



Standard Administrative Policy and Procedure

Subject: Personnel File Policy

Number: UW SAP 5-5.4

I. PURPOSE

The University of Wyoming (“University”) shall maintain a Personnel File for each employee. This policy establishes procedures regarding access, disclosure, and purging of information contained within the University’s Personnel Files. These records are confidential and the property of the University. Records to be maintained in the Personnel Files include those relied upon to evaluate the employee for hire, promotion, demotion, performance, transfer, termination, or change in compensation.

II. DEFINITIONS

Academic Personnel File: The Personnel File records maintained collectively by the University’s Office of Academic Affairs (Academic Affairs) and Human Resources Department (Human Resources) for employees who are academic personnel as defined by UW Regulation 2-1.

Personnel File: The official Personnel File is the employment file containing job-related information relevant to the individual’s employment at the University, which may be maintained by Human Resources and Academic Affairs. Documentation may be retained on paper or electronically.

Public Information: Consistent with W.S. §16-4-203(d)(iii), public information is non-confidential employment information about current or former employees that sets forth the terms and conditions of employment and includes but is not limited to: employee name/status, department name, job title, start date, separation date, salary, offer of employment, contract, or agreement, job description/PDQ, and Settlement Records.

Personnel Record: Personnel Records include all documents contained in the employee’s Personnel File as well as any other additional job-related documentation related to the employee.

Settlement Records: Written records between parties to actual or potential litigation by which each party agrees to a resolution of the dispute.

III. POLICY

A. Custodian of Records

1. Human Resources is the custodian of records for an employee's official and primary Personnel File, except for academic personnel. Academic personnel records are managed and housed under Academic Affairs in conjunction with the University's electronic record keeping system(s). The records maintained by Academic Affairs and Human Resources collectively are considered the Academic Personnel File.
2. Secondary files housed in individual colleges, schools, divisions, or departments may be maintained as necessary for functional efficiency. These files may include copies of personnel-related records, such as letters of hire, contracts, annual reviews, and other similar documents or communications related to the terms and conditions of employment. However, the secondary files shall be maintained as confidential, and the college, school, division, or department is responsible for protecting the security of the information. These secondary files shall only be used by those administrators who are in the line of supervisory authority or by others with permission of Academic Affairs and/or Human Resources.
3. Nothing in this policy prohibits supervisors through the chain of command from maintaining written notes or records of an employee's performance separate from the Personnel File for the purpose of evaluating job performance. Employees shall not have access to these supervisor notes or records.

B. Contents of Personnel File

The Personnel File shall include the following, where applicable:

1. Recruiting and screening documents, such as the job application, resume, and references submitted by the applicant.
2. Employment agreements (e.g., contracts, non-compete agreements, confidentiality agreements, conflict of interest or conflict of commitment documentation, remote and flexible work arrangements) and signed acknowledgements of the Employee Handbook, Regulations, Rules, Policies and Procedures, and other similar documents as determined by Human Resources.
3. Letter or memo of job offer or job change (e.g., academic appointment details document, promotion letter, transfer letter, demotion letter, reclassification letter, exemption change letter, clock stop letter, tenure and

promotion letter, sabbatical letter, retention letter, reappointment letter, temporary assignment letter).

4. Employee status documentation (e.g., part-time, full-time, at-will, probationary, temporary, contract).
5. Job description and position description (e.g., posting advertisement, general job description, position description questionnaire).
6. Pay adjustment and compensation information (e.g., change in salary, individual compensation).
7. Education and training record (e.g., transcripts, certifications, institutionally required training).
8. Official commendation (e.g., letter of recognition, award).
9. Disciplinary notice and corrective action (e.g., warnings, reprimands, performance improvement plans, suspension, termination).
10. Performance evaluation and goal-setting records.
11. Resignation and termination record, including any final decision of an employment appeal, when applicable.
12. Other documentation as approved by the Associate Vice President for Human Resources and/or Provost and Executive Vice President.

C. Other Employment Records

Some Personnel Records are excluded from the official Personnel File by operation of law, regulation, or policy. Such records must be maintained in a separate confidential file. Among these are the following:

1. Medical or psychological information about an employee from any source, including but not limited to medical documentation received to support a disability accommodation request, Family Medical Leave Act (FMLA) documentation, medical provider documentation on employee work status, sick leave records, and other similar medical or psychological records.
2. Workplace assessments and investigations, including but not limited to notes, memos, assessments, and investigative reports.
3. Payroll records containing social security numbers, sociological data, or other protected information, including W-4s and garnishment orders.

4. Drug test and fingerprint results.
5. Letters of reference, reference checks, and background checks.
6. I-9 forms, E-Verify results, and copies of identification used as evidence of identity and work authorization.
7. Benefits and leave documentation and information, including but not limited to election and enrollment forms and absence records.
8. Settlement Records.
9. Termination appeal documentation, except for the final appeal decision.

D. Requests to View Personnel File

1. Current Employee Access to Personnel File

Employees have access to inspect and view their Personnel File. Reasonable notice must be provided to the Associate Vice President of Human Resources, Vice Provost for Faculty Affairs, or their designees. Proper identification by the employee is required to inspect their own Personnel File and will be done in the presence of a Human Resources or Academic Affairs representative. If an employee would like copies of documents in their Personnel File, the employee must submit a written request and authorization on a form designated by Human Resources. Copies may be subject to payment of a nominal and reasonable charge for retrieval and administrative costs. After receipt of the completed request form and payment of any applicable fees, Personnel File requests will generally be provided to the employee within 10 business days, or as soon as is reasonably possible.

2. Former Employee Access to Personnel File

Former employees who make a written request and submit authorization on a form designated by Human Resources shall be provided a copy of their Personnel File subject to the availability of the records and consistent with the University's retention schedule. Copies may be subject to payment of a nominal and reasonable charge for retrieval and administrative costs. After receipt of the completed request form and payment of any applicable fees, Personnel File requests will generally be provided to the former employee within 30 calendar days, or as soon as is reasonably possible.

3. Third Party Access to Personnel Files

While an employee Personnel File is generally considered confidential, there are some exceptions. A third party may be given access to an employee's Personnel File, but only if the third party provides a properly signed release by the employee. In this case, only the specific Personnel File documents noted in the signed release will be provided. Third parties may also request non-confidential personnel information, including employment contract, working agreement, or other documents setting forth the terms and conditions of an employee's employment by submitting a request for records pursuant to the Wyoming Public Records Act (W.S. §16-4-201 through 16-4-205). Release of Personnel File records may also be required pursuant to other legal processes, such as the subpoena process mentioned in paragraph 5 below.

4. Access by University Personnel

Supervisors within the chain of command shall be granted access to Personnel Files only on a need-to-know basis and in the course of performing their job functions in accordance with the Wyoming Public Records Act (W.S. § 16-4-201 through 205). Human Resources and Academic Affairs staff have access to Personnel Records and Personnel Files for purposes such as gathering summary data on personnel programs or systems, auditing the University's records and processes, to provide technical assistance at the request of other colleges, schools, divisions, or departments, or if such is reasonably necessary to fulfill the essential duties and responsibilities of their jobs. Personnel Records are considered confidential except those documents which are considered Public Information, and access by additional or other employees who have a job-related need-to-know may only be granted by Human Resources or Academic Affairs.

5. Subpoenas

Any summons or subpoena for a Personnel File shall be directed to the Office of General Counsel for review and to coordinate a response.

6. Reference Checks and Employment Verifications

Reference checks or inquiries made regarding current or former public employees can be released if the documentation is classified as Public Information, or if the subject of the records has signed and provided a valid consent and release form to Human Resources.

IV. ADDITIONS OR DELETIONS TO A PERSONNEL FILE

An employee may not alter or remove any record or document in their Personnel File. Any request by an employee to add or remove information from a Personnel File should be directed to the Associate Vice President of Human Resources. No document shall be added, deleted, removed, or altered without written approval of the Associate Vice President of Human Resources or designee.

V. RECORD RETENTION

Purging of employee personnel records will be handled according to the University's retention schedule.

Responsible Division/Unit: Division of Finance and Administration, Human Resources

Source: None

Links: <http://www.uwyo.edu/regs-policies>

Associated Regulations, Policies, and Forms: Authorization and Release of Confidential Personnel File Information; Authorization and Release to Provide Personnel File

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