



It's What We Do.

# Employee Recordkeeping, Reports & Personnel Files

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**Human Resources Elements**

**Hire ❖ Develop ❖ Retain**

# Recordkeeping, Reports & Personnel Files

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## Posting of Notices

Numerous state and federal laws require employers to post notices in the workplace in a location where they are accessible to employees. Failure to post such notices is itself a violation of the particular law.

### Federal Requirements

- **Combined Equal Employment Opportunity Poster.** This poster combines the required notices under the Civil Rights Act of 1964 (Title VII), Executive Order 11246, Age Discrimination in Employment Act (ADEA), Rehabilitation Act of 1973, and the Vietnam Era Veterans Readjustment Act, the Americans With Disabilities Act, and GINA—Genetic Information Nondiscrimination Act of 2008 (Title II). The combined poster is available from the nearest office of the EEOC.
- **Fair Labor Standards Act (FLSA).** Employers are required to post a Minimum Wage Compliance poster that can be obtained from the nearest Wage-Hour Area office.
- **Walsh-Healey, Davis-Bacon and Service Contract Acts.** These acts, which apply to employers with federal contracts, require the posting of a Notice to Employees. Employers covered by one or more of these Acts can obtain the appropriate Notice from the nearest Wage-Hour office.
- **Occupational Safety and Health Act (OSHA).** In addition to posting the summary of OSHA Form 200 each February, employers must also post an OSHA informational poster that is available from the nearest OSHA office.
- **Employee Polygraph Protection Act (EPPA).** Poster is required.
- **Family and Medical Leave Act of 1993 (FMLA).** Employers of 50 or more employees are required to post WH Publication #1420.
- **Employee Rights Under the National Labor Relations Act (NLRB).** The NLRB issued a final regulation in 2011, requiring all employers to post a workplace notice of employee rights under the National Labor Relations Act. This rule would have required posting as a matter of course not just after the NLRB is called in to handle a dispute. However, in 2012, a federal court held that the NLRB could not impose such a requirement. The NLRB decided not to appeal the decision. The poster is optional, but not required, for all employers.
- **Uniformed Service Employment & Reemployment Rights Act (USERRA).** All employers are required to post the notice “Your Rights Under USERRA.”



## State of Illinois Requirements

- Notice to Employers and Employees. Includes information regarding Minimum Wage/Overtime, Six Day Week Law, Wage Payment and Collection Act, and Child Labor Laws.
- Pregnancy Rights Notice. Includes information regarding an employer's obligation to accommodate pregnancy.
- Workers' Compensation Notice to Employees. Briefly explains employees' responsibilities if there's a work-related accident. Also has a place to list employer's insurance carrier or the person administering workers' compensation claims.
- Notice to Workers About Unemployment Compensation. Explains how to file a claim, benefit amounts, reporting of tips, and taxation of benefits.
- Choke-Saving. Must be posted in every food service facility in Illinois.
- Smoke Free Illinois Notice. Includes information regarding prohibition of smoking in public places and workplaces.
- Occupational Safety & Health – Public sector employees only. Includes information regarding workplace safety and health protections for public employees through enforcement of occupational safety and health standards and education about safe working conditions and occupational hazards.
- Day and Temporary Labor Services Act – Day and temporary labor service agencies only. Includes information on worker rights and protections and specifies the duties and responsibilities of day and temporary labor agencies and third party clients.
- Employee Classification Law (Construction Contractors) – Information regarding how workers under construction contractors are classified and regulations for those workers.

## State of Missouri Requirements

- Notice to Workers Concerning Unemployment Benefits: Explains unemployment benefit rights and claims (MODES – B- 2)
- Worker's Compensation Law: Explains rights under Missouri Division of Workers' Compensation. (WC-106)
- Discrimination in Employment: Explains non-discriminatory practices for hiring and employment. Required by the Missouri Commission on Human Rights. (MCHR-9)
- Missouri Minimum Wage Law: A summary of wage and hour laws including minimum wage (LS-52).
- Employer's Employing Workers Under the Age of 16 List : Required for employers who employ workers under the age of 16. (LS-43)
- Discrimination in Housing: Covered under the Missouri Human Rights Act (MCHR-6)
- Discrimination in Public Accommodations: Covered under the Missouri Human Rights Act (MCHR-7)



## Recordkeeping and Retention

Various employment-related laws impose specific recordkeeping and posting requirements. Those requirements that apply to the largest number of employers are summarized. Requirements that apply only to specific classes of employers or industries have generally not been included.

Furthermore, employers should check for specific requirements that may be imposed by virtue of government contracts to which the employer is a party. Finally, no attempt has been made to survey requirements that may be imposed by local governments.

### Personnel Records in General

All employers keep individual files on their employees. Government regulations require the keeping of certain data on each employee. These requirements are detailed in the following pages. In addition, employers collect a great deal of other information on employees, including employment applications, recommendation letters, performance evaluations, memoranda from supervisors, and insurance and medical information. We will consider an employer's obligations and potential liability in maintaining personnel files.

Title VII of the Civil Rights Act touches on almost every aspect of employment related functions and requires retention of all employment records pertaining to hiring, promotions, demotions, transfers, layoffs, terminations, training, etc., for at least one year from the date of the employment decision. Keep applications active for six months. Test papers for aptitude or other employment tests should also be retained for one year. Advertisements for recruiting employees and job orders to employment agencies should be retained for one year. (Note that other laws that may also be connected to these same documents generally have longer retention periods.)

Minimally, the following types of information should be maintained in the "personnel file." The Society for Human Resource Management suggests following a simple rule of thumb to determine whether a document should be placed in an employee's personnel file:

If a document cannot legally be relied upon as a basis for personnel decisions or would not be needed in deciding a promotion, wage increase, transfer, etc., the document should not be placed in the personnel file.



Some of the more common or typical types of documentation that should be included in the personnel file are as follows:

- Employment applications, resumes, and offer letters
- Basic employment data (e.g., tax forms)
- Job descriptions
- Signed agreements and receipts, such as employment contracts and employee agreements
- Employee status changes
- Pre-employment test documents used in making employment decisions
- Continuing education documentation, such as courses, conferences and tuition assistance request
- Awards, recognition letters and other achievements
- Performance evaluations
- Disciplinary notices
- Exit interview information
- Termination documentation

### **Employee Access to Records**

In general, there is no federal law requiring an employer to allow an employee to inspect or copy any of his or her employment records. However, Illinois has a Personnel Records Review Act in place that does guarantee an employee this right to review his/her file. The employer is only obligated by law to comply to requests twice a year.

In Illinois an employer who employs five or more employees must allow the employee to look at documents that have been, or are intended to be used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action.

An employer is also required to make available to an employee, or the employee's designated representative, medical reports pertaining to the employee, including reports of any employment physical examinations, hospital or laboratory tests, as well as any reports pertaining to employment-related injuries or illnesses.

Employees must make such requests in writing, and the employer may charge an equivalent cost for copies. For medical records, if a physician feels that disclosure of the medical reports directly to the employee would result in serious medical harm to the employee, the report may be withheld, but must be given to a physician designated by the employee. The employer must respond to the employee request within seven working days. If a violation of this act is not resolved by conference, conciliation or persuasion, the Fair Labor Standards Division may file suit in Circuit Court for the county in which the complaining employee resides.



The Americans With Disabilities Act (ADA) requires that all medical information be maintained on separate forms in separate medical files and stored in a locked filing cabinet. This information should be treated as a confidential record and strict limitations imposed concerning access to the file.

### **Use of Employment Records in Litigation**

Such records have no special legal privilege; like any other business records they can be (and are) obtained by government agencies, unions and individual employees during the course of litigation and arbitration. Also information not provided, but which should have been under the terms of this Act, shall not be used by the employer in a judicial or quasi-judicial proceeding. Thus, employers should be careful of the documents they maintain in personnel files.

In the event of employment-related litigation, properly maintained employment records can be invaluable in establishing the employer's position. Thus, a carefully documented history of poor attendance or careless work performance can establish an employer's right to discharge an employee should the discharge be challenged in court or by way of a grievance.

On the other hand, an employer who keeps gratuitous and unnecessary "smoking guns" can have the contents of a personnel file come back to haunt it in court. For example, a carelessly written memo contained in a personnel file which casually refers to an employee as "too old" or "over the hill" may hurt an employer defending an age discrimination case. Once litigation is commenced it is too late to take out such damaging statements; to do so would be destruction of evidence. The HR manager or other individual in charge of personnel records should be careful that no such "smoking guns" are placed in the files to begin with.

In maintaining personnel files that can stand up to judicial scrutiny (and aid an employer during litigation), certain areas should be given special attention:

- Employment application. Is this document limited to collecting just the information necessary to make an intelligent hiring decision, or does it contain questions that could be viewed as discriminatory?
- Interviewer's notes and supervisor's notes. Do these reflect a factual evaluation of the application or employee with reference to the job, or do they contain irrelevant and potentially embarrassing personal comments? References to an applicant's race, age or sex in an interviewer's notes, for instance, are rarely job-related, but may give rise to an inference that an employment decision was made on that basis.
- Performance evaluations. Do these require the supervisor to focus on the employee's actual job performance, or do they invite and contain irrelevant comments on an employee's race, age, sex, personal life or the evaluator's own personal biases?
- References. Does the reference limit itself to the facts, or does it engage in personal aspersions or commentary? An employer rarely needs to do any more than state the facts in a reference; personal opinions should be avoided. For





example, rather than state that an employee is "lazy" it is more than enough (and legally safer) for an employer simply to state the employee was absent or tardy on 15 of the 20 scheduled workdays prior to the discharge (if, in fact, that is the case). The company receiving the reference can draw its own conclusions from the facts.

- **Memoranda and witness statements.** When an employment decision (such as denying a promotion) is made, employers will sometimes document the decision in the personnel file. Sometimes, minutes or witness statements of key meetings are included. While such statements and notes can often be invaluable if litigation develops, the persons preparing such notes should be aware that the notes are often discoverable by the other side in litigation. Thus, a premium should be put on stating facts accurately and in keeping extraneous personal observations out.

## Privacy

Privacy is another consideration which employers should keep in mind when handling employment records. Illinois law recognizes a common law right to privacy. In general, employment (and especially medical) records should be kept in a secure filing system where they are available only to persons with a need to see them. Such records should not be casually available to anyone whose only interest is curiosity. An employer who allows personnel records to be too freely bandied about may find itself a defendant in a lawsuit for defamation or invasion of privacy. Although a defamation action can be defended if the information is shown to be true, truth is no defense to an invasion of privacy action. This is especially true of medical and insurance records that may disclose very sensitive, personal information about an individual and his or her family.

## Retention and Destruction of Records

Employment records should be retained for a number of years after an employee leaves the employment. Although in general government regulations do not require the retention of any employment records after six years, requests for references and other uses may make it advisable to maintain employment records for more than the bare minimum required by law.

Furthermore, some health records relating to the exposure of employees to workplace chemicals must be maintained for decades. In such cases it is wise to retain all of the employee's records indefinitely, since litigation over such exposure can arise years, and even decades, after the employment has ended.

The employer contemplating the destruction of obsolete personnel records should develop a records-retention policy specifying how long records are to be maintained and under what circumstances they are to be destroyed. Destruction of records should then be carried out in accordance with that policy. This procedure will afford the employer some protection should it subsequently be alleged that the employer destroyed records or evidence in order to hide liability in a lawsuit. Of course, discarded employment records should be burned or shredded, and not simply discarded in a manner that would allow them to fall into the wrong hands.



More detailed information on records retention follows. Recognize that these requirements may change from time to time. It is part of your responsibility to update your notes as laws and regulations change.

### **Wage and Hour Law**

The Fair Labor Standards Act (FLSA) and state laws require employers to keep the following records pertinent to wages, hours and employment status.

- **Records to be retained for three years.** Payroll records reflecting each employee's name, address, date of birth, occupation, rate of pay, number of hours worked, and earnings for each pay period must be maintained for a minimum of three years. Individual employment contracts, collective bargaining agreements, sales and purchase records must also be preserved for three years.
- **Records to be retained for two years.** Time cards, work schedules, and records of deductions and additions to wages for exempt workers must be preserved for two years.
- **Minors.** Employment certificates for employees under the age of 18 must be preserved for the duration of the employee's employment, and retained for three years. Agreements with minors as to wage rates must be in writing.

### **Equal Pay Act**

Any records explaining pay differentials between members of the opposite sex must be preserved for five years.

### **ERISA**

Under the Employee Retirement Income Security Act (ERISA) employers must retain for six years plan descriptions, annual reports and summary annual reports.

### **Health and Safety**

Under the Occupational Safety & Health Act (OSHA) employers with 11 or more full time employees must keep a log and records of occupational injuries or illnesses for five years. If employees are exposed to toxic substances or harmful physical agents, employee exposure records must be preserved for 30 years after the records are made, and employee medical records must be preserved for 30 years from the last date of employment.

The log of illnesses and injuries is kept on OSHA Form 300. Annually, the information in the log must be summarized and posted in a place accessible to employees. Employers with employees who are exposed to toxic substances, carcinogens, chemicals or equipment for which specific OSHA standards have been adopted should consult the applicable standard for additional record-keeping requirements.

### **Workers' Compensation**

The Illinois Workers' Compensation Act requires each employer to keep records on all injuries or occupational illnesses resulting in three or more days lost from work. These



records may be kept on the forms provided by the Illinois Industrial Commission for reporting injuries, occupational injuries and deaths. The appropriate forms can be obtained from any local office of the IC, but are usually provided and prepared by your insurance carrier.

### **Equal Employment Opportunity**

**Retention:** Title VII of the Civil Rights Act of 1964 requires that all employers with 15 or more employees retain all employment records pertaining to hiring, promotions, demotions, transfers, layoffs, terminations, training, etc., for at least three years after termination. Keep applications one year from the date of filling the position. Test papers for aptitude or other employment tests should also be retained for one year. Advertisements for recruiting employees and job orders to employment agencies should be retained for one year.

Although not required, you may want to consider maintaining “properly written” affirmative action programs **indefinitely**, subject to the government regulations or court orders. Currently, one year for subject contractors with fewer than 150 employees and less than \$150K in contractors, but two years for those meeting greater threshold is the norm. (Note: Current OFCCP proposals include extended record-retention provisions. Contact Hotline for latest information, or check out the Web at [www.dol.gov/dol/esa/public/ofccp\\_org.htm](http://www.dol.gov/dol/esa/public/ofccp_org.htm))

**Reporting:** Employers with 100 or more employees must file an EEO-1 report with the Equal Employment Opportunity Commission annually. Employers should retain a copy of the report **indefinitely**. Copies of the EEO-1 form can be obtained from the nearest office of the EEOC.

Records of complaints and action taken under the Rehabilitation Act of 1973 and the Vietnam Era Veteran's Readjustment Act of 1972 must be retained for **one year**. Federal contractors who are covered by the Rehabilitation Act of 1973 must keep records relating to the identity of handicapped employees; employment decisions taken with respect to handicapped employees; and records regarding complaints against the employer's affirmative action plan for **one year**.



## Overview of Immigration Law

In 1875, the U.S. Supreme Court determined that immigration issues were the responsibility of the federal government. As a result, the Chinese Exclusion Act of 1882 (repealed in 1943) and Alien Contract Labor Laws of 1885 and 1887 were the first immigration laws passed. Initially, the U.S. Treasury department enforced the legislation (due to a “head tax”). However, in 1891 (Immigration Act of 1891), a specific position--the Office of the Superintendent of Immigration—was created to provide enforcement. This position oversaw U.S. Immigrant Inspectors who were responsible for processing all immigrants seeking to enter the United States (Ellis Island opened in 1892 as the first federal immigration station).

In 1906, Congress passed the Basic Naturalization Act (of 1906), which outlined the basic rules still followed today. This law created consistency of procedures and formalized the Bureau of Immigration and Naturalization. During the early 1900’s, Congress sought to strengthen the immigration laws due to huge influx of immigrants.

Literacy requirements began in 1917 and passports were required beginning in 1918. National origins quota systems were established in 1921 and 1924. With the limitation on legal entries, the issue of illegal immigration surfaced. Executive Order 6166 (June 10, 1933) united the Bureaus of Immigration and Naturalization into the Immigration and Naturalization Service (INS). In 1940, the INS moved from the Department of Labor to the Department of Justice.

The Immigration and Nationality Act of 1952 codified all of the previous legislation in to one immigration law. Amendments were designed to address specific issues such as political refugees and family members.

In 1965, Congress replaced the national origins quota system with a preference system designed to attract specific immigrants to the United States. The IRCA of 1986 was the first major piece of INS legislation to hold employers responsible for employing illegal aliens.

The Immigration Act of 1990 (November 29, 1990) provided for additional employer responsibilities. They include the anti-discrimination provision (limited acceptance of identification) and fraud provisions.

In 1997, the Illegal Immigration Reform and Immigrant Responsibility Act was passed which was intended to reduce the number and types of acceptable I-9 documents. It should be noted that this overview mentions just a few of the numerous immigration laws passed in the United States since 1875.

Ultimately, the evolution of immigration law has most impacted employers through the IRCA, IIRIRA, and Immigration Act (of 1990) provisions.



In August 15, 2012, President Barack Obama implemented the Deferred Action Law. This new law does not grant an immigrant citizenship. It provides a temporary 2-year work visa for undocumented workers who are under 30 years old and who came to the U.S. before they were 16 years old. They must either be high school graduate or have served in the United States military.

## I-9 Requirements

In recent years, Congress has worked to reform our nation's immigration laws. These reforms, the result of a bipartisan effort, preserve our tradition of legal immigration while closing the door to illegal entry. The employer sanctions provisions, found at Section 274A of the Immigration and Nationality Law, were added by the Immigration Reform and Control Act of 1986 (IRCA). These provisions further changed with the passage of the Immigration Act of 1990. References to "the Act" (or "the Law") refer to the Immigration and Nationality Law, as amended.

To comply with the IRCA requirements, you must verify the identity and employment eligibility of anyone you hire, and complete and retain a Form I-9 like the one included here. In addition, the law obliges you not to discriminate against individuals on the basis of national origin or citizenship, or to require more or different documents from a particular individual.

The Form I-9 was developed for verifying that persons are eligible to work in the United States. You should have completed a Form I-9 for everyone you have hired after November 6, 1986. The law requires you as an employer to:

- Ensure that your employees fill out Section 1 of the Form I-9 when they start to work;
- Review document(s) establishing each employee's identity and eligibility to work;
- Properly complete Section 2 of the Form I-9;
- Retain the form I-9 for 3 years after the date the person begins work or 1 year after the person's employment is terminated, **whichever is later**; and
- Make the Form I-9 available for inspection to an officer of the Immigration and Naturalization Service (INS), the Department of Labor (DOL), or the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) upon request. You will be given at least 3 days advance notice.

**NOTE:** This does not preclude the INS, the DOL, or the OSC from obtaining warrants based on probable cause for entry onto the premises of suspected violators without advance notice.



You **DO NOT** need to complete a Form I-9 for:

- Persons hired before November 7, 1986, who are continuing in their employment and have a reasonable expectation of employment at all times;
- Persons who are independent contractors; or
- Persons who provide labor to you who are employed by a contractor providing contract services (e.g. employee leasing).

**NOTE:** You cannot contract for the labor of an alien if you know the alien is not authorized to work in the United States.



## Access to Personnel Files

Often, the initial response to a request concerning access to personnel records is simply to decide whether employees can have access or not. The issue is much more complex. First, there are a number of state laws and some federal laws governing the rule. Employers must permit employees to inspect their own medical records under regulations issued pursuant to the Occupational Safety and Health act. Federal agencies are required to allow individuals to examine, copy, and request correction of information in the agencies' records pursuant to the Federal Privacy Act. Finally, Illinois has the Personnel Records Review Act governing access to employee files.

Moreover, many persons in addition to the employee may seek access to the file. For instance, fellow employees, government agencies, parties to a lawsuit, former spouses and other family members, or creditors may want to obtain information from your personnel files.

Following is a checklist of things to consider:

- **Compliance with applicable law.** You should consult with your legal counsel to find out what laws apply to your organization with respect to access to personnel files. If you are a multi-state employer, you may want to adopt a policy for each jurisdiction or you may want to adopt a uniform policy that complies with all the applicable laws.
- **Notice of access rights.** OSHA requires you to inform employees of their right to gain access to their records.
- **Compliance with union contract.** If part, or all, of your workforce is unionized, be sure the language of the bargaining agreement is in agreement with the governing state laws.

**Employee access.** You should set forth any limitations under which employees may have access to their personnel files. You should also take care to define "personnel files" as used within your organization. For example, does it include notes maintained by a supervisor that have not yet been filed? Does it include notes of an investigation of employee wrongdoing that you do not intend to file in the personnel file? Does it include time cards, medical records, insurance records, or workers' compensation claims? Does it include results of a reference check?

**Legal definition of personnel records.** In consultation with your attorney, find out if there is a peculiar definition under applicable law as to what is a personnel file. As an example, OSHA refers to medical records and has a rather broad definition of medical records. If you are taking an approach to provide only the information that is required by law, then you will want a very narrow definition of "a personnel record."

**Correction of personnel records.** Once you permit employee access to the personnel files, you will find that some employees will request to add material or make corrections



to the information they find in it. The Illinois law allows employees to add information to their files.

**Access by fellow employees.** Normally, you will want to forbid access by any employee who has no legitimate business need for the information. Otherwise, you and your company may be subject to a claim for invasion of privacy.

**Access by supervisors.** Just as with fellow employees, you should provide that a supervisor might gain access to a personnel file only if there is a business reason for doing so. As an example, when the employee is transferred from one department to another, the new supervisor is certainly entitled to review the file. On the other hand, the supervisor who has no business relationship with the employee and no business reason to know the information contained in the file should not be granted access. A good business practice is to allow need-to-know supervisors to look at the necessary files within the confines of the Human Resources Department.

**Access by creditors.** Normally, you will not permit creditors to access your personnel files. However, if a creditor has obtained a judgement against an employee and has correctly initiated garnishment procedures, the forms you have to fill out and return to the creditor and the court usually require information from the personnel file.

**Access by plaintiffs in lawsuits.** If an employee has sued someone, that defendant may want access to the employee's personnel file. Typically, the plaintiff will want to obtain information about the employee that may help to defend the lawsuit. To protect your interests, you may require a subpoena or a signed notarized statement from the employee allowing access.

**Access by the government.** One of the most common requests from the government for information from a personnel file is with a respect to a garnishment for child support by a state agency. Again, as with a garnishment by creditors, some of the information you supply will come from the personnel file.

Another common cause for a government request is a report by you that the employee has committed a criminal act. The law enforcement agency investigating is likely to want access to the personnel file. Similarly, the law enforcement agency investigating your employee with respect to a crime that is unrelated to your business may want access to the personnel file. At the very least, your policy ought to provide that before you give any information to someone claiming to be a law-enforcement official, you determine that s/he is in fact a police officer on official business.

**Copying charge.** If you permit employees to have a copy of their records, you may want to pass that cost along to them. Note that the Illinois law prohibits charging extra fees for the cost of labor, etc.

**Time of access.** Typically, you will want to restrict access to a set schedule such as certain times during normal business operating hours. Also, all files should be reviewed within the Human Resource Department, and should be supervised.





**Number of times an employee may have access.** Normally, employees will not be seeking access so often as to pose a problem. However, there are always the exceptions. Accordingly, you should place a restriction on the number of times an employee may have access, but must grant access at least twice a year in Illinois.

**Access by employee's representative.** Some laws may permit a representative of an employee, such as an attorney, to gain access. To ensure that the person truly is a designated representative, the employer should require written authorization from the employee. Except as required by law, you may want to decline to allow access to an employee's representative. Also be sure to pull any disciplinary action from the files that is over four years old.

**Access by former employees.** At times, former employees will want access to their personnel records. The Illinois law grants an ex-employee up to one year to access personnel files. If it is difficult to gain access to records because they are in storage, you may want to pass on any hard costs of retrieval to the employee requesting access.

**Maintaining integrity of records.** On occasion, employees request access to the personnel files in order to remove information from them. As an example, an employee may want to remove a negative performance review. To avoid such circumstances, access should be permitted only under continual supervision, and nothing should be allowed to be taken out of the files.

**Coordination with other policies.** Access to personnel files should be consistent with other policies. If you have a policy that you respect the privacy of the employee, you should not place material in your personnel files that invades the privacy of the individual and you should allow access to the file only for a business reason.



## BUSINESS RECORDS RETENTION SCHEDULE

Have you ever wondered how long your business should store records from past years?  
The answers are below:

	Retention Period		Retention Period
Accident reports and claims (settled)	7 yrs	Journals	Perm
Accounts payable ledgers	7 yrs	Minute books of directors and Stockholders, incl. By-Laws	Perm
Accounts receivable ledgers	7 yrs	Notes receivable ledgers	7 yrs
Audit reports of accountants	Perm	Option records (expired)	7 yrs
Bank reconciliations	1 yrs	Payroll records and summaries	7 yrs
Capital stock and bond records	Perm	Pedy cash vouchers	3 yrs
Cash books	Perm	Physical inventory tags	3yrs
Charts of Accounts	Perm	Plant cost ledgers	7 yrs
Check (cancelled, routine)	7 yrs	Property appraisals	Perm
Check (cancelled, important)	Perm	Property records	Perm
Contracts and leases (expired)	7 yrs	Purchase orders	1 yrs
Contracts and leases in effect	Perm	Purchase orders (purchasing dept. copy)	7 yr
Correspondence (general)	3 yrs	Receiving sheets	1 yr
Correspondence (legal matters)	Perm	Requisitions	1 yr
Deeds, mortgages, bills of sales	Perm	Sales records	7 yrs
Depreciation schedules	Perm	Savings bond records	3 yrs
Duplicate deposit slips	1 yrs	Scrap and salvage records	7 yrs
Employee personnel records (terminated)	7 yrs	Stenographer's notebooks	1 yr
Employment applications	3 yrs	Stock and bond certificates (cancelled)	7 yrs
Expense analyses and dist. Schedules	7 yrs	Stockroom withdrawal forms	1 yr
Financial statements	Perm	Subsidiary ledgers	7 yrs
General and private ledgers	Perm	Tax returns & worksheets	Perm
Insurance policies (expired)	3 yrs	Time books	7 yrs
Insurance records, claims, policies	Perm	Trade mark registrations	Perm
Internal audit reports	3 yrs	Voucher register & schedules	7 yrs
Inventories	7 yrs	Computer records, backup of all business records	Perm
Invoices to customers	7 yrs		
Invoices from vendors	7 yrs		
Vouchers for payments to vendors & employees	7 yrs		

Source: Office of the Federal Register  
(Keep as reference)



**KEY FOR “JANE DOE’S PERSONNEL RECORDS” FILING EXERCISE**

	<b>Report</b>	<b>Correct Folder</b>
1	Absence report about Jane Doe	
2	Accident report for which Jane Doe fell	
3	Applicant interview summary for Jane Doe	
4	Applicant rejection letter for someone not hired	
5	Jane’s arithmetic test for selection	
6	Authorization to release medical information for Jane Doe	
7	COBRA letter to terminating employee	
8	Confidentiality agreement	
9	Bowling score card for company tournament	
10	Disciplinary warning notice	
11	Employee exit interview	
12	Employee health record	
13	Employee performance improvement plan	
14	Employee transfer request	
15	Employment application from Jane Doe	
16	Job offer letter	
17	Policy handbook acknowledgement	
18	Expense report	
19	Funeral leave request	
20	General non-compete agreement	
21	Grievance form	
22	Illinois withholding allowance worksheet	
23	List of medications Jane is taking	
24	Job description	
25	Leave/return from leave request	
26	Letter of commendation from customer	
27	Medical testing authorization	
28	Newspaper ad about job that Jane applied for	
29	Notice of termination due to absence	
30	Overtime authorization	
31	Payroll change notice for Jane Doe	
32	Performance evaluation	
33	Jane’s request for her own parking spot (if no reserved parking here)	
34	Request to inspect personnel file	
35	Resolution: signing bonus for job offer	
36	Resume for Jane Doe	
37	Retirement checklist	
38	Suspension without pay notice	
39	Weekly time record	
40	I-9 Form for Jane Doe	
41	Request from the lawyer of Jane’s ex-husband to verify Jane’s income	
42	Name change to Jane Jubilant	
43	Doctor’s excuse for absence describing her temporary disease	
44	Drug testing results for Jane Doe	
45	Applicant interview summary of someone not hired	



**RECORDS RETENTION EXERCISE**

<b>Document</b>	<b>Law</b>	<b>Retention Period</b>
Payroll Records (name, address, DOB, occupation, rate of pay, hours worked & earnings for each pay period)		
<b>Employment Contracts</b>	<b>FLSA</b>	
Collective Bargaining Agreements	FLSA	
Nonexempt: Time cards	FLSA	
Nonexempt: Weekly OT	FLSA	
Nonexempt: Deductions per pay period	FLSA	
Exempt: Records showing amount of work accomplished	FLSA	
Exempt: Wage rate tables	FLSA	
Exempt: Records showing deductions & additions to wage	FLSA	
Minors – employment certificates	FLSA	
Records showing differences between male & female pay		
Log of occupational injuries or illnesses		
Employment records (hiring, promotions, demotions, transfers, layoffs, terminations, training)		
Applications		
EEO-1 Report (100 employees or more)		
All documents associated with FMLA leave		





**Employment Eligibility Verification**  
**Department of Homeland Security**  
 U.S. Citizenship and Immigration Services

**USCIS**  
**Form I-9**  
 OMB No. 1615-0047  
 Expires 10/31/2022

▶ **START HERE: Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.**

**ANTI-DISCRIMINATION NOTICE:** It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

**Section 1. Employee Information and Attestation** *(Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)*

Last Name <i>(Family Name)</i>		First Name <i>(Given Name)</i>		Middle Initial	Other Last Names Used <i>(if any)</i>	
Address <i>(Street Number and Name)</i>			Apt. Number	City or Town		State ZIP Code
Date of Birth <i>(mm/dd/yyyy)</i>	U.S. Social Security Number □□□□ - □□ - □□□□		Employee's E-mail Address		Employee's Telephone Number	

**I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.**

**I attest, under penalty of perjury, that I am (check one of the following boxes):**

<input type="checkbox"/> 1. A citizen of the United States	
<input type="checkbox"/> 2. A noncitizen national of the United States <i>(See instructions)</i>	
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____	
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. <i>(See instructions)</i>	
<p><i>Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.</i></p> <p>1. Alien Registration Number/USCIS Number: _____  <b>OR</b>          2. Form I-94 Admission Number: _____  <b>OR</b>          3. Foreign Passport Number: _____          Country of Issuance: _____</p>	
QR Code - Section 1 Do Not Write In This Space	

Signature of Employee	Today's Date <i>(mm/dd/yyyy)</i>
-----------------------	----------------------------------

**Preparer and/or Translator Certification (check one):**  
 I did not use a preparer or translator.     A preparer(s) and/or translator(s) assisted the employee in completing Section 1.  
*(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)*

**I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.**

Signature of Preparer or Translator		Today's Date <i>(mm/dd/yyyy)</i>	
Last Name <i>(Family Name)</i>		First Name <i>(Given Name)</i>	
Address <i>(Street Number and Name)</i>		City or Town	State ZIP Code

**STOP**    *Employer Completes Next Page*    **STOP**



**Employment Eligibility Verification**  
**Department of Homeland Security**  
 U.S. Citizenship and Immigration Services

**USCIS**  
**Form I-9**  
 OMB No. 1615-0047  
 Expires 10/31/2022

**Section 2. Employer or Authorized Representative Review and Verification**

*(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")*

<b>Employee Info from Section 1</b>	Last Name (Family Name)	First Name (Given Name)	M.I.	Citizenship/Immigration Status
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List A Identity and Employment Authorization	OR	List B Identity	AND	List C Employment Authorization
Document Title		Document Title		Document Title
Issuing Authority		Issuing Authority		Issuing Authority
Document Number		Document Number		Document Number
Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)		Expiration Date (if any) (mm/dd/yyyy)
Document Title		Additional Information		QR Code - Sections 2 & 3 Do Not Write In This Space
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				
Document Title				
Issuing Authority				
Document Number				
Expiration Date (if any) (mm/dd/yyyy)				

**Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.**

**The employee's first day of employment (mm/dd/yyyy):** \_\_\_\_\_ **(See instructions for exemptions)**

Signature of Employer or Authorized Representative		Today's Date (mm/dd/yyyy)	Title of Employer or Authorized Representative	
Last Name of Employer or Authorized Representative	First Name of Employer or Authorized Representative		Employer's Business or Organization Name	
Employer's Business or Organization Address (Street Number and Name)		City or Town	State	ZIP Code

**Section 3. Reverification and Rehires** *(To be completed and signed by employer or authorized representative.)*

<b>A. New Name (if applicable)</b>			<b>B. Date of Rehire (if applicable)</b>	
Last Name (Family Name)	First Name (Given Name)	Middle Initial	Date (mm/dd/yyyy)	

**C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.**

Document Title	Document Number	Expiration Date (if any) (mm/dd/yyyy)
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**I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.**

Signature of Employer or Authorized Representative	Today's Date (mm/dd/yyyy)	Name of Employer or Authorized Representative
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## LISTS OF ACCEPTABLE DOCUMENTS

### All documents must be UNEXPIRED

Employees may present one selection from List A  
or a combination of one selection from List B and one selection from List C.

<b>LIST A</b> <b>Documents that Establish Both Identity and Employment Authorization</b>	OR	<b>LIST B</b> <b>Documents that Establish Identity</b>	AND	<b>LIST C</b> <b>Documents that Establish Employment Authorization</b>
<ol style="list-style-type: none"> <li>1. U.S. Passport or U.S. Passport Card</li> <li>2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)</li> <li>3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa</li> <li>4. Employment Authorization Document that contains a photograph (Form I-766)</li> <li>5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status:               <ol style="list-style-type: none"> <li>a. Foreign passport; and</li> <li>b. Form I-94 or Form I-94A that has the following:                   <ol style="list-style-type: none"> <li>(1) The same name as the passport; and</li> <li>(2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.</li> </ol> </li> </ol> </li> <li>6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI</li> </ol>		<ol style="list-style-type: none"> <li>1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</li> <li>2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address</li> <li>3. School ID card with a photograph</li> <li>4. Voter's registration card</li> <li>5. U.S. Military card or draft record</li> <li>6. Military dependent's ID card</li> <li>7. U.S. Coast Guard Merchant Mariner Card</li> <li>8. Native American tribal document</li> <li>9. Driver's license issued by a Canadian government authority</li> <li style="text-align: center;"><b>For persons under age 18 who are unable to present a document listed above:</b></li> <li>10. School record or report card</li> <li>11. Clinic, doctor, or hospital record</li> <li>12. Day-care or nursery school record</li> </ol>		<ol style="list-style-type: none"> <li>1. A Social Security Account Number card, unless the card includes one of the following restrictions:               <ol style="list-style-type: none"> <li>(1) NOT VALID FOR EMPLOYMENT</li> <li>(2) VALID FOR WORK ONLY WITH INS AUTHORIZATION</li> <li>(3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION</li> </ol> </li> <li>2. Certification of report of birth issued by the Department of State (Forms DS-1350, FS-545, FS-240)</li> <li>3. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal</li> <li>4. Native American tribal document</li> <li>5. U.S. Citizen ID Card (Form I-197)</li> <li>6. Identification Card for Use of Resident Citizen in the United States (Form I-179)</li> <li>7. Employment authorization document issued by the Department of Homeland Security</li> </ol>

**Examples of many of these documents appear in the Handbook for Employers (M-274).**

**Refer to the instructions for more information about acceptable receipts.**

## I-9 NEW HIRE EXERCISE

### ***New Hire 1: Jane Doe***

Start Date: December 1, 2020

### **Completed Paperwork with this information:**

Address: 221 Love My New Job Lane, Peoria, IL 61635

SSN: 222-22-2222

Birthdate: N/A

Phone: 222-222-2222

Email: [jdoe@email.com](mailto:jdoe@email.com)

### **Documents Submitted:**

Illinois State Driver's License, #2222222, Expires 11/21/2021

Social Security Card, 222-22-2222





## I-9 NEW HIRE EXERCISE

### ***New Hire 2: Bob Dylan***

Start Date: December 15, 2020

### **Completed Paperwork with this information:**

Address: 221 What's Up Road, Peoria, IL 61635

SSN: 444-44-4444

Phone: 444-444-4444

Birthdate: 04/21/1971

Email: [bdoe@email.com](mailto:bdoe@email.com)

### **Documents Submitted:**

Permanent Resident Card, #44444444, Expires 11/21/2022

Social Security Card, 4444-44-4444



## **I-9 NEW HIRE EXERCISE**

### ***New Hire 3: George Down***

Start Date: November 28, 2018

#### **Completed Paperwork with this information:**

Address: 221 This is Fun Road, Peoria, IL 61635

SSN: 555-55-5555

Phone: 555-555-5555

Birthdate: 3/03/2000

Email: [gdown@email.com](mailto:gdown@email.com)

#### **Documents Submitted:**

Illinois State Driver's License, #55555, Expires 11/21/2020

School ID, Lindenwood University, #5555555, Expires 1/10/2019



***New Hire 4: Sara Sprocket***

Start Date: November 29, 2020

**Completed Paperwork with this information:**

Address: 221 Work is Great Lane, Peoria, IL 61635

SSN: 666-66-7766

Phone: 666-666-6666

Birthdate: 12/12/1989

Email: [sdown@email.com](mailto:sdown@email.com)

**Documents Submitted:**

Social security card, #666-66-6666

Birth certificate, State of Missouri



***New Hire 5: Gary Brackett***

Start Date: January 31, 2021

**Completed Paperwork with this information:**

Address: 550 Clinton Drive, Kansas, IL 61635

SSN: 123-45-6789

Phone: 614-558-6521

Birthdate: 03/12/1977

Email: None

**Documents Submitted:**

US Passport, #0123456789, exp 01/21/21

Voter registration card

Illegible SS card



Membership



Talent Acquisition



HR Consulting



Background Checks



Training



Organizational Development

