from sources outside of the University for personnel information concerning applicants for employment, current employees, and/or former employees shall be directed to the ESO Records Department. Personnel file information that is generally protected from disclosure to the public without the employee's written consent includes medical records and any other information of a highly personal or sensitive nature. Public law allows state employees to choose whether they wish to keep confidential their home addresses and telephone numbers, as well as certain other

personal information, and requires state agencies to maintain the employee's written election to restrict such access. The "Public Access Authorization" section of the Employee Data Sheet, found at [www.uhd.edu/hr/forms](http://www.uhd.edu/hr/forms), allows each employee the opportunity to designate what personal information they wish to keep confidential. Certain representatives of state and federal agencies may access personnel files pursuant to authority granted to them by state and federal statutes or regulations.

4.6 Maintenance: The following guidelines are followed in maintaining personnel files:

4.6.1. Contents of the Employee Personnel File: Each employee's personnel file should contain all documents or copies of documents relevant to the employment relationship that are collected, assembled, or maintained by ESO. This information may include, but is not necessarily limited to, biographical data sheets; transcripts of college work when appropriate; letters of recommendation; completed and signed official application forms; letters of appointment if applicable; employment contracts or agreements if applicable; personnel action request (PAR) forms; documentation of receipt of information required by law or University of Houston System policy; annual appointment letters if applicable; all (in-house and external) training records; performance evaluations; awards and honors; documentation of disciplinary action; memoranda and correspondence to and from the employee; memoranda and correspondence to and from administrators concerning the employment relationship of the employee with the University; promotion, transfer, and/or demotion materials; and all committee reports relevant to the employment relationship of the individual with the University.

4.7 Invasion of Privacy: Before documents that include information on more than one employee are placed in an employee's personnel file, all references to other employees shall be deleted when such references may constitute a clearly unwarranted invasion of personal privacy. ESO has the responsibility to ensure that existing information in a specific personnel file conforms to these editing criteria when a request for access is received.

4.8 Confidentiality: Except as otherwise allowed or required by law or court order, the contents of personnel files are considered confidential, with access only on a need-to-know basis. Violation of confidentiality by any employee involved in maintenance or handling of the personnel records may be grounds for disciplinary action, up to and including dismissal from employment. Employees involved in administration of personnel policies will not, except as otherwise allowed or required by law or court order, discuss personnel issues or problems with supervisors, other employees, or the public unless the employee provides written authorization to release such information.

4.9 Benefits Records and Documentation: All benefits enrollment forms and documentation, including but not limited to group insurance policies and retirement and supplemental retirement programs, deferred compensation programs, etc. will be stored separately from the official personnel file in the ESO, Benefits Department.

4.10 Medical Records and Documentation: Medical records of employees will be stored separately from the employee's personnel file in the ESO, Benefits Department.

4.11 Affirmative Action Materials and Documentation: All materials collected as a result of an investigation in relation to any affirmative action situation will be stored separately from the employee's personnel file in the University of Houston-Downtown Campus Relations Office.

## **5. EXHIBITS**

There are no exhibits associated with this policy.

## **6. REVIEW PROCESS**

Responsible Party (Reviewer): Vice President for Employment Services and Operations

Review: Every three years on or before September 1<sup>st</sup>.

Signed original in Employment Services and Operations.

## **7. POLICY HISTORY**

Issue #1: 06/01/03

## **8. REFERENCES**

UH System Administrative Memorandum 03.H.01

UH System Administrative Memorandum 03.H.02

Texas Government Code, Chapter 441, Section 441.183

Texas Government Code, Chapter 552