

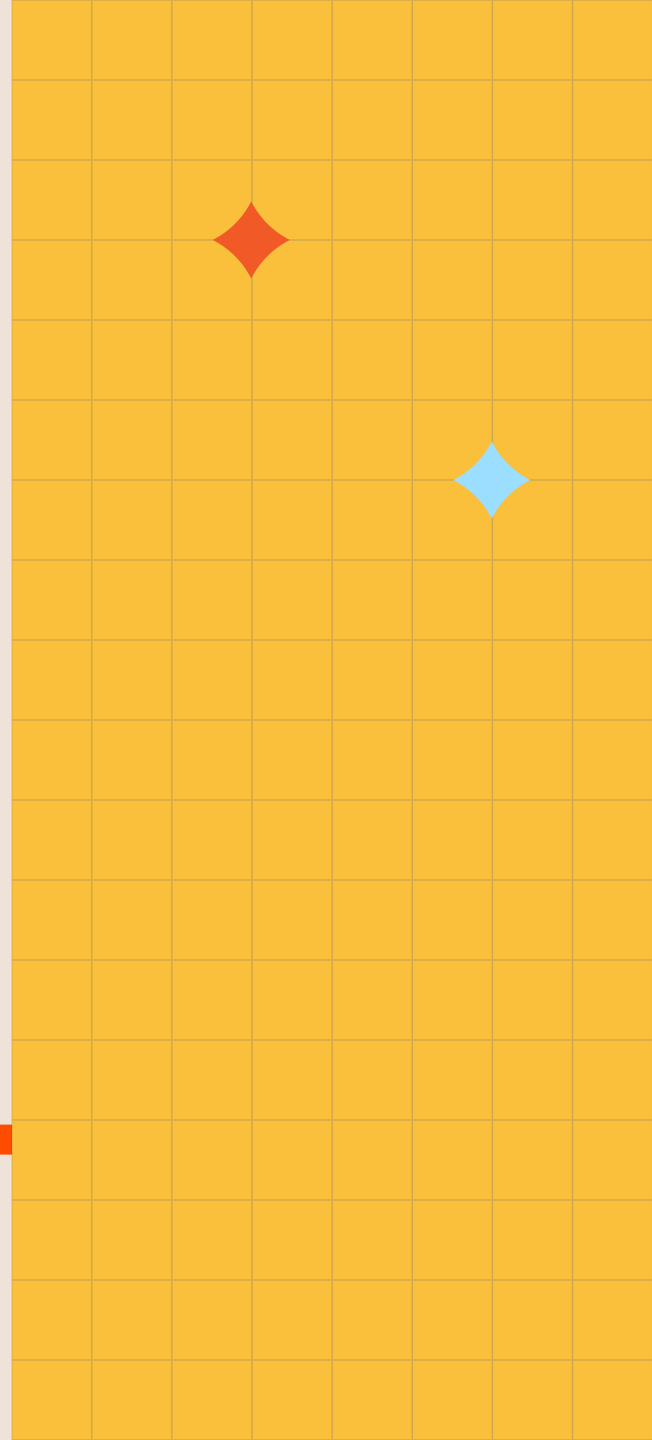
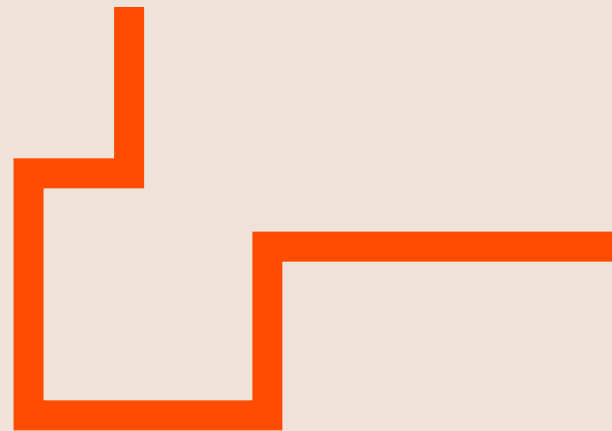


# Employee Recordkeeping:

Know Your Requirements

Presented by Marisa S., SPHR

August 17, 2023



# Welcome to the Webinar!

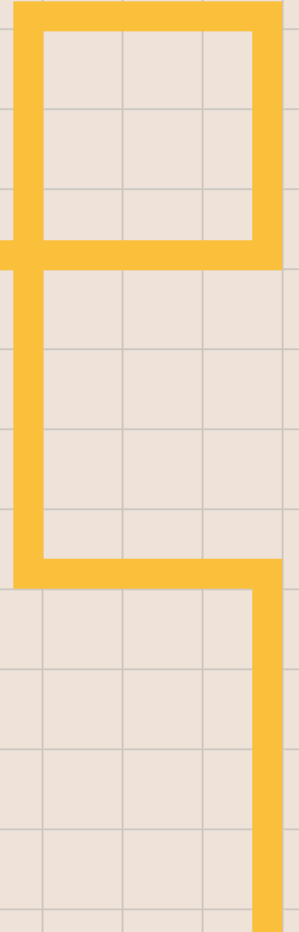
A woman with dark hair tied back, wearing a white lace top, is seated at a wooden table in a workshop, working on a laptop. A man with dark curly hair, wearing a bright yellow long-sleeved shirt, stands behind her, leaning over the table and looking at the laptop screen. The workshop has a brick wall in the background and various tools and materials on the table.

- We'll email the recording and slides within 24 hours
- We'd love your participation in the polls
- Please use the Q&A box for questions for Marisa

# Agenda

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

# Storage Methods





# Electronic Storage Considerations

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

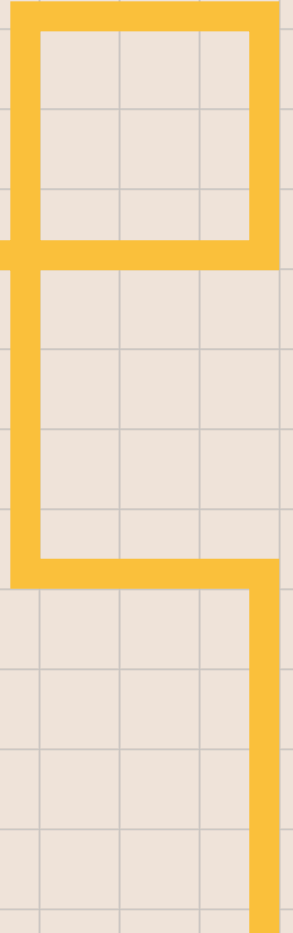


# Paper Storage Considerations



- 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)

# 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
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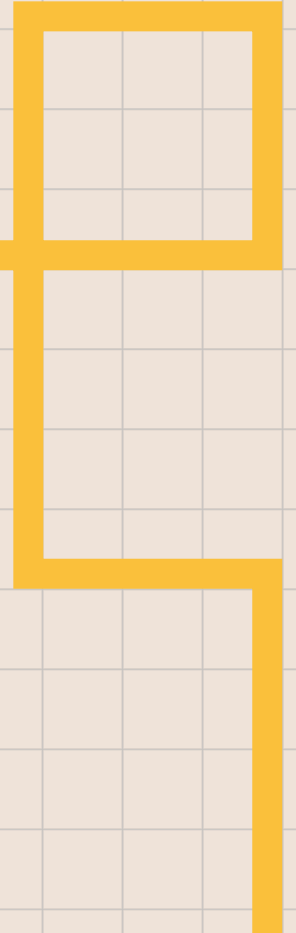


## Form I-9 File

- 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.

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

- Feb. 14, 2023 + 3 years = Feb. 14, 2026
- Feb. 21, 2023 + 1 year = Feb. 21, 2024

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
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- 



# Other File Retention Periods

A decorative orange line graphic that starts below the title, goes down, then right, then down again, then right, and finally down. It is accompanied by two diamond shapes: a light blue one above the second horizontal segment and an orange one below the third horizontal segment.

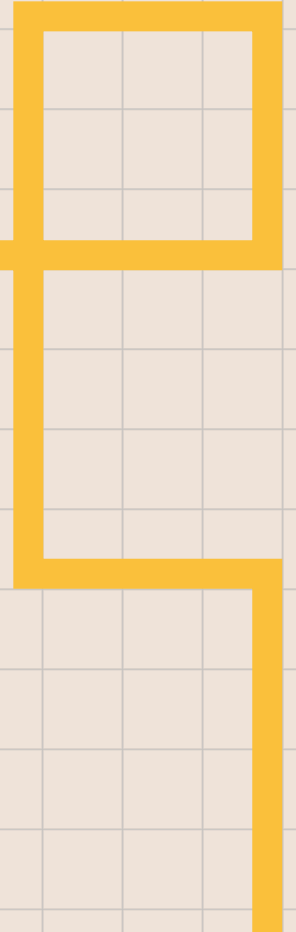
- Benefits Information: 6 years after filing date
- FMLA Leave Information: 3 years from the last entry

# 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



# 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?





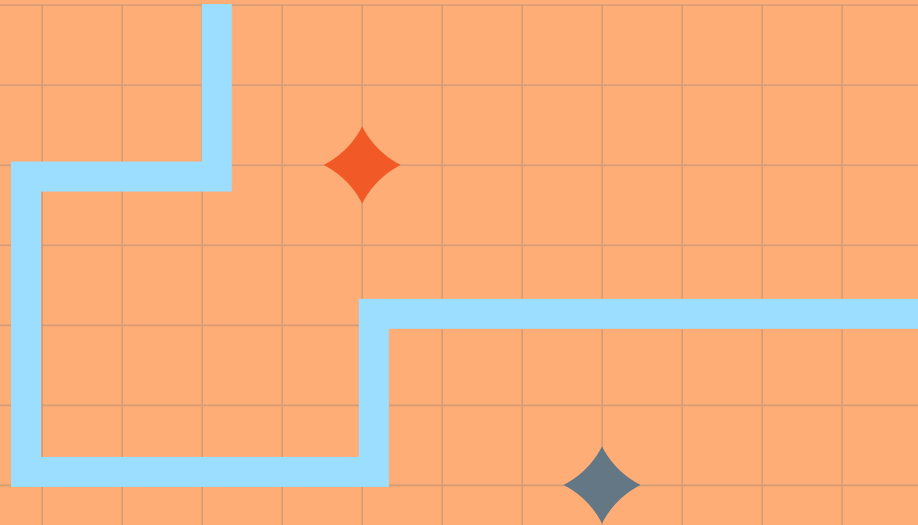
# Personnel Records Policy



## 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



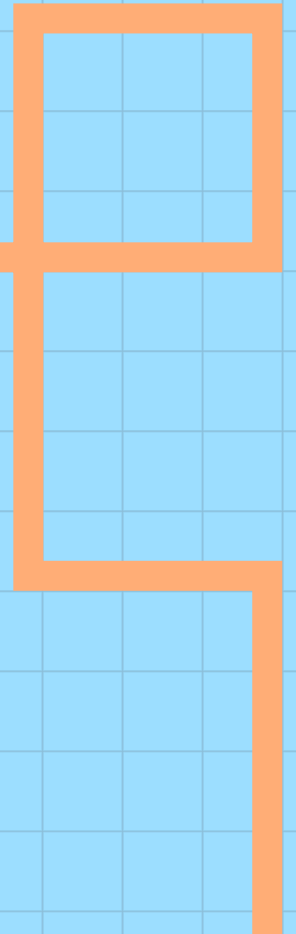
# Record Destruction



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

Q+A



# Thank you!

