

Title

Employment Records

Sec. 1 Purpose

This policy provides procedures for the creation, protection, maintenance, and storage of official employment records for employees of The University of Texas System Administration (U.T. System Administration).

Sec. 2 Principles

To satisfy federal and state regulatory requirements and to meet operational needs, the Office of Human Resources will maintain an official employment record for each employee.

Sec. 3 Content and Maintenance of Employment Records

3.1 All employment records should be submitted to the Office of Human Resources for maintenance. Duplicate files or copies maintained outside the Office of Human Resources are not considered to be official employment records. All department copies should be sent to the Office of Human Resources upon employee's separation from employment at U.T. System Administration.

3.2 All employment records, including benefits and medical records, will be maintained securely and access will be restricted based on the content of each record.

3.3 All employment records are to be kept for the minimum periods listed in the Records Retention Schedule in accordance with U.T. System Records and Information Management policy (UTS 115). Notwithstanding such minimum retention periods, all records must be maintained until all required audits are completed and should be retained beyond the listed retention periods where there is a pending open records request or probability of litigation either involving records or requiring their use.

3.4 Employment records kept only in electronic format must be identified in the Retention Schedule and must comply with the administrative rules of the Texas State Library (13 Texas Administrative Code Sections 6.91-6.99).

Sec. 4 Access to Employment Record by Current Employee

4.1 An employee or the employee's designated representative may review the employee's employment records to the extent the records are not excepted from disclosure under the Texas Public Information Act. Employment records will be made available within a reasonable time after a request and during standard business hours.

4.2 Requests to review employment records may be made verbally or in writing to the Office of Human Resources.

4.3 The Texas Public Information Act provides that all employment records of an individual employee, except information that constitutes a clearly unwarranted invasion of personal privacy or information deemed confidential by law, are subject to public disclosure without the consent of the individual employee. However, each employee must choose whether to allow public access to the information in the custody of the governmental body that relates to the person's home address, home telephone number, emergency contact information, social security number, or that reveals whether the person has family members.

Sec. 5 Third-Party Requests for Institutional Records and Disclosure Exceptions

5.1 In accordance with U.T. System policy (UTS 139) "Compliance with the Texas Public Information Act", all third-party inquiries about and requests for employee records must be directed, in writing, to the General Counsel who acts as the Public Information Officer for the U.T. System. Former employees are considered third parties for purposes of this policy.

5.2 Verbal inquiries or requests for employment records concerning employees of an institution are not valid public information requests and must be submitted in writing.

5.3 If it is determined that the employment record of a U.T. System Administration employee (including former employees) may contain information excepted from disclosure under the Texas Public Information Act, a request to withhold the information will be submitted to the Texas Attorney General.

5.4 Written requests for employment records addressed to U. T. System Administration that concern employees of an institution should be forwarded immediately to the General Counsel who acts as the Public Information Officer(s) for the U. T. System, so that the requestor may be informed that the request should be submitted directly to the institution.

Sec. 6 Costs and Charges

U.T System Administration may recover costs for retrieving, copying and postage to send public records, in accordance with the Texas Public Information Act.

Definitions

Benefits Records - documents relating to the employee's benefits, including, but not limited to, the following: retirement documents, tax-sheltered annuity documents, benefit plan enrollment forms, beneficiary information, garnishments, and any leave requests not related to medical reasons.

Medical Records - documents of a sensitive medical nature, including, but not limited to, the following: injury reports, notes and reports from a health care provider, Family and Medical Leave Act medical documents, requests for reasonable accommodation, disability leave documentation, leave requests due to medical reason, documentation of sick leave pool requests, and benefits claim forms.

Employment Records - official documents relating to the employee-employer relationship with U.T. System Administration including, but is not limited to, the following: appointment letters, employment application, resume, employment verifications, performance evaluations, grievances, disciplinary actions, benefits records, medical records and reports or charges filed with an external entity such as the Equal Employment Commission or Texas Human Rights Commission. The Office of Human Resources maintains this file.

Resources

[UTS115, Records and Information Management](#)

[UTS139, Texas Public Information Act](#)

Applicable Law and Regulation

[29 Code of Federal Regulations, Part 1602](#)

[Texas Public Information Act, Texas Government Code, Chapter 552](#)

[Libraries and Archives, Texas Government Code Chapter 441](#)

Responsible System Administration Office

Office of Human Resources

Contact Information

Questions of concerns should be directed to OHR@utsystem.edu.

Third-party public information requests should be directed to:

By Mail: Mr. Daniel Sharphorn
Vice Chancellor and General Counsel
The University of Texas System
210 West 7th Street
Austin, TX 78701-2903

By Electronic Mail: publicinformation@utsystem.edu
(Subject line of e-mail should read: TPIA)
E-mailed requests should not include attachments to avoid delay
E-mails with attachments may be blocked by the Microsoft
Exchange Server

By Fax: (512) 499-4453

By Hand Delivery: Attn: Ana Viera-Ayala
210 West 7th Street
Austin, TX 78701-2903

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