

Quick Tips on What Not To File In the Official Personnel File

Managing employee personnel files effectively for Texas A&M University takes a common understanding of what employee records are maintained in the Official Personnel File, what is maintained electronically, and what is *not* maintained in the personnel file. Let's start with what documents are not placed in the personnel file.

Please review your personnel files to ensure compliance with existing policy and law. Following are examples of documents that must not be filed in the Official Personnel File. If your files contain any of these documents, they must either be (1) removed to a separate confidential file or (2) destroyed if a copy is no longer required by policy or law.

Carmen Espitia with Employee Relations is available now to work directly with your department to assist with your personnel files review and management. Contact her at cespitia@tamu.edu or 862-4027 for additional information.

Three Special Categories of Records NOT Kept in the Personnel Files

1. **Medical Information:** State and federal law mandates that medical information be kept in separate confidential files. While not specifically covered by The Health Insurance Portability and Accountability Act (HIPAA) privacy rules, employer must still protect health information from unauthorized disclosure. The following medical documents should not be filed in the Official Personnel File.
 - Leave Requests/Sick Leave Pool requests and acknowledgments
 - The American with Disabilities Act (ADA) accommodations, Family and Medical Leave Act (FMLA), Drug and Alcohol Testing and Results, pre-hire medicals, workers' compensation claims
 - Emails and other correspondence containing employee medical information
2. **Personally Identifiable Information:** To minimize the risks of identity theft, records with personally identifiable information about any individual employee are maintained by either the Texas A&M System or Texas A&M University; copies of these documents should not be filed in the Official Personnel File.
 - Copies of I-9 form, W-4's, Direct Deposit Authorization, Social Security Number (SSN) card, Driver's License, etc
 - Specialized/unique department forms cannot contain SSN of employee—use the Texas A&M Universal Identification Number (UIN) if needed
 - Wage garnishments
3. **Complaints and Investigations:** Documents related to an investigation must be maintained separately from the Official Personnel File. Only the resulting disciplinary action (if warranted) will be kept in the personnel file.
 - Informal complaints (investigated by department) and/or Formal complaints, outside charges such as the Equal Employment Opportunity (EEOC) and the Texas Workforce Commission, Civil Rights Division (TWC-CRD)
 - Documents from or between Employee Relations, Policy and Practice Review, or the Office of General Counsel.
 - Witness statements, notes regarding investigations, etc.