

## **GUIDELINES FOR MAINTAINING PERSONNEL FILES**

Proper personnel record keeping is a requirement for employers because it provides accessibility to accurate information on employee performance and work history. Some employee records are required by federal or state governments and must be retained. Organizing them by employee name makes retrieval easy.

Remember, everything that goes into the personnel file should be identifiable as to who created it (signed preferably) and when it was created. Documents that cannot be verified in this manner may prove to be useless or harmful in the event of a later dispute.

### **RECOMMENDED CONTENTS OF PERSONNEL FILES**

#### Employment

- Federal I-9 form\*
- Employee's original employment application and resume
- Employment offer letter
- Employment agency agreement if hired through an agency
- Handbook acknowledgment form showing receipt of Employee Handbook
- Copies of all official transcripts (if necessary)
- Copies of Professional Certifications (i.e. Completion of Ministry Formation Program, Certificate in Youth Ministry Studies)
- Education verification
- Emergency Contact Form

\*Completion of the I-9 form is mandated for every employee hired after November 6, 1986. Employers are required to log document numbers which prove the employee's identify and right to work in the United States. I-9 forms must be kept in a separate file for ease of retrieval since many government agencies are authorized to inspect I-9 forms. If you copy documentation provided by the employee, keep it with the completed I-9 form in the binder. I-9s must be retained for three years after start date or one year after termination date, whichever is the later date.

#### Payroll

- W-4 Form
- MI W-4
- City W-4
- Benefits enrollment forms
- Beneficiary designations
- Weekly time sheets (if applicable)
- Individual attendance record (if applicable)
- Authorization for release of private information such as employment or salary verification
- Authorization for all other payroll actions such as direct deposit form or garnishments

### Performance Evaluations

- New employee progress reports
- Performance evaluation forms
- Performance improvement plan records
- Summary of coaching sessions
- Corrective action letters
- Employee written warning notices
- Investigation summaries and supporting documents (where misconduct occurs)

### Training and Development

- Training history records
- Protecting God's Children training completion verification
- Training program applications/requests
- Training expense reimbursement records

### Wage/Salary Administration

- Job description – up to date
- Compensation history record
- Compensation recommendations such as promotion requests
- Notification of wage and/or salary increase/decrease

### Leaves of Absence (Non-Medical)

- Leave requests
- Official notice of leave approval/denial
- Documentation of return from leave

### Separation

- Exit interview form
- Record of documents given at time of separation including letter of resignation or termination and any severance information

### Other

- Include any other item that documents important events for the employee (e.g., compliments or commendations)

### **WHAT SHOULD NOT BE IN A PERSONNEL FILE**

- Prescreening application notes
- Employment interview notes
- Employment verification
- Reference check information obtained (including letters of reference)
- Pre-employment testing results

- All background check information for non-school employees is kept in a locked and secure cabinet in the parish. School employee background check information must be kept in a separate confidential file in a locked cabinet in the school.
- Medical Records - separate confidential file required under ADA
- Physician records of examination - separate confidential file required under ADA
- Investigation Records - when no substantiation is found for misconduct (a separate confidential file should be maintained to document that an investigation was completed and the conclusions from that investigation)
- Accusations of policy/legal violations - when no substantiation is found for misconduct, keep in a separate confidential file
- Arrest records – separate confidential file
- Unsupportable or undocumented opinions

### **SEPARATE MEDICAL FILES**

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Americans with Disabilities Act (ADA) require employers and health care providers to protect medical records as **confidential**, separate and apart from other business records. Therefore, medical information should not be retained in a personnel file. Examples of information about employees that should be placed in a protected medical file separate from the personnel file include but are not limited to:

- Any document that contains private medical information about the employee or the employee's family
- Doctor notes
- Claims for medical services
- Disability documents
- Forms for short term, long term or temporary leaves
- Return to work documents
- FMLA medical certification documents
- ADA information regarding reasonable accommodations
- Documents or correspondence related to reasonable accommodation and work restrictions
- Correspondence related to medical leaves and absences to the extent they contain medical information
- Transitional work agreements
- Worker's compensation records or correspondence
- Injury or illness reports
- OSHA injury and illness reports
- Any other form or document which contains private medical information for a specific employee

While physically separate from the official personnel file, the medical file may be stored in the same locked cabinet as an employee's official personnel file. The medical file may even be placed next to the official personnel file as long as there is a clear division between them and they can be accessed independently of each other.

## **ACCESS TO FILES**

Access to information about employees is strictly limited to staff who need access to employee information in order to do their jobs, such as the pastor, the employee's immediate supervisor, and the payroll administrator. Ensure that personnel files are stored in a secure location and are not left unattended even during business hours. When outside requests are received to provide verification of certain employment information, confirm only the information the employee has authorized in writing for release.

State of Michigan law permits employees the right to examine their personal employment records. This may require access to more records than just the official personnel file. This allows individuals the opportunity to confirm information in the file and identify any specific information which is believed to be incorrect. An employer may charge a reasonable fee for copies of all file contents. The employer usually has the right to control the time and location of reasonable requests for examination. The ownership of the personnel file and its contents rests with the employer who maintains it. An employee does not have the right to have access to employment references, background checks or certain other information in the file. Consult with the Diocese's Human Resources office if you have questions about release of specific contents from the personnel file.

## **RECORD RETENTION**

From the Diocese of Lansing Record Retention Policy

- Keep record of employee's name, title, and dates of employment forever.
- Keep background check release forms and any information tied to the background check of an employee the entire time they are actively employed and for six years after they no longer work for you.
- Keep personnel files of clergy and religious until the conclusion of the person's assignment or employment, then send to the Diocesan Archives.
- Keep personnel files of lay employees until five years beyond the conclusion of the person's employment, then you may destroy.
- Applications, resumes, and related job inquiries from persons **not** hired may be destroyed one year after the hire is made.