



## ***PERSONNEL FILES - THE BASICS***

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SIMPLE STEPS TO PERSONNEL FILE COMPLIANCE &  
GOOD RECORD KEEPING PRACTICES

**According to the Society for Human Resource Managers (SHRM):**  
“HR Consulting is the practice of delivering all aspects of human resource management as an external provider, and with the professional and business issues associated with operating such a practice – including client development, contracts and client management.”



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Keeping up with employment regulations (as quickly as they change) AND running your business cost-effectively may feel like competing priorities at times. Falling out of compliance is easy to do and can happen in the blink of an eye. You may ask yourself “As long as I have the requisite policies in place and I treat my employees in a fair, non-discriminatory manner, who cares about my employee files?” Well...identity thieves, the Department of Labor, US Immigration Control and Enforcement Agents, OSHA – just to name a few.

In business, not much is more sensitive, confidential AND frustrating than dealing with your employees; mistakes can be costly in more ways than one –Equal Employment Opportunity claims continue to rise no matter how “informed” of a society we become. No employer sets out to intentionally disadvantage employees or applicants, but mistakes are often made because we’re moving at an incredible pace every day. Companies consistently do more with less merely to keep their head above ground. And, even with the best of technology, we still have paper – applications, tax forms, employment eligibility forms, benefit enrollment forms, resumes, accident reports, and on and on...

In the “good old days” of Personnel Departments, everything went into one Personnel File. Files would be inches thick and we never got rid of anything – who knew when you might need to know what deductions Johnny had authorized in 1964. (If we did get rid of anything, it went right in the trash can – no shredders in those days – less identity theft way back then also.)

Later, the Immigration Reform and Control Act of 1986 was enacted to reduce the employment of illegal aliens. All types of document support came with this form – specifically documentation that may indicate an employee’s national origin and race (protected classes). From the best of my recollection, that was the start of separating documents into different areas. Next came the Health Insurance Portability and Accountability Act of 1996 (HIPAA.) With this came the new phrase “protected health information” and the birth of the second “medical” file. This file should include any and all information about an employee’s (including dependents) medical/health information AS WELL AS benefit enrollment forms.



Let's look at a simple and basic way to get your employee files back under control while minimizing your risk and exposure to unnecessary charges. In short, an employer should have AT LEAST three (3) sets of records for an employee: the traditional personnel file, the medical file and the Company's I-9 file. The checklist that follows is a guideline you may use to audit your own personnel files. The list is in no way comprehensive – but you should be able to group related items into one or more of these categories. A few important things to remember:

- You have a duty to protect your employees' personal information paying attention to social security numbers, dates of birth and personal health information
- Access to personnel files should be on a "need to know" basis
- Files should be kept secure with limited access; medical files should be maintained in a separate file area with even less access
- I-9s should be kept separate from personnel and medical files but may be kept as one Company file
- "Old" information should be shredded, not thrown away – especially if it contains any information that could identify the employee it is associated with
- When in doubt, err on the side of caution – ask yourself if you would want the particular document or piece of information revealed about you personally – and treat it with that same respect



## THE “TRADITIONAL” FILE

- Employment application and résumé
- Reference checks
- College transcripts
- Job descriptions
- Records relating to THE JOB: hiring, promotion, demotion, transfer, layoff, rates of pay and other forms of compensation, and education and training records
- Records relating to employment practices
- Letters of recognition
- Disciplinary notices or documents
- Performance evaluations
- Test documents used in an employment decision
- Exit interviews
- Termination records



## THE “MEDICAL” FILE

- Medical/insurance records
- Physical/drug screen results
- Doctor’s Notes
- FMLA certification requests/approvals

## THE “SOMEPLACE ELSE” FILE

- I-9 form
- Safety training records
- Child support/garnishments
- Litigation documents
- Workers’ compensation claims
- Requests for employment/payroll verification



Hopefully, these lists will enable you to make the best decision about the paper in your personnel files. Take the time to audit your files on a regular basis to make sure you are in compliance with your local law as well as your Company record retention policies. It simply isn't possible to be an expert in every area of your business – find the right expert to partner with you: those that are successful in their own businesses and those that want to see YOUR success right alongside their own! Please contact us if we can provide further information about personnel files and or Human Resource audits to help grow and protect your business.

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## **KAREN A. YOUNG, SPHR, SHRM-SCP** **FOUNDER & PRESIDENT** **HR RESOLUTIONS**

*Delivering fun, humorous, and extremely informative presentations, Karen is an excellent choice for motivating both HR professionals and “accidental HR” managers or business owners.*

### **KEY TOPICS**

**Human Resources**

**People Management**

**Team Building**

As the founder and president of HR Resolutions, Karen Young delivers a refreshing approach to HR consulting – helping professionals and businesses successfully manage their human resources by creating a drama-free HR environment. Karen presents engaging seminars that help attendees walk away with actionable next-steps for improving their workplace.

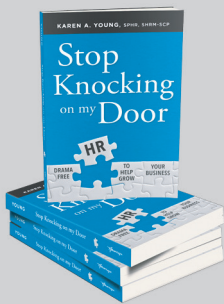
Working within HR often presents its professionals with delicate situations and difficult decision-making. However, Karen strongly believes HR can be just as fun and rewarding provided your department has the right tools & knowledge to handle the day-to-day challenges that arise when operating a growing business.

Leveraging her extensive industry experience of over 25 years and drawing upon her book, *Stop Knocking on My Door*, Karen helps HR professionals navigate these challenges that inevitably come with hiring, training, workplace culture, performance evaluations, terminations, regulations and more. By sharing her passion for all things HR, she helps audiences recognize the importance of their job and how a refreshed perspective and unified plan can make all the difference.

With a reputation of delivering fun, humorous, and extremely informative presentations, Karen is an excellent choice for motivating HR professionals and teaching them the tools necessary to manage a successful workplace environment. Karen’s seminars are ideal if you are a small business owner, a staff member with “accidental HR” responsibilities or challenges, or a manager or supervisor interested in staying up-to-date on the latest HR issues.

**“I have had the pleasure of attending several presentations led by Karen Young. Karen’s ability to deliver a top notch program starts with her deep knowledge and years of experience as an HR Professional. Karen’s HR expertise and “real world” experiences allow her to quickly and easily connect with her audience. Karen stays on target with her message reinforcing key learning points which can be quickly implemented in the workplace.”**

*— Andy Sholly, PHR Chapter President HRP Professionals of Central PA*



*Stop Knocking on My Door* reveals effective HR systems and practices that will reduce the interruptions you experience throughout the workday, resulting in employees who are happy, safe, and productive. Reduce incidents, disruptions, and turnover while increasing your bottom line by understanding the importance of, defining expectations, job descriptions, staying out of employment regulatory purgatory, improving morale, and recognizing the significance of HR in companies of ALL sizes. Available on Amazon.com and other online retailers. Bulk rates are available for corporate events and workshops.

**HIRE KAREN FOR YOUR NEXT EVENT. CONTACT US AT [KAREN@HRRESOLUTIONS.COM](mailto:karen@hrresolutions.com)**

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