Records Management Guidance

The following are general guidelines on maintaining personnel files and other types of employment records. Keep in mind that individual company practice may vary in accordance with the industry/type of business, benefit offerings, and HR programs and policies.

Employment Action	Types of Records/Documents Where are they maintained?
	Category 1 - Records that must be maintained for legal/regulatory reasons (retain in personnel files)

Selection/Hire (External Applicants /New Hires)	• Application
	• Resume
	• Personnel Requisition
	• Interview Process (e.g. documentation of the interview, assessment of candidates)
	• Reference Checks
	• Offer Worksheet
	• Offer Letter
	• Relocation documents (as appropriate)
	• Employment/employment-related contracts
	   ⇒ Confidentiality (non-disclosure) agreements
	   ⇒ Invention or nonpiracy covenants/agreements
	   ⇒ Noncompete covenents/agreements

Selection/Hire (Internal Applicants including both inter-department and inter-company transfers)	• Requests for Transfer • Personnel Requisition • Offer Worksheet (as appropriate) • Offer Letter (as appropriate) • Supporting Documentation • Relocation documents (as appropriate)
Compensation	Documents that support salary transactions as well as reclassifications and promotions • Documentation of any employment transactions affecting compensation with explanations (promotions, out of cycle increases, scheduled merit increases, etc) • Supporting documents and memoranda • Any salary change document accompanying annual merit increases • Incentive compensation plans for eligible employees
Performance Measurement	• Performance appraisals (and supporting documents) • Employee rebuttals (as applicable) • Letters of recognition • Performance improvement plan documentation and outcomes

Employment Action	Types of Records/Documents Where are they maintained?
	Category 1 - Records that must be maintained for legal/regulatory reasons (retain in personnel files)

Conduct	• Documentation of Management Action
	    ⇒ Documentation of Verbal Counselings
	    ⇒ Written Warnings
	    ⇒ Suspension
	    ⇒ Termination
	Note: See comments under *Employee Relations* file

Leaves of Action	• Request for Leave form • Forms documenting employee status changes See also Category 3 – Leaves of Absence/Medical Information

Termination	• Letter of Resignation
	• Notice of Layoff
	• Notice/Documentation of "for cause" termination
	• Separation Paperwork
	    ⇒ Separation/Security Clearance forms
	    ⇒ Manager's report or documentation of separation
	    ⇒ Any separation record/exit interview form completed by employee
	    ⇒ Notes from an exit interview/post termination interview
	    ⇒ Information with respect to unemployment claims may also be filed in the personnel file
	• Documentation related to severance packages, if applicable

Training records	• Documentation of attendance at training events (both internal and external) -- including Educational Assistance documentation

Employment Action	Types of Records/Documents Where are they maintained?
	Category 2 - Records that are generally required to be maintained by corporate policy or practice. They *can* be kept in a personnel file
New Hire Processing	• Drug Testing - Documentation of Drug Testing Process (if applicable) ⇒ Statement of Understanding ⇒ Chain of Custody • Acknowledgment of policies/procedures (examples can include) ⇒ Ethics Training ⇒ Receipt of Employee Handbook ⇒ Receipt of additional information received during new hire orientation • Security Information (as appropriate) ⇒ Badging ⇒ Clearance ⇒ Building Access
Employee Information Changes - Miscellaneous	• Documentation of employee changes whether personal (e.g., change of address), or organizational (e.g., change of status from part time to full time) • Employee Profile/Data Sheets
Benefits Information Includes information maintained for benefit administration	• New Hire Benefit Enrollment Forms • Benefit Change Forms • HMO Enrollment Forms • Annual Enrollment Change Form • Designation of Beneficiary • 401k/Pension Plan forms • Flexible spending account - Enrollment • Direct Deposit • Any other company benefit information such as Tuition/Educational Assistance or Candidate Referral Award ⇒ **Note:** Any applications for life or disability insurance should be maintained separately since they may contain detailed medical information. See Category 3.

Employment Action	Types of Records/Documents Where are they maintained?
	Category 3 - Records containing sensitive information. They should be kept in a file separate from the employee's personnel file

Leave of Absence/ Medical Information	• Documents in support of a Leave of Absence
	  ⇒ Any Request for Leave form/documentation **if it contains sensitive medical information** (e.g., under *Reason for Leave* employee states that spouse is terminally ill)
	  ⇒ doctor's notes containing diagnosis
	  ⇒ return to work documents
	  ⇒ correspondence with the employee during the period of leave
	• Documents relevant to disability claims (e.g., Long Term Disability or State Disability programs.)
	  ⇒ doctor's notes
	  ⇒ correspondence to and from third party administrator
	  ⇒ claim forms
	• Documents relevant to Worker's Compensation claims
	  ⇒ doctor's notes
	  ⇒ correspondence to and from third party administrator
	• FMLA Documentation
	  ⇒ Certificate from Health Care Provider
	  ⇒ correspondence with employee or health care provider verifying the need for FMLA leave
	• Verification of Illness or Injury (as appropriate)

Benefit Information	• Applications for Life Insurance • Applications for Long Term Disability **Rationale:** This information could contain detailed and sensitive medical information.

Employment Action	Types of Records/Documents Where are they maintained?
	Category 4 - Records that should **always** be maintained in a file **separate** from the official personnel file
Employee Relations Information Maintain separate file(s)	• *Investigation of ER issues* (e.g., complaints, grievances, incidents) ⇒ Documentation in support of the investigation should be maintained in the employee relations file and not in the individual personnel file. Only the outcome of the investigation (e.g., documentation of management actions such as written warnings, etc) should be placed in the official personnel file. • Referrals to the *Employee Assistance Program* (either management or mandatory referrals) – documentation that a referral to the EAP has taken place • Manager's memo to the file documenting an informal counseling held with an employee. • Verification of Illness or Injury (as appropriate)
Drug Test Results Maintain a separate file	• Drug Test Result Reports may contain a list of test results for a number of individuals. Therefore, they should not be filed in the personnel file. They should be retained as a separate set of records and kept in either a separate file or binder. • Documentation of the process may be kept in a personnel file
Equal Employment Opportunity Employee Information Form	Information allowing companies to collect race, ethnicity and sex data to compile and submit an annual report (EEO-1 report) on their entire employee population to agencies within the federal government. • This form contains the identification of the employee's race and sex. All race and sex information, including this form, should be kept separate from the personnel file. It is recommended that these forms be retained as a separate set of records either in file or binder.

Employment Action	Types of Records/Documents Where are they maintained?
	Category 4 - Records that should **always** be maintained in a file **separate** from the official personnel file

Invitation to Self Identify
 	
Government Contractors Only
 	
This is a regulatory requirement {60-741.42(b)} implementing Section 503 of the Rehabilitation Act of 1973 and {60-250.42(b)} implementing the Vietnam Era Veterans' Readjustment Assistance Act of 1974
	• This form contains the identification of the employee's disability or veteran's status. In addition to satisfying regulatory requirements, this information allows companies to compile and submit an annual report (VETS-100 report) on their employee population to the Department of Labor.
	
	• The Invitation to Self Identify should be kept separate from the personnel file. It is recommended that these forms be retained as a separate set of records and kept in either a separate file or binder.
	
	    • **Rationale:** The personnel file should not contain any information that directly identifies an individual's disability or veteran status. The only reference to disability or veteran status should be the coded information that appears on the personnel transaction form (PT-1)
	
	• ***Individuals with Disabilities***
	The Department of Labor's Office of Federal Contract Compliance Programs requires the maintenance of a separate file on persons who have self-identified. This file must be maintained separately from other Employee Relations issues since it must be provided to the agency upon request. In addition to the Invitation to Self Identify, this file can include:
	    ⇒ Requests for Disability Accommodation
	    ⇒ Disability Accommodation Record
	    ⇒ Documentation regarding the nature of the disability or medical condition
	A separate file **need not** be maintained on <u>each</u> individual who self identifies. Records on all individuals can be maintained in a common file (e.g., a binder) that can be available for inspection by the agency.