



Personnel Records: What should, and should not, be included in the personnel file?

Mar 17, 2015

Employee records are most often separated into three types of files—a general personnel file, a confidential employee file and a common file. The toolkit also provides information on overall records organization.

When determining whether to place a document in the personnel file, employers should consider if the document contains sensitive information, such as date of birth, marital status, dependent information, Social Security numbers, medical information, immigration status, national origin, race, gender, religion, sexual orientation, criminal history, financial history, subjective statements or accusations. If it does, the general personnel file is likely not the best place to store the document.

The next consideration is whether the document is relevant to a supervisor who may review this file when making employment decisions. Is it related to the employee's performance, knowledge, skills, abilities or behavior? If it is, then the document should be included in the employee's personnel file.

What should be included in a basic personnel file?

- Recruiting and screening documents such as applications, resumes and educational transcripts.
- Job descriptions.
- Records relating to job offers, promotion, demotion, transfer, layoff, rates of pay and other forms of compensation, and education and training records.
- Pay and compensation information.
- Records relating to other employment practices (including policy acknowledgments and agreements).
- Letters of recognition.
- Warnings, counseling and disciplinary notices.
- Performance evaluations and goal setting records.
- Termination records.

Of course, other records are created and must also be maintained. **These types of records are kept separate from the basic personnel file:**

- Equal employment opportunity (EEO)/invitation to self-identify disability or veteran status records.
- Reference/background checks.
- Drug test results.
- Immigration (I-9) forms.
- **Medical/insurance records** (medical questionnaires, benefit enrollment forms and benefit claims, doctors notes, accommodation requests, and leave of absence records).
- Child support/garnishments.
- Litigation documents.

- Workers' compensation claims.
- Investigation records (although relevant disciplinary action, counseling or other direct communications are placed in the employee's personnel file).
- Requests for employment/payroll verification.

Finally, some records, such as Form I-9 audits, are maintained in common files where they are easily accessible for specific purposes.

Maintaining records in separate files as discussed above allows managers, employees and outside auditors to see the information they need to make decisions, yet does not allow inappropriate access.

Express Requests

The HR Knowledge Center has gathered resources on current topics in HR management. Click here (<http://apps.shrm.org/HRResources/ExpressRequests.aspx?type=6>) to view and request information.

This material is for informational purposes only and not for the purpose of providing legal advice. You should always contact your attorney to determine if this information, and your interpretation of it, is appropriate to your particular situation.

OTHER EMPLOYEE RELATIONS TOPICS | RECORDS AND REPORTS

Contact Us (www.shrm.org/about-shrm/Pages/Contact-Us.aspx) | 800.283.SHRM (7476)

© 2017 SHRM. All Rights Reserved

SHRM provides content as a service to its readers and members. It does not offer legal advice, and cannot guarantee the accuracy or suitability of its content for a particular purpose.

Disclaimer (www.shrm.org/about-shrm/Pages/Terms-of-Use.aspx#Disclaimer)