

Personnel Files – What Should Be In Them?

5/14/2016

Employee Name _____

Date of Hire _____

General Personnel File:

Who should have access? Employee, HR, Supervisor – need to know
What should be in it? Employment/Orientation Records, including:

- Resume (keep in medical/confidential file if it has protected information on it)
- Job descriptions, job requisitions and job postings
- Records relating to job offers, promotion, demotion, layoff
- Offer letter
- Confidentiality/ non-compete agreement
- Handbook acknowledgment (latest revision date _____)
- Emergency notification forms
- Attendance Records
- New Hire/Separation Checklists
- Rates of pay and other forms of compensation
- Drug testing policy acknowledgment
- Drug testing consent form
- Background check consent form
- Exit interview
- Letter of resignation
- Unemployment documents
- Signed Separation Agreements
- _____

Performance Records

- Performance evaluation forms
- Self-evaluations
- Relevant disciplinary warnings and performance improvement plans
- Letters of recognition and awards
- Termination records
- _____

Training Records

- _____ Required training/certification
- _____ Required training/certification
- General new-hire safety training checklist or acknowledgment
- _____ safety training
- Workplace Harassment Awareness Training acknowledgement

- Drug and Alcohol Awareness Training acknowledgement

Remove the following types of documents from employee personnel files:

Payroll Files:

Who should have access? Payroll Staff, HR, Auditing Agencies

What should be in it?

- W-4, state withholding forms, local tax forms
- Garnishments/Child Support Orders
- Records on which wage computations are based (*time cards* and piece work tickets, wage rate tables, *work and time schedules*, and records of additions to or deductions from wages)
- Wage deduction acknowledgements
- Documentation for the reasons for pay decisions (Lilly Ledbetter Act of 2009)
- Preserve records related to the payment of wages, wage rates, job evaluations, job descriptions, merit systems, seniority systems, description of practices or other matters describing or explaining the basis for payment of any wage differential to employees of the opposite sex in the same establishment and any other documentation that may be pertinent to a determination whether such differential is based on a factor other than sex)

Medical/Confidential File:

Who should have access? HR, Supervisor - needed for ADA, Government agencies conducting investigation relevant to medical issues

What should be in it?

- Any drug test or physical results
- Medical records, including anything that has protected information such as a date of birth, social security number, medical information, marital status, religious beliefs, etc. including:
 - Benefit enrollment forms, beneficiary forms, benefit claims, COBRA forms,
 - Leave of absence documentation (FMLA and non-FMLA), disability or WC documentation
 - Doctors notes, excuses, Return to Work orders, Accommodation Requests
 - Functional capacity evaluations (FCE)
 - EAP referrals
 - Reimbursement requests for medical expenses, health related information about an employee's family member
- Employment Application
- Interview notes and reference checks, degree verification
- Payroll records containing SSNs or other protected information, including W-4s and garnishments
- Requests for employment/payroll verification (obtaining a loan)
- Background check results, credit reports, including consumer-related credit information, personal and financial data (FCRA)
- Confidential records, including anything that has protected information such as a date of birth, social security number, marital status, religious beliefs
- Litigation documents

- Investigation records (although relevant disciplinary action, counseling or other direct communications are placed in the employee file)

I-9 Forms: (HR, Auditing agencies)

- Gather all I-9 Forms on file: Should have two files; 1 for current employees and 1 for terminated employees
- Current employees who have no I-9 Form on file are the highest priority – their eligibility to work must be verified as soon as possible.
- Any employee currently working for the company that was hired before November 6, 1986 is not required to have an I-9. However, all employees hired after that date and are still employed will need to be contacted and instructed to bring documentation from List A or Lists B and C of Form I-9.
- Set a due date to have these documents in by. If the employee fails to comply, either terminate their employment or place them on leave until they produce the documents required.
- Next, audit the completed forms to ensure they are filled out correctly. If there is a mistake, correct it with different colored ink and initial and date it. If it contains substantive errors, a new form may need to be completed.
- Be certain that you have a list of current employees and each are marked off the audit list.
- Be certain to shred the terminated employee I-9 Forms on a regular basis (1 year after the last day worked OR 3 years after their date of hire – whichever is longer)
- Mistakes on terminated employee I-9 documents must be corrected as well. Use a process similar to that above for current employees.

Notes:

Audit Completed by _____

Date _____