

## SUGGESTIONS ON HOW TO MAINTAIN YOUR FILES

### PAPER STORAGE OF I-9 FORMS

We suggest you keep I-9 forms in a file separate and apart from your personnel files. The reason is simple. Many government agencies are authorized to inspect your I-9 forms if they visit your work location. If you have them in your personnel files, the government gets to go through your personnel files. Anything they find there can raise additional questions or issues. In a separate I-9 file, you have the ability to hand the inspecting agent one file folder with all your I-9 forms.

### RECOMMENDED CONTENTS OF MEDICAL FILES

The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires employers and health care providers to protect medical records as confidential, separate and apart from other business records. That means you may no longer retain medical information in a personnel file. Here are some examples of information you should extract from your personnel files and place in separately protected files as medical information:

- Health insurance application form
- Life insurance application form
- Request for medical leave of absence regardless of reason
- Personal accident reports
- Workers' compensation report of injury or illness
- OSHA injury and illness reports
- Any other form or document which contains private medical information for a specific employee.

### Genetic Information Nondiscrimination Act ("GINA")

This new Act prohibits employment discrimination on the basis of an employee's genetic information. It also restricts employers from requesting or acquiring genetic information from its employees and imposes confidentiality requirements regarding this type of information.

- Must keep genetic information about employees in medical file separate from employee's personnel file.

## RECOMMENDED CONTENTS OF PERSONNEL FILES

### Employment

- Request for application
- Employee's original employment application
- Prescreening application notes
- College recruiting interview report form
- Employment interview report form
- Education verification
- Employment verification
- Other background verification
- Rejection letter
- Employment offer letter
- Employment agency agreement if hired through an agency
- Employee Handbook acknowledgment form showing receipt of Handbook
- Checklist from new employee orientation showing subjects covered
- Transfer requests
- Relocation offer records
- Relocation report
- Security clearance status

### Payroll

- W-4 Form
- Weekly time sheets
- Individual attendance record
- Pay advance request record
- Garnishment orders and records
- Authorization for release of private information
- Authorization for all other payroll actions

### Performance Appraisals

- New employee progress reports
- Performance appraisal forms
- Performance improvement plan records

### Training and Development

- Training history records (anti harassment/ anti discrimination, job specific training, etc).
- Training program applications/requests
- Training evaluation forms
- In-house training notification letters
- Training expense reimbursement records

### Employee Separations

- Exit interview form
- Final employee performance appraisal
- Exit interviewer's comment form
- Record of documents given with final paycheck
- Termination Notice (Tennessee Department of Labor Form)
- Any requests for Unemployment Benefits and accompanying responses/ appeals

### Benefits

- Emergency Contact Form
- Medical/Dental/Vision coverage waiver/drop form
- Vacation accrual/taken form
- Request for non-medical leave of absence
- Retirement application
- Payroll deduction authorizations
- COBRA notification/election
- Hazardous substance notification and or reports
- Tuition reimbursement application and or payment records
- Employer concession and or discount authorization
- Annual benefits statement acknowledgment
- Safety training/meeting attendance/summary forms

### Wage/Salary Administration

- Job description form
- Job analysis questionnaire
- Payroll authorization form
- Fair Labor Standards Act exemption test
- Compensation history record
- Compensation recommendations
- Notification of wage and or salary increase/decrease

### Employee Relations

- Report of coaching/counseling session/ disciplinary notices
- Employee Assistance Program consent form (unless for health related purposes such as alcohol or drug abuse which should be kept in employee's medical file)
- Commendations