



Employee Recordkeeping:

Know Your Requirements

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Not tax or legal advice | Powered by **Mineral**

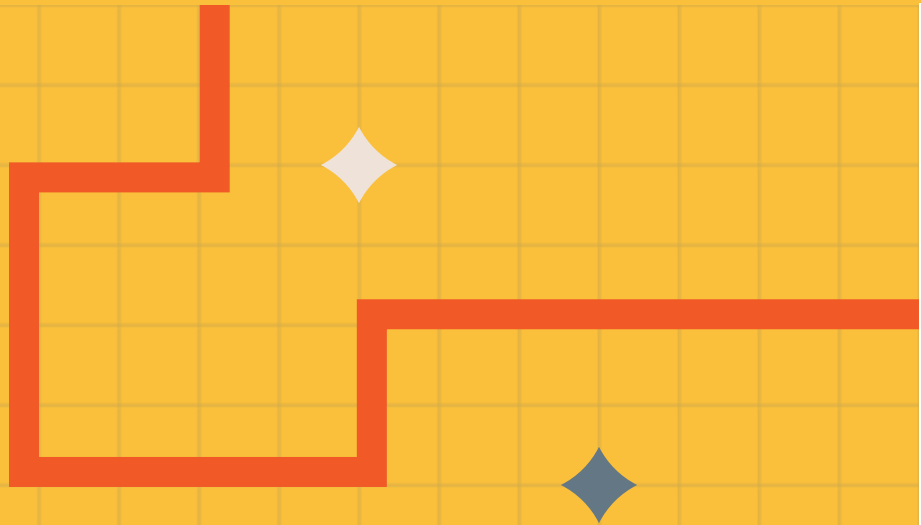


Welcome to the Webinar!



- We will email you the recording and slides within 24 hours.
- Please participate in our polls.
- Please use the Q&A box for questions.

Agenda



- File Types
- File Retention
- Storage Options
- File Access and Destruction

File Types



Basic Personnel File

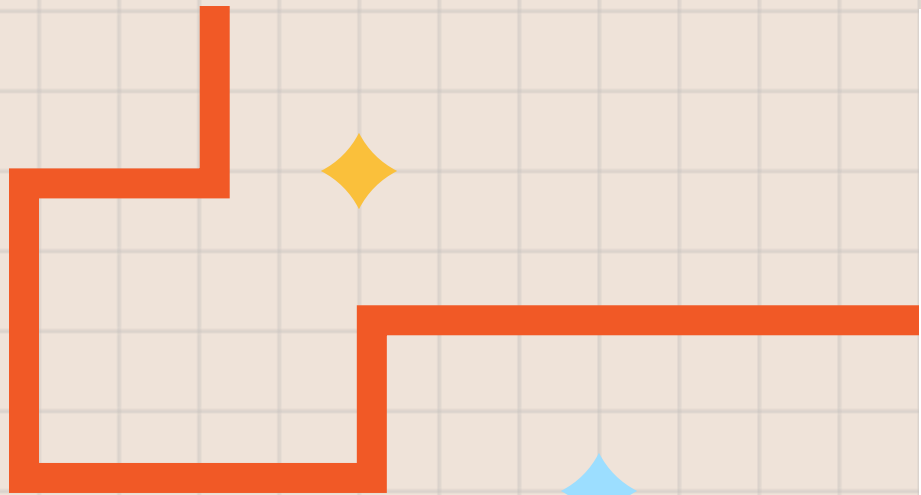
- Application, resume, and interview notes
- Signed job description and employment offer
- Signed handbook acknowledgement form
- Performance evaluations
- Status changes (position and pay changes)
- Training completion certificates
- Disciplinary documentation

Medical or Benefits File



- Insurance and medical enrollment forms
- Beneficiary designation forms
- Retirement plan enrollment documents
- Medical documents from temporary leaves of absence
- COBRA documents
- Family Medical Leave Act (FMLA) leave documents
- Pre-employment test results

Payroll File



- Form W-4
- Timesheets (if printed)
- Pay increase/decrease documentation
- Paid and unpaid time off records
- Wage garnishment documentation



Workers' Compensation Claims File

- One per injury
- First Report of Injury claim form
- Medical documents including doctor's notes and insurance information



Form I-9 File

- Store current employee and terminated employee files separately
- Alphabetize in a 3-ring binder

File Retention



Best Practices

- Maintain applications, resumes, and other records related to the refusal to hire for 1 year from decision date
- Maintain employee files for the length of employment plus 7 years after termination
 - Generally satisfies all retention requirements
 - Meets most states' statute of limitations on employment and contract claims





Form I-9 Retention

For as long as the employee works for you plus 3 years after the hire date, or 1 year after termination, whichever is later.

You hire an employee on Feb 14 and fire them a week later, on Feb 21:

- Feb 14, 2021 + 3 years = Feb 14, 2024
- Feb 21, 2021 + 1 year = Feb 21, 2022

Store their Form I-9 until the later of the two dates



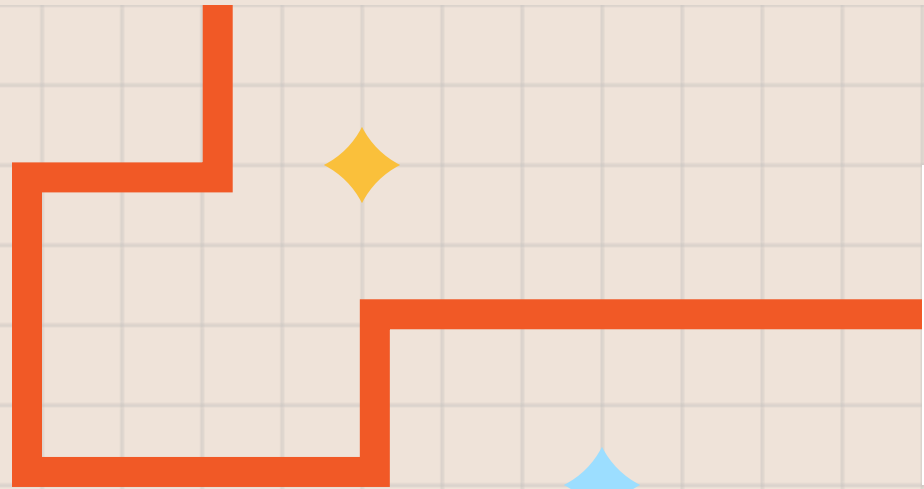


Other File Retention Periods

- Payroll Records: 3 years post-employment
- Tax information: 4 years from the date the tax is due or paid



Other File Retention Periods



- Benefits Information: 6 years after filing date
- FMLA Leave Information: 3 years from the last entry

OSHA-Mandated Retention Periods

- Safety and Injury Information: 5 years after record creation (non-toxic exposure)
- Medical Records You Collect, Including Vaccination Status: 30 years post-employment
- Injury Information (related to toxic substance exposure): 30 years post-employment

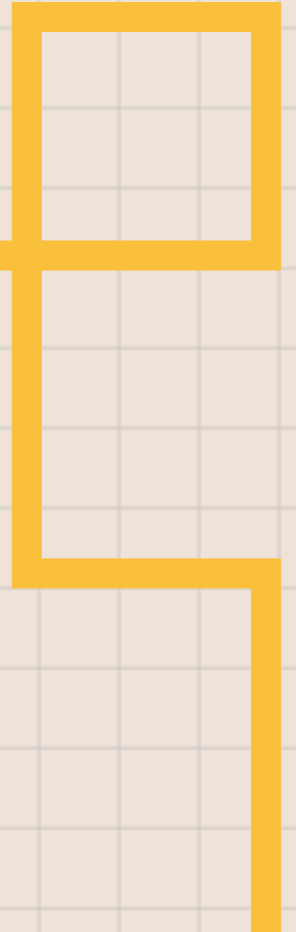




Poll Question

**How many
separate files do
you keep for
employees?**

Storage Options



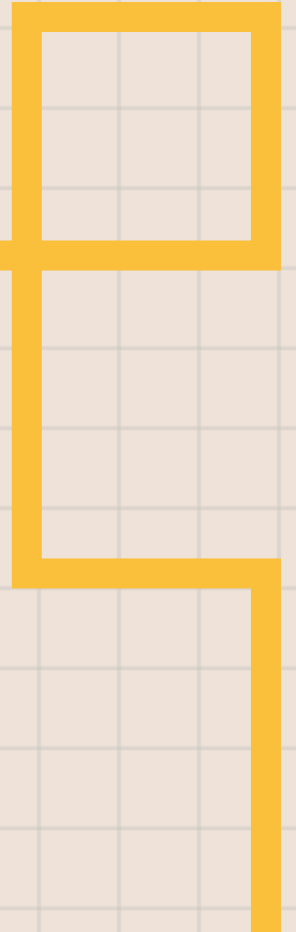
Paper Storage Considerations

- Security (locked cabinet in locked office)
- Disaster Recovery (fire-proof cabinets)
- File Access (don't make it too hard to get to them)
- Organization (newest first usually works best)

Electronic Storage Considerations

- Employees' requests
- Record accessibility
- Confidentiality
- Security controls
- Audit request
- Record management and destruction
- Signatures
- Electronic W-4 and I-9 Forms

File Access and Destruction





File Access

- No federal law requiring an employer to provide access
- Many states require that an employer provide an employee access to their file
- We recommend a company policy where state regulations don't exist
 - Why create this policy?
 - What to include?

Personnel Records Policy

What to Include:

- How to update personal information (e.g., address, phone number)
- Reasonable precautions are taken to protect employee information
- Files have restricted access
- How to request file access
- File review will take place in the presence of a supervisor, manager, or HR





File Access Tips

- Don't panic when access is requested
- Maintain good files
- Conduct exit interviews
- Seek additional guidance



Record Destruction



Employers must take reasonable measures when disposing of information that may be sensitive or confidential.

- If paper, a secure shredding service is great.
- If electronic, talk to your IT department or research best methods given your current storage situation.

Thank you!

