

# Personnel Records

**Subject:** University Human Resources

**Policy:** Personnel Records

**Effective Date:** January 1, 2019

**Revised:**

**Review Date:** Three (3) years from Effective Date above

**Responsible Party:** University Human Resources

**Applicability:** This policy applies to employees as specified

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## 1. INTRODUCTION AND PURPOSE

This policy sets forth the university policy regarding employment-related records maintained by the university.

## 2. EMPLOYEE PERSONNEL RECORDS

Employee personnel records, whether electronic or paper, maintained by University Human Resources include:

- a. Electronic Personnel Action Forms (EPAFs), compensation, job history, and timekeeping records;
- b. letters of hire;
- c. I-9 forms;
- d. W-4 forms;
- e. benefit enrollment forms;
- f. Letters of Appointment/MUS and BOR Employment Contracts;
- g. annual and sick leave accrual and usage records;
- h. performance evaluations; and
- i. disciplinary action records, including warning, suspension, and termination letters.

## 3. CONFIDENTIALITY OF EMPLOYEE PERSONNEL RECORDS

Employee personnel records are generally considered confidential to protect individual employee privacy. However, under Montana law the following employee information is considered public and will be released upon receipt of a public information request:

- a. an employee's name;
- b. position title;
- c. dates and duration of employment;
- d. salary; and
- e. records for vacation, holiday, or sick leave pay, further noting the reason for taking leave is confidential and may not be disclosed.

#### **4. ACCESS TO EMPLOYEE PERSONNEL RECORDS**

- a. Supervisors in the line of authority may access employee personnel records as necessary to perform their job duties.
- b. University Human Resources employees may access employee personnel records as necessary to perform their job duties.
- c. Any other requests for access to employment records, including employment verification requests, will be referred to University Human Resources.
- d. Employees are allowed access to their employee personnel records. An employee may file a written response to information contained in the employee's personnel records within ten (10) working days of becoming aware of the information in the file. The written response becomes a permanent part of the employee's personnel record.
- e. As provided in the ADA and FMLA, access to medical information which may be in an employee personnel record may not be disclosed except to:
  - i. the employee about whom the information pertains;
  - ii. supervisors and managers as necessary to identify restrictions on the employee's duties or necessary accommodations;
  - iii. first aid and safety personnel, when appropriate, if the disability might require emergency treatment;
  - iv. government officials investigating compliance with the ADA or FMLA; and
  - v. as necessary to comply with the certification provisions of the FMLA.
- f. The Legislative Audit Division may access employee personnel records under [Section 5-13-309, MCA](#), for the purposes of auditing state agencies.
- g. The Montana Human Rights Bureau may access employee personnel records directly related to discrimination complaints.
- h. Certain governmental entities have authority under state and federal law to access an employee's personnel record.
- i. Other persons may access an employee's personnel record if the employee has granted written permission or if otherwise required by law.

## **5. RETENTION OF EMPLOYEE PERSONNEL RECORDS**

Employee records will be retained in accordance with this policy and the [Montana University System Record Retention Schedule](#).

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