

EMPLOYEE RECORD RETENTION

In addition to the record-keeping requirements of federal agencies, state and local jurisdictions must also be considered. Be sure to adopt record retention policies that follow legal requirements and address record destruction procedures and timetables.

**BELOW IS A BRIEF OVERVIEW OF
EMPLOYEE RECORD RETENTION.**



1 CREATE PERSONNEL FILES

A personnel file should be created for each employee and should include documents related to employment, such as:

- Certain hiring records (exclude criminal history, for example)
- Signed handbook acknowledgment
- Performance reviews
- Corrective action documentation
- Job description

2 SEPARATE CONFIDENTIAL RECORDS

Medical Records. Medical information should be kept in a separate, confidential medical file, including items such as:

- Medical leave
- Reasonable accommodations
- Doctor's notes
- Medical test results (e.g., drug testing results)
- Workers' compensation claims



Other Confidential Records. Documents with personal information related to a protected class, immigration status, criminal history, as well as investigations, should be kept confidential also.

Other confidential items include:

- Social security number
- Immigration status
- National origin
- Bank account information
- Criminal history
- Investigation reports



3 MAINTAIN SECURITY

Setting and following clear guidelines for securing personnel records goes a long way toward keeping employee information safe and demonstrating good faith practices in the event of a breach.



Physical records must be stored in a locked and secure location. Digital records must be protected with the latest electronic security features. In both cases, records should be periodically reviewed to ensure contents are current, accurate, and complete.



Records in the personnel file may be accessed for a variety of reasons, however, access should be restricted to those with a legitimate need to know. Share information only when it's appropriate and limit access to only what's necessary.



Many states also have statutory requirements that permit employees to review the contents of their personnel file. Even without this requirement, a company needs to have a policy regarding access to personnel files.



**FOR ADDITIONAL INFORMATION AND GUIDANCE,
PLEASE CONTACT YOUR FRANKADVICE HR CONSULTANT.**