

# PERSONNEL FILES MAINTENANCE AASB EXECUTIVE ADMINISTRATOR'S WORKSHOP 2016

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## Overview and Update of Personnel Records

# Goals- Discuss:

- ❑ What should be kept in a personnel file?
- ❑ What items should be filed separately?
- ❑ Who should have access to files?
- ❑ How long should you retain records?
- ❑ What do you do if there is a breach of security?



# What records should be kept in a personnel file?

- ☐ Recruiting and screening documents: applications, resumes and transcripts
- ☐ Job descriptions
- ☐ Records relating to job offers, promotion, demotion, transfer, layoff, education and training records
- ☐ Performance evaluations and goal setting records



# More Items



- ☐ Letters of recognition
- ☐ Warnings, counseling and disciplinary notices
- ☐ Test documents used to make an employment decision.
- ☐ Documents related to departure from employment
- ☐ Termination records.
- ☐ Records relating to employment practices
- ☐ Pay and compensation information

# With consideration

- ❑ Complaints from customers and co-workers
- ❑ Notes regarding tardiness, attendance and other issues
- ❑ Exit interviews.

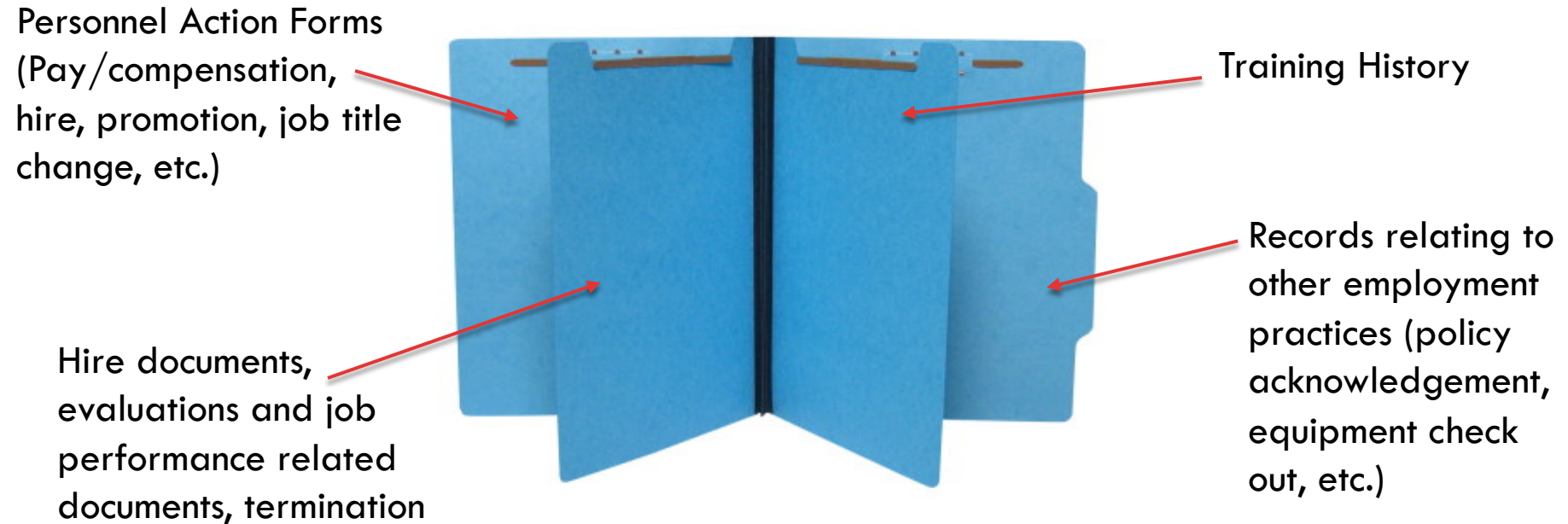


# File Construction



- ❑ You should begin a personnel file for each employee on the date of hire.
- ❑ The personnel file should not contain confidential protected personal information such as date of birth, medical information, marital status, religious beliefs, etc.

# Layout example

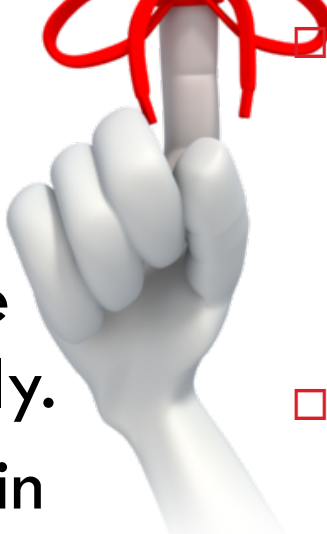


There should be only one personnel file maintained by human resources. Do not allow supervisors or managers to maintain a separate personnel file.





# Remember

- 
- ❑ Files may be viewed by the employee and others.
  - ❑ Certain items must be maintained separately.
  - ❑ Not everything goes in the personnel file.
  - ❑ Files must be kept secure and limited to those who have a legal right to them.
  - ❑ If the security is breached the employer has obligations.

# Information to Keep Separately

- ❑ Medical/Insurance information
  - ▣ Benefit enrollment forms, beneficiary forms, & claims.
  - ▣ Doctors notes
  - ▣ Post hire/medical questionnaire
  - ▣ Accommodation Requests



# Information to Keep Separately

## ❑ I-9 Folder

- ▣ One for current employee, one for termed employees
- ▣ Kept for 3 years after hire or 1 year after termination, whichever is later

## ❑ Payroll Records

- ▣ Includes voluntary and involuntary deductions



# Information to Keep Separately

- ❑ Background investigations and security checks
- ❑ Investigation materials involving employee complaints, witness interviews, employee interviews and findings. (although relevant disciplinary action, counseling or other direct communication are included in the personnel file).
- ❑ Child support/garnishments



# Information to Keep Separately

- ❑ Medical related information including:
  - ▣ Worker's compensation claims
  - ▣ FMLA/AFLA Records
- ❑ Requests for employment or payroll verification
  - ▣ Requests from creditors
  - ▣ Requests from Unemployment Insurance Division

# Makes you want to go paperless😊



# Managers and Supervisors



- ◉ Managers/supervisors may maintain notes and observations for all employees on a calendar or in a notebook , but no files on individual employees. If files are maintained, they are subject to the same regulations, including employee access and discovery for litigation, as the regular personnel file.
- ◉ Remind managers not to write derogatory handwritten notes on documents. Handwritten notes can become a part of the permanent record and, if negative, may be used in litigation.

**Who  
has  
access  
to  
which  
files?**

Type of file	Allowed Access
Personnel	Employee or authorized representative. Supervisors with need to know. Former employee. Human resources.
Medical/Confidential	Human resources. Supervisors as needed for reasonable accommodation. Government/legal agencies conducting investigation relevant to medical issues.
Payroll	Payroll staff. Human resources. Auditing/investigating agencies.
I-9	Human resources. Auditing/investigating agencies.



# Model Records Retention Schedule

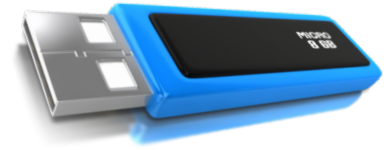
How long  
do we  
have to  
keep all  
this?!!

- ❑ School District Model is available from Alaska State Archives
- ❑ Current version dated January 2013
- ❑ Model is “only a guide, school districts...should consider adapting it...”
- ❑ Guidance?: 907-465-2275

# Retention Requirements from:

## Model Records Retention Schedule for Alaska School Districts

Record Description	Retention and Disposition
<b>Employee Personnel Records:</b> Everything including records of health limitations, training, leave records, emergency notification forms, pension, retirement, disability, and related correspondence and documentation.	<b>Retain 50 years after separation.</b>
<b>Employee Medical Records:</b> Medical evaluations, records of health or disability related to job assignments, first aid incident reports, WC documentation, etc.	<b>Retain 6 years after separation.</b>



# Retention

Record Description	Retention and Disposition
<b>Documentation of a school district employee's exposure to hazardous conditions. (OSHA)</b>	<b>Retain hazard exposure records 30 years after separation.</b>
<b>Criminal Background Check Records:</b> <b>Include pre-employment or periodic criminal record check made on prospective or current staff, faculty, and volunteers by school districts. May include a background and driver's license screening, reference check, APSIN/NCIC checks, and verification of academic standing. May include notices of not being hired due to outcome of a security check and rebuttal documentation.</b>	<b>Retain Official Record Copy 2 years.</b>

# Retention



Record Description	Retention and Disposition
<b>Drug Testing Records:</b> Results of testing of current and prospective employees for controlled substances and related documentation.	<b>Retain 5 years.</b>
<b>I-9's:</b> Including copies of certifying documents. Keep copies of all required updates.	<b>Retain 3 years after hire or 1 year after employee separation, whichever is longer.</b>
<b>Training Program Files</b> including class descriptions, enrollment, attendance and certificates of completion.	<b>Retain 3 years.</b>

# Retention



Record Description	Retention and Disposition
<b>FMLA/AFLA Files: basic payroll and employee data, dates of leave, dispute data, medical certifications, statement, and correspondence.</b>	<b>Retain 3 years.</b>
<b>Recruitment and selection records: Records that document the selection of a school district employee, including job announcements and descriptions, applications and resumes and position advertisement records.</b>	<b>Retain 2 years after hire.</b>  <b>(Remember the background check?)</b>
<b>Recruitment, selection and appointment of contracted service providers.</b>	<b>Retain 6 months.</b>

# Retention



Record Description	Retention and Disposition
<b>Employee Training Records: Hazardous/Toxic Substances &amp; Blood-Borne Pathogens:</b> Includes training material, attendance records, and correspondence.	<b>Retain 1 year after employee terminates or 3 years, whichever is longer.</b> (AS 18.60.066)
<b>Employee Benefit Records:</b> Records document school district individual employee benefit information. May include plan selection and application forms, enrollment records, contribution and deduction summaries, beneficiary information, COBRA or similar provision and related.	<b>Retain PERS enrollment records, Official Record Copy 75 years after date of hire.</b> <b>Retain all other records 3 years after employee separation or eligibility expired.</b>

# Off Site and Archives

- ❑ Essential Records & Continuity of Operations. Irreplaceable, essential/vital school district records must be protected in the event a fire, flood, earthquake, terrorist act or other calamity strikes. Essential records contain mission critical information essential to the continuity of operations or protection of the rights/interests of the school district or individual citizens. Districts should have all essential records identified and protocols in place to ensure that these documents are preserved.



# Alaska Personal Information Protection Act

## □ 45.48.010 – 090: Disclosure of breach of security

(a) If a covered person owns or licenses personal information in any form that includes personal information on a state resident, and a breach of the security of the information system that contains personal information occurs, the covered person shall, after discovering or being notified of the breach, disclose the breach to each state resident whose personal information was subject to the breach.





# Now What

- ❑ **Develop a personnel recordkeeping policy.**
- ⦿ Identify what personnel records to be maintained and how they will be filed.
- ⦿ Identify record formats available and decide on your storage formats.
- ⦿ Establish archive and destruction dates.
- ⦿ Arrange for record safe guarding.
- ⦿ Train personnel who have access to records.



# Now What

- ❑ **Ensure record retention:**
  - ⦿ Include a document preservation and storage plan in your policy and test the plan for adequacy.
  - ⦿ You are required to ensure the survival of the records in the event of fire or other disaster.
    - ▣ Off site storage and duplication
    - ▣ Electronic
  - ⦿ Keep a reference copy of the Model Records Retention Schedule for Alaska School Districts.



# Document Destruction

- ◉ Establish a schedule for reviewing, removing, and destroying records whose legally mandated retention period has expired.
- ◉ Destroy paper records by shredding and electronic records by destroying the disks.



# Careful . . .

- ❑ Retain documents that are relevant to anticipated, current or future **litigation**. When it is first realized that an employee may file legal action, the employer should immediately contact the agency's attorney to seek guidance and advice concerning records retention as it relates to that employee.
- ❑ Any regularly scheduled destruction of documents should be halted pending advice from legal counsel.
- ❑ This includes electronic documents and emails.



# Questions - Discussion



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