

EMPLOYEE RECORDS: FILING CHECKLIST

PURPOSE AND OVERVIEW

It is vital to have correct use and completion of new employee forms in compliance with state and federal regulations and employer's personnel policies. Periodic review of personnel file contents should not be overseen. Every time a new employee begins work with your business, complete a New Employee Orientation to get them off on the right track. Use the following checklist of forms to help you.

* = Documents required by law.

Form or Document	File Location	Comments	Done?
Employment application, job resume (if applicable)	Personnel file		<input type="checkbox"/>
Job reference checks, recommendation letters	Personnel file		<input type="checkbox"/>
Copy of original job description	Personnel file		<input type="checkbox"/>
Personal data information and changes (e.g. name, address, education level)	Personnel file		<input type="checkbox"/>
Recruitment records – writing samples, advertising records, rating sheets, additional job supplemental questionnaires, college transcripts, exam scores, etc. (if applicable)	Personnel file	These records can be placed in a Recruitment File (if one is available)	<input type="checkbox"/>
New employee orientation checklist	Personnel file		<input type="checkbox"/>
Acknowledgement of Employee Handbook (if handbook is available)	Personnel file	Be sure to allow the employee ample time to read the Employee Handbook before they sign this form	<input type="checkbox"/>
Employee confidential history	Personnel file		<input type="checkbox"/>
Performance reviews	Personnel file		<input type="checkbox"/>
Health and retirement benefit records	Personnel file		<input type="checkbox"/>
Documentation related to salary increases and promotions	Personnel file		<input type="checkbox"/>
Documentation related to disciplinary action	Personnel file		<input type="checkbox"/>
Trainings/class completion certificates or documents i.e. sexual harassment training, conflict resolution course, first aid, CPR, etc.	Personnel file		<input type="checkbox"/>
Report of New Employee(s) form	Personnel file	Some states require all employers to report information on newly hired employees to the state Registry. All employees must be reported, regardless of age, wages, work schedule, temporary status, or discontinue of their employment before the specified deadline.	<input type="checkbox"/>
Everything relating to employee's medical history	Medical / Injury file		<input type="checkbox"/>
OSHA records (if applicable)	Medical / Injury file		<input type="checkbox"/>



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COBRA records (if applicable)	Medical / Injury file	Usually, the benefits administrator maintains such records, however based on the business size, employers may need to maintain copies or originals of such records as well.	<input type="checkbox"/>
FMLA records (if applicable)	Medical / Injury file		<input type="checkbox"/>
Workers' Compensation claim records	Medical / Injury file	Personnel records for any employee who is injured while on the job	<input type="checkbox"/>
Injury reports, medical reports	Medical / Injury file		<input type="checkbox"/>
Vacation records	Payroll records file		<input type="checkbox"/>
Sick time records	Payroll records file		<input type="checkbox"/>
Time-off records – leave accrual and usage records, employee leave records	Payroll records file		<input type="checkbox"/>
Records of additions to or deductions from wages	Payroll records file		<input type="checkbox"/>
Authorization for extra hours/overtime documentation	Payroll records file		<input type="checkbox"/>
Authorization for compensating time off	Payroll records file		<input type="checkbox"/>
Time cards - records of hours worked	Payroll records file		<input type="checkbox"/>
Work schedules	Payroll records file		<input type="checkbox"/>
W 4 forms*	Payroll records file	Required by law to have employees fill this form.	<input type="checkbox"/>
W 2 forms	Payroll records file		<input type="checkbox"/>
Withholding and deduction documentation	Payroll records file		<input type="checkbox"/>
Form I-9* (Employment Eligibility Verification)	I-9 file (DO NOT place in personnel records file)	Required by law to have employees fill in this form. Because I-9 files are subject to unique personnel records retention laws, a separate master file or three-ring binder will help ensure that you retain these mandated recordkeeping forms for as long as necessary and can readily discard them after the retention period expires.	<input type="checkbox"/>
EEOC charge of discrimination and related documents (if applicable)	Other file	DO NOT place in the personnel record file, create a different file.	<input type="checkbox"/>
Americans with Disabilities Act claim documentation (if applicable)	Other file	DO NOT place in the personnel record file, create a different file	<input type="checkbox"/>
HIPAA documentation	Other file	DO NOT place in the personnel record file, create a different file	<input type="checkbox"/>

REMINDERS FOR EMPLOYERS

Basic Personnel File — Keep items that were a factor in the employee's hiring and employment in the past, and items that will have an impact on their employment in the future.

Medical File — Put everything relating to an employee's medical history in a separate file. Why? You can't legally base personnel decisions such as who gets promoted and who doesn't on the medical histories of the people involved. And various privacy laws and the Americans with Disabilities Act (ADA) require that you keep confidential employee medical records separate from basic personnel files.

Injury File — Maintain a third file within your personnel records for any employee who is injured while on the job. That file should contain workers' compensation claim records and injury reports, and any additional medical records on the injury.

Payroll Records File — If you handle payroll for your organization, separate payroll-related records from the other files. Make sure you're aware of the laws governing payroll records retention. Keep close tabs on vacation, sick time and other time-off records.

I-9 File — Employment law attorneys recommend that you keep all Form I-9s (Employment Eligibility Verification) in either a separate master file or three-ring binder. Because I-9 files are subject to unique personnel records retention laws, a separate master file or three-ring binder will help ensure that you retain these mandated recordkeeping forms for as long as necessary and can readily discard them after the retention period expires.