



# REGULATIONS

REG No.: 841

## PERSONNEL RECORDS

### I. PURPOSE

Provides policy and procedures for secure and proper maintenance and availability of personnel records for full- and part-time employees.

### II. BACKGROUND and/or LEGAL REFERENCE

Wharton County Junior College is committed to the maintenance of secure personnel records for faculty and staff and to making information in personnel files available to appropriate individuals.

TASB Policy Manual, DBA, Employment Requirements and Restrictions: Credentials and Records, 3-7-94.

### III. POLICY

#### A. *Pre-Employment File.*

1. A pre-employment file is established for every person who completes the application procedure for a full-time or part-time position at the college. This file includes the candidate's *curriculum vitae* or résumé, postsecondary transcripts, names of references, and a completed Application for Employment form.
2. An applicant's pre-employment file becomes the basis for his or her official personnel file. In the case of nonappointment, the pre-employment file is retained for two years or a period in accordance with government regulations, whichever is longer.

#### B. *Official Personnel File.* The Office of Payroll and Personnel (OPP) is charged with the responsibility of maintaining accurate college personnel records on all full-time and part-time employees. Originals of documents substantiating required information are maintained in the personnel files. An official personnel file is maintained by the OPP for each full-time faculty member and is the source of formal documentation of the faculty member's professional background and current status with the college.

#### C. Under no circumstance may an official personnel file or confidential information on a full-time employee leave the OPP unless accompanied by the Director of Payroll and Personnel (D/PP) or a designée or is authorized in writing by the D/PP. Original files may be examined only in the presence of the director or a designée.

1. Exceptions to the foregoing are the President and the Vice-Presidents.
2. The official personnel file is confidential and may only be viewed by the employee, his or her Cabinet-level supervisor (dean or VP), division chair, department head, the President, members of the Board of Trustees, and members of official accrediting teams.

#### D. Employees are responsible for submitting information for inclusion in their files in order to keep their records current. (See IV.B.3, Procedures.)

(POLICY APPROVAL: 3-20-96, Board of Trustees)

#### **IV. PROCEDURES**

##### **A. *Security of Files***

1. Official personnel files must contain the following materials:
  - a. Completed application-for-employment form.
  - b. *Curriculum vitae* or résumé.
  - c. Official transcripts of all postsecondary education, if applicable.
  - d. Materials supplied by the employee during the pre-employment process (references, transcripts, etc.).
  - e. Reference-check materials (written notes if references were checked by telephone).
  - f. Job description, if applicable.
  - g. Letters offering employment, contracts, and appointment forms.
  - h. Personnel Action Forms.
  - i. Professional certificates or licensing documents.
  - j. Performance evaluations including self-evaluations and evaluations by students, peers, and supervisors, as applicable.
  - k. Emergency-contact sheet including address and telephone number of next of kin or other persons to be contacted in case of emergency.
  - l. All official correspondence to and from the employee.
  - m. Annual W-2 form.
  - n. Check histories.
  - o. Insurance forms (including life-insurance beneficiary forms).
  - p. Official oath-of-office form.
  - q. Retirement information.
  - r. I-9 form (with copies of appropriate identification verification).
  - s. Post-employment forms identifying employee's ethnicity.
2. All file cabinets containing official personnel files are locked, and a register is kept to control access. Anyone using a file must sign and date the register. The D/PP is charged with

responsibility for the security of the files.

B. *Contents of Files*

1. Supervisors may place in files pertinent information concerning competencies, achievements, performance, or contributions of an academic, professional or job-related nature. All such materials are signed and dated by the person or persons submitting them. The employee into whose file such material has been placed signs a form provided by the D/PP to acknowledge that he/she has been informed of the action. If an employee refuses to sign the form, the D/PP places a note in the file to that effect.
2. Employees may submit to their supervisors materials related to their performance of college duties, requesting that such material be included in their official personnel files. Such material may include their personal comments or reactions to evaluations, as well as other matters. If the supervisor concurs, the material is placed in the personnel file. If the immediate supervisor does not agree to place the material in the file, the employee may appeal that decision to his or her Cabinet-level supervisor. If the immediate supervisor is a member of President's Cabinet, the employee may appeal to the President.
3. Employees are responsible for providing documentation of their academic, professional, or career achievements, and for furnishing copies of all certificates, awards, and other pertinent information to become part of the personnel file.

C. *Access to Files*

1. To help insure integrity of his or her file, each employee is provided the opportunity to review the file upon request. The employee must sign the register, and the D/PP or designée remains in the area to insure the security of the file.
2. Employees have access to their own personnel files subject to arranging an appointment in advance. Pre-employment confidential material (letters of reference, notes based on pre-employment reviews and interviews, for example) is removed from the file before access is granted to the employee. When such material has been removed, the employee is notified.
3. Employees may obtain copies of any document in their own personnel files not protected by law.
4. An administrative officer of the college who needs to examine the personnel file of an employee not under his or her supervision must first have a signed release from the employee and from the employee's Cabinet-level supervisor. Copying material requires separate written permission. (Exceptions to this requirement are as noted in section III.C.1.)

D. *Removal of Personnel Data*

1. An employee or supervisor may request that information contained in the individual's personnel file be removed. Both the employee and supervisor must have knowledge of the request to remove information.
2. Such requests are submitted in writing to the D/PP, who comments on their advisability, consults with the employee and supervisor if needed, and makes a

recommendation to the employee's Cabinet-level supervisor.

3. If the Cabinet-level supervisor does not concur with the D/PP's recommendation or the employee or supervisor's request, the employee or supervisor may appeal to the President.

## **V. GUIDELINES**

Other personnel information or duplicates of information in official files may be unofficially maintained in the files of respective Cabinet-level supervisors, division chairs, department heads, or directors, including samples of publications; data related to staff development; copies of employment contracts; letters of commendation, recommendation, or reprimand; notes on disciplinary or performance concerns, etc.

BAM/FRV  
3-20-96



**Wharton County  
Junior College**

**Office of the President**

911 Boling Highway, Wharton TX 77488

**TO:** All WCJC Faculty and Staff  
**FROM:** Frank R. Vivelo  
**DATE:** July 30, 1998  
**SUBJ:** Public Information (Open Records)

Several persons have expressed concern that the college's report in response to the SACS team's recommendations contained transcripts and have asked if these documents represent protected (confidential) information. Not to worry. We've consulted with legal counsel, and our actions are in accord with the advice of the college attorney•though, as you might expect, the issue is not a simple one.

We know that, once submitted to the college as part of an employment file, most documents are available to the public. In fact, according to the college attorneys and the Attorney General's Office, very little in an employment file can be excluded from the Public Information Act. We had this forcefully brought home during the search for a new baseball coach. When the committee had narrowed the screening to five persons to be brought to campus for interviews, the local newspaper filed an Open Records request for the complete backgrounds on them all•their qualifications, past and current employers, current salaries, etc. By law, we had to provide access to this information. (This has caused us to place in all employment ads a statement that, under Texas law, we cannot guarantee confidentiality to job applicants.)

In the present instance, our accrediting agency *required* that we make the actual transcripts part of our report. Again, we had no choice; and the college attorneys reviewed the action and advised that providing the transcripts was appropriate.

Transcripts themselves, however, are a gray area. The Texas Public Information (Open Records) Act specifically excludes the transcripts themselves from public domain (but not the "degree obtained or the curriculum on a transcript") of a *public school employee*; but the Act does not directly address the transcripts of an employee of a higher education institution. The law for us in higher ed is often different from that for public schools, and one of us was recently at a seminar run by the AG's Office in which the AG's rep specifically stated that transcripts for employees in higher education are *not* exempt, as they are in public schools. (Don't ask me why we're treated differently under the law; I have no idea.)

In any event, the college attorney has concluded that the college acted appropriately by including copies of the transcripts in the report as required by our regional accrediting agency.

However, since some persons have expressed concern and we have no compelling reason to do

otherwise, we have decided to remove the transcripts from all copies of the board packet anyway. Fortunately, only a limited number were produced (for each board member, for the library, for the local newspaper, for the president's office). All have been recalled; and before the day is out, the transcripts will have been removed and shredded.

Six copies of the SACS report are in the hands of Faculty Council members, and we're asking that those be brought to Gloria Mahavier so she can remove those transcripts as well. The actual report to SACS, however, will contain copies of the transcripts, as required.

We are also taking another step. Though AG Open Records Decision No. 169 does not protect the release of Social Security numbers, we are nevertheless going through all copies of the board packet and blacking out Social Security numbers. (Please note that until now the college has routinely included SS numbers on personnel actions requiring board approval. Henceforth, we will change this policy and no longer include the numbers.)

In fact, researching this issue has brought up another provision of the Public Information Act with which the college in its entire history has never been in compliance. Section 552.024 states that employees have the right to choose whether to allow public access to certain information, specifically home address, home telephone number, Social Security number, and whether the employee has family members. Therefore, we are distributing the attached form to each employee of the college. Please complete it and return it to the Personnel Office as soon as possible. If it is not received by September 14, the college will conclude that you have no objection to the release of this information. (Henceforth, in compliance with the law, all new employees will be asked to complete this form prior to their 14th day of employment. Former employees and board members will also be asked to complete the form, as is also required.)

I apologize for adding to the seemingly endless propagation of forms and reports, but we have no choice but to obey the law•especially one that the college seems not to have followed for decades. (One of the implications of compliance with this provision, assuming that some employees will want to protect the confidentiality of certain information, is that we will no longer be able to publish and distribute a directory containing home addresses, home phone numbers, and names of spouses•something the college has been doing for years. Sorry. I didn't write the law; but I've got the job of making sure we abide by it.)

Thanks for your understanding.

*MEMO: Vivalo to All, 7-30-98*

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cc: Board of Trustees



# Wharton County Junior College

## Disclosure of Personal Information

### Personnel Office

According to Section 552.024 of the Texas Open Records Act (*Gov't Code Chapter 552, Public Information*), "Each employee or official of a governmental body and each former employee or official of a governmental body shall 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, or social security number, or that reveals whether the person has family members."

Further, each person must state his/her choice "in a signed writing not later than the 14th day after the date on which: (1) the employee begins employment with the governmental body; (2) the official is elected or appointed; or (3) the former employee or official ends service with the governmental body."

Failure to respond within this timeline renders the information subject to public access.

Therefore, please indicate your choices, sign and date this form, and return it to the Personnel Office.

Full Name (print or type): _____		
Social Security Number: _____		
Check your choices:		
<b><u>Item of Information</u></b>	<b><u>Allow public access</u></b>	<b><u>Do not allow public access</u></b>
My home address	•	•
My home phone number	•	•
My Social Security number	•	•
Whether I have family members	•	•
Signature: _____		
Date: _____		