

## Guidelines for Use, Access, & Retention of Personnel, Medical, and Supervisor Files

FOLDER TYPE	DOCUMENTS PERMITTED	DOCUMENTS <i>NOT</i> PERMITTED	ACCESS	RETENTION
<b>PERSONNEL FILES</b>				
<p><i>Development/ Education/Training</i></p>	<ul style="list-style-type: none"> <li>• Orientation &amp; orientation checklist</li> <li>• Training records (non-UI My Training)</li> <li>• Continuing Education</li> <li>• Certifications/Licenses (if position requires)</li> <li>• Compliance training</li> <li>• Credential release</li> <li>• Credential verification</li> <li>• Resumes/CVs (*)</li> </ul>	<p>Below is a general list of documents that should not be in a personnel files and is not all inclusive;</p> <ul style="list-style-type: none"> <li>• Investigation notes</li> <li>• Grievance materials</li> <li>• Recruitment materials used in job search and reference check information</li> <li>• Managements notes</li> <li>• General email correspondence between management and employee unrelated to another file document</li> <li>• Criminal background checks</li> </ul>	<p style="text-align: center;"><b>Non-Student Employees</b></p> <p><b>Iowa Code 91B.1</b> - employees can request access to their personnel file at an agreed time and location.</p> <ul style="list-style-type: none"> <li>• HR Rep or designee should be present while the employee reviews the file.</li> <li>• Employee's union representative or attorney can access all or part of the file with written consent from the employee.</li> <li>• Employee may request copy of the file and University may charge a reasonable cost (currently 10 cents/page) for copies.</li> </ul> <p>Best practice: access by other UI faculty/staff is limited to those with a legitimate need for such information in order to carry out their job responsibilities.</p> <p><b>Public Records:</b> The Iowa Public Records law generally provides that "[p]ersonal information in confidential personnel records" is <u>confidential</u>. However, certain factual information maintained in such records is <b>not confidential</b>, including:</p> <ul style="list-style-type: none"> <li>• Compensation (including value of benefits conferred)</li> <li>• Dates of employment</li> <li>• Positions held</li> <li>• Educational institutions attended and degrees conferred</li> <li>• Names of previous employers, dates of employment, and positions held</li> <li>• "The fact that the individual was discharged as a result of final disciplinary action upon the exhaustion of all applicable contractual, legal, and statutory remedies." Iowa Code 22.7(11)(a)(5).</li> </ul> <p style="text-align: center;"><b>Student Employees</b></p> <p><b>Iowa 91B</b> applies as normal – student employees have access to their personnel file.</p> <ul style="list-style-type: none"> <li>• For positions that are only available to current students (such as COGs covered teaching and research assistants, CAMBUS drivers), employment records are also considered education records under FERPA.</li> </ul> <p>Such student employees have access to these records, <u>including management notes and any other documents that are not sole possession records, i.e., they have been shared with anyone other than their maker.</u></p> <p><b>Public Records:</b> Same as non-student employees—personnel records are not subject to disclosure under Iowa Public Records law.</p>	<p>Required to retain 5 years after termination</p>
<p><i>Employment Documentation</i></p>	<ul style="list-style-type: none"> <li>• Offer letter (*)</li> <li>• Job description</li> <li>• Essen &amp; Marg Functional Analysis (S)</li> <li>• Payroll and benefits information</li> <li>• Driving record review</li> <li>• Conflicts of Interest in (Employment/Research/Workplace)</li> <li>• Conflict of Commitment</li> <li>• Delegation of Signature Authority</li> <li>• Extension of probationary period (S)</li> <li>• Extension of tenure clock (F)</li> <li>• Flexible work/telecommuting arrangements</li> <li>• Reduction in Force (RIF) letters (S)</li> <li>• Recall, reinstatement and placement letters</li> <li>• Intellectual property, incl. copyright and patent</li> <li>• MOU, agreement/contracts, includes joint appointments</li> <li>• Salary information</li> <li>• Approval letters from C&amp;C for career shift, advancement, promotions or market analysis (S)</li> <li>• Named chair designations and collegiate fellows (letter only) (F)</li> <li>• DEO recommendation to Dean (F) (*)</li> <li>• Resignation letter (*)</li> <li>• Signed termination checklist</li> <li>• UI Physician Contract (F) (*)</li> </ul>			

(F)=Faculty files only (S)=Staff files only (\*) denotes documents added to ePersonnel via transaction system

## PERSONNEL FILE GUIDELINES FOR EMPLOYEES

FOLDER TYPE	DOCUMENTS PERMITTED	DOCUMENTS <u>NOT</u> PERMITTED	ACCESS	RETENTION
<i>Performance</i>	<ul style="list-style-type: none"> <li>• Discipline letters</li> <li>• Statement of expectations letters (S)</li> <li>• Performance action/improvement plans (S)</li> <li>• Probationary reviews (non-My UI Career and faculty) (*)</li> <li>• Competency assessments</li> <li>• Performance evaluations (non-UI My Career)</li> <li>• Recognition/commendation/awards (*)</li> <li>• Clinical/Research contract renewal reviews (F)</li> <li>• Clinical/Research track non-contract renewal annual reviews (F)</li> <li>• PTEAP (F)</li> <li>• Peer Reviews (Post tenure) (F)</li> </ul>			
<i>Immigration</i>	<ul style="list-style-type: none"> <li>• Employment Authorization Document</li> <li>• I-797</li> <li>• I-94</li> </ul>			
<i>Non-Health Related Leave</i>	<ul style="list-style-type: none"> <li>• Corrected time record</li> <li>• Discretionary leave</li> <li>• Funeral</li> <li>• Jury Duty</li> <li>• Non-FMLA Military leave</li> <li>• Time Record</li> <li>• Request for Absence</li> </ul>			
<b>MEDICAL FILES</b>				
	<ul style="list-style-type: none"> <li>• Workers' Compensation (FROI, patient status reports)</li> <li>• Return to work letters</li> <li>• Medical documentation from health care providers</li> <li>• FMLA documents (i.e., notification, med cert, designation)</li> <li>• Letters/correspondence to employee regarding medical leaves</li> </ul>	<ul style="list-style-type: none"> <li>• Injury investigation reports</li> <li>• Managements notes</li> <li>• General email correspondence between management and employee unrelated to another file document</li> </ul>	Same access as personnel files	Required to retain 5 years after termination with the exception of ADA files which should be sent to Faculty and Staff Disability Services at the time of the employee's transfer or termination.

## PERSONNEL FILE GUIDELINES FOR EMPLOYEES

FOLDER TYPE	DOCUMENTS PERMITTED	DOCUMENTS <i>NOT</i> PERMITTED	ACCESS	RETENTION
<b>SUPERVISOR FILES</b>				
	<p>Documents that will aid your memory on issues of importance, such as:</p> <ul style="list-style-type: none"> <li>• Supervisor notes on pre-discipline discussions (coaching/counseling)</li> <li>• Meeting notes and email correspondence</li> <li>• Separate files retained for investigations and grievances</li> </ul>	<ul style="list-style-type: none"> <li>• Personal reflections/opinions. Documentation should be based on facts and observations.</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Management notes are <u>not</u> considered part of the personnel file and employees generally do <u>not</u> have access to this information even if it relates directly to them.</li> <li>• <b>Remember, supervisor files are not confidential in litigation or even the UI internal complaint process.</b></li> <li>• The employee's union representative is often given access to the management notes in the context of a grievance and with the employee's written consent.</li> <li>• Management notes <u>are</u> proper subjects of subpoenas, discovery in litigation, and internal investigations (EOD matters). There is no confidentiality provision for such notes.</li> <li>• <b>Public Records:</b> Management notes are subject to the same confidentiality protections as the personnel file, i.e., they are confidential if they contain "personal information" and relate to a personnel matter.</li> <li>• It can be hard for employees (or their lawyers) to understand that these notes are confidential personnel records for public records purposes, but are not part of the personnel file to which the employee has access under Iowa Code 91B. Employees are not entitled to see every document in the University's possession that somehow relates to them.</li> </ul>	

## ACADEMIC FILES AND FERPA GUIDELINES FOR STUDENT EMPLOYEES

FOLDER TYPE	DOCUMENTS PERMITTED	DOCUMENTS <u>NOT</u> PERMITTED	ACCESS	RETENTION
<b>ACADEMIC FILES</b>				
	<ul style="list-style-type: none"> <li>Grades</li> <li>Class schedules</li> <li>Other academic information relating to the student</li> </ul>		<p>Virtually all academic records are “education records” within the meaning of FERPA and as such, each student is entitled to review (<b>not copy</b>) their academic file.</p> <ul style="list-style-type: none"> <li>Access to education records, including the academic file, by UI faculty and staff is limited to circumstances where the information is needed to carry out their professional responsibilities.</li> </ul> <p><b>Public Records:</b> FERPA-covered education records are <u>not</u> subject to disclosure under Iowa Public Records law.</p>	<p>The current records retention for academic records is at each Collegiate or Other Units levels and may be found at <a href="http://fmb.fo.uiowa.edu/prior-departmental-records-retention">http://fmb.fo.uiowa.edu/prior-departmental-records-retention</a>.</p> <p><i>Please Note: the UI official records retention schedules posted at the above link were updated prior to 2015 and are currently under revision. Updates will be posted periodically.</i></p>
<b>FERPA</b>				
	<ul style="list-style-type: none"> <li>“Education record” is broadly defined: all records that (1) directly relate to a student, and (2) are maintained by the institution.</li> </ul>	<p>Education records do <u>not</u> include “sole possession records,” records that are (1) kept in the sole possession of their maker, and (2) used only as a personal memory aid.</p> <ul style="list-style-type: none"> <li>These records are typically personal notes of conversations or events, similar to management notes above.</li> <li>Once such records are shared, they become education records and the student is entitled to see them.</li> <li>If sole possession records are maintained in the department’s general academic file, for that student, they become regular education records.</li> </ul>	<p>FERPA covered records are not subject to disclosure under Iowa Public Records law.</p>	

### University Resources

HR Policies and Guidelines A-Z (Personnel Files): <http://hr.uiowa.edu/policies/a-z>

Records Management (Finance and Operations): <http://fmb.fo.uiowa.edu/records-management>

Faculty Personnel Files: Contact Diane Finnerty, Director, Faculty HR & Development at [diane-finnerty@uiowa.edu](mailto:diane-finnerty@uiowa.edu)

Employee and Labor Relations: <http://hr.uiowa.edu/relations>