

IN CHAPTER FOUR:

- **WHAT'S REQUIRED**
- **WHAT'S HELPFUL**
- **WHAT'S DANGEROUS**
- **HOW LONG TO KEEP RECORDS**

4

■ Building a Personnel File

WHAT'S REQUIRED

Organizations keep a variety of records and forms. Federal and state legal and regulatory guidelines dictate what and how long records are to be kept. Specific items to be kept are shown in Table 4-2 where we discuss record retention. This is a sample listing and not intended to be comprehensive.

Improper maintenance and retention of employee information and failure to respect the right to privacy in personnel records, particularly medical records, can open employers to a variety of legal problems.

Employers must check state and local requirements for their companies. In this section we will review suggested employee file make-up, items to include in the files and furnish suggested periods of time to keep materials, including selected non-human resource management items.

What goes into an employee's personnel file should be carefully considered in terms of need, confidentiality, retention duration and other factors. Typical items kept for current, former and retired employees are listed here.

As an example, we broke the content into two files. The first we refer to as an employee working file. The second file we refer to as an employee confidential and medical information file. Note that the working file includes private payroll information. Some organizations keep this as a separate file also.

For practical purposes, we suggest color coding the files, green for the working file and red for the confidential and medical file. Thus, it is easy to identify files which should be promptly returned to confidential file cabinets. The following is not an exhaustive listing, and allocations may vary.

Employee Working File Information & Content (for example, green folder color)

- Additional oral communication skills
- Additional written communication skills.
- Change of address, phone, status, title, etc.
- Company job history
- Company job title history
- Company service date
- Company-provided training and education records
- Confidentiality agreement
- Current position title

- Demotion records
- Department, unit section, etc. designation
- Disciplinary warnings
- Discipline history
- Discipline/suspensions
- Education and skills
- Education assistance considerations
- Education information, schools attended
- Educational degrees
- eMail address as appropriate
- Emergency contact's address
- Emergency contact's eMail
- Emergency contact's name
- Emergency contact's phone number
- Employee identification number
- Employment application
- Equipment, computer, computer program, etc. skills
- Exempt or non-exempt status
- Expatriate considerations
- Home address
- Information release form
- Interview considerations and records
- Job descriptions, specifications, titles and locations
- Job service date
- Job transfer records
- Leave requests
- Letters of commendation
- Letters of complaint
- Licenses
- Military status and leave considerations
- Name, first, middle and last

- New employee hire information form (by state)
- New employee information summary sheet (non-pay info)
- New employee orientation checklist
- Non-medical benefits materials
- Notes on or results of exit interviews
- Older documents
- Performance evaluations
- Phone numbers, home, emergency, work location phone
- Prior company position titles
- Promotion records
- Recognition awards
- Reduction-in-force records
- Relevant jobs and training of prior work history
- Resumes
- Selection and placement records
- Skills inventory
- Social Security number
- Spouses name, employer, emergency information
- Supervisor
- Training and professional certificates
- Training records
- Vacation requests
- Vacation, sick, personal leave, sabbaticals, etc.
- Work schedules
- Work status—regular, full time, part time, temporary, contractor, student, cooperative, management trainee, intern, co-operative student.

Working File Payroll Section Content

- Basic payroll records, including wage and salary data
- Bonus earnings plan
- Current pay rate
- Date and amount of last bonus, incentive, award
- Date and amount of last pay increase
- Date and amount of next bonus, incentive, award
- Date and amount of next pay increase
- Deductions, withholdings, child support, garnishments
- Direct deposit form, voided check
- Education assistance and reimbursement considerations

- Employee loans
- Employee-specific perquisites
- Employment Agreements comprising pay considerations
- Expatriate pay considerations
- Garnishments
- Incentive earnings plan
- Incentive, bonus, perquisite participation
- Materials pertaining to 1099 pay
- Pay adjustment history
- Pay adjustment record (merit, promotion, special)
- Pay history
- Pay scale job grade and rating points/factors
- Prior pay history
- Tax and other withholdings
- Tax withholdings
- W-4 and related tax materials

Employee Confidential & Medical File (for example, red folder color)

- Attendance and leave records
- ADA materials, information on disabilities
- Background checks materials
- Benefits elections
- Counseling and discipline (selected considerations)
- Credit information
- Date of birth-related materials
- Disability and insurance claims records
- Disability information
- EEO information, plans issues
- Employee issues write-ups
- Employee-volunteered information which may enable discrimination
- Family Medical Leave (FMLA) time considerations
- FMLA certificates and collateral
- Fringe benefits (insurance provider, pension plan)
- General medical records
- Grievance records, including arbitration awards
- Health care provider records
- I-9 (completed and forwarded from yellow folder)
- Incident investigations
- Information on dependents and beneficiaries

- Interview evaluation information
- Legal action materials
- Marital status materials
- Medical expense reimbursement forms
- Medical related information
- Number/names of dependents, health insurance coverage
- Occupational exposure records
- Occupational screening records
- Performance evaluations, commendations, merit awards
- Performance management summaries
- Physical exams
- Picture and EEO/affirmative action information
- Pre/post-employment physical exams
- Pre-employment background/reference checks
- Promo ability assessments
- Reference letters
- Requests for accommodation
- Results of drug testing
- Safety records, including accident reports
- Test information, scores, selection/promotion info
- Test results
- Unemployment insurance records
- Work status and visa records
- Worker' compensation collateral
- Youth employment certificate for employees under 18

(Note: These are example items only and do not represent a comprehensive listing. Items appropriately may be included in other files pertaining to the employee)

WHAT'S HELPFUL

This is a great deal of information that requires filing space and organization. There is not a required filing order or system. Useful methods include:

- Functional order — for example “Recruitment,” “Training,”

“Payroll,” “Insurance,”
“Employee Relations,” etc.

- Report order — for example, information on numbers of new-hires by age, sex, etc. in a file labeled “EEO/Affirmative Action”
- Legal requirement order — for example by report specifically required by law; EEO-1, OSHA-300, etc.

Employers keep records for several reasons:

- To comply with governmental recordkeeping and reporting requirements. See Table 4-2 for information retention required by federal regulations.
- To document and justify employment-related decisions (hiring, promotion, compensation, training, discipline, etc.).
- To help evaluate human resource department activity and to examine causes of store problems such as employee turnover.

There are several actions we can take to ease the job of maintaining the files and finding information within them.

- Consult with legal counsel on specific requirements for our locations.
- Develop and communicate recordkeeping and disclosure policies to include:
 - *Informing employees about the types of records maintained.*
 - *Permitting workers access to their records.*
 - *Protecting the confidentiality of records, including computerized records.*

- *Responding to third-party inquiries only on a “need-to-know” basis.*

- Establish and adhere to a schedule for reviewing, removing and destroying records.
- Flag records subject to state or federal confidentiality laws.
- Keep a log of the information. It is helpful to note the following:
 - *How long the records must be retained.*
 - *Location of each.*
 - *Which documents can be seen only by certain categories of employees.*
 - *List the date each particular document is scheduled for destruction.*
 - *List the date the document actually is destroyed.*
- Log external requests for company documents.

- Provide for security and confidentiality.

We emphasize developing a policy for records and information handling. But what should go into a policy and what should we consider? Following are key questions to resolve in planning a records program:

- How long do we have to keep the information and in what form? As companies grow so do their employee rolls and the file space required. Consider the alternatives of electronic storage.
- How will collected information be used?

- How will we safeguard our records? Employers might consider a business continuation planning analysis. Fires, natural disasters and other circumstances can be devastating to the myriad records of information.

- What information about current or former employees will be disclosed to persons outside the store?
- What procedures will we set up for reviewing employee records?
- What records must we keep on applicants, employees and former employees? How will we gather the information?
- Where will our records be kept?
- Will we allow employees the right to review their employment records? Note that various states have specific requirements on this issue.
- Within the store, who will have authorized access to personal or job-related information on employees?

WHAT'S DANGEROUS

Mishandling of information is dangerous. Employers must walk a tightrope to protect the privacy of employees and to avoid issues with discrimination and retaliation.

One way to protect employees' confidential information is to keep a second, separate file. Good practice is to keep confidential employee files in a separate, locked file cabinet. This separate, confidential file cabinet should be inaccessible to supervisors, hiring authorities and others who do not have specific reason to know the information. This separate file is where we suggest keeping the red files identified above which include the confidential medical, etc., information.

The fundamental reason for this physical and color separation is that information which may in some manner contribute to discrimination in employment or other employee-related matters should not be available without express authority to persons who do not have a specific need to know. Table 4-3 is a helpful guide to who should have access to employee information.

Increased focus on content and handling of confidential employee information came with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Retention of medical information poses many questions. This area is given special attention with questions and answers. The Equal Employment Opportunity Commission (EEOC) issued Enforcement Guidelines to help employers comply with the Americans with Disabilities Act (ADA). Table 4-5 offers helpful questions and answers from these 1995 guidelines.

HOW LONG TO KEEP RECORDS

Certain laws require us to keep records. Table 4-2 summarizes what records should be considered for retention and for how long. Not all employers will be affected by all of these regulations. As a rule of thumb for records retention, review common law statute of limitations for tort, contract and fraud in each state in which you operate. Generally, personnel records should be retained in accordance with the longest statute of limitations in the applicable state. These regulations should be reviewed periodically for additions, deletions and changes.

Also refer to Table 4-2. Here typical human resource management content and information are shown at the beginning of the table. These are followed by typical HR content areas of payroll, pension, safety, etc.

Often in human resource management aspects of the business have impact and are impacted by more general business documents and actions. The Sarbanes-Oxley Act of 2002 has numerous provisions affecting accounting and financial reporting. Some of these can affect human resource management action and records keeping. Accordingly, for the convenience of owners and managers, selected additional retention items are included in Table 4-2.

We have seen that access should be limited to employee information. As an aid to determine who should see what information, please see Table 4-3.

In addition to files and records maintenance, a variety of posters are required. Table 4-4 identifies key federal posting requirements. However, there are many state specific posters which are also required. In Chapter 5 we go into more detail for pertaining to the states.

By law, employers should be acutely aware they have to be familiar with a great deal of information. It is important to remain current on this and new information that is enacted. It is prudent to consult with legal and other professionals on requirements for managing employees. ■

Table 4-2

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
ADVERTISEMENTS FOR JOB OPENINGS	2 years from date of hiring decision	Personnel			Personnel office
AFFIRMATIVE ACTION PROGRAMS	5 years after superseded	Personnel	X		
APPLICATIONS - WHETHER SOLICITED OR UNSOLICITED;	2 years from date of hiring decision; 4 years if file contains any correspondence which might be construed as an offer	Personnel		X	
BACKGROUND INVESTIGATIONS RESULTS	2 years from date of hiring decision; 4 years if file contains any correspondence which might be construed as an offer	Personnel	X		
CORRESPONDENCE WITH EMPLOYMENT AGENCIES	2 years from date of hiring decision	Personnel			Personnel office
EEO-1 EMPLOYER INFORMATION REPORTS	2 years after superseded or filing	Personnel			Personnel office
EEO-2 EMPLOYER INFORMATION REPORTS	2 years after superseded or filing	Personnel			Personnel office
EMPLOYEE AWARDS	7 years	Personnel		X	
EMPLOYEE BONUSES & INCENTIVES	7 years	Personnel		X	
EMPLOYEE EARNINGS RECORDS	Termination + 6 years	Personnel		X	
EMPLOYEE EXPOSURE TO HAZARDOUS SUBSTANCES SAFETY RECORDS MONITORING	Recommend permanent; may be discarded 30 years after termination of employee	Personnel	X		
EMPLOYEE INCENTIVES	7 years	Personnel		X	
EMPLOYEE MEDICAL RECORDS	Termination + 6 years	Personnel		X	
EMPLOYEE POLICY MANUALS; ONE RECORD COPY IN ORIGINATING DEPARTMENT	Perpetual (one copy of each version)	Personnel			Personnel office
EMPLOYMENT CONTRACTS - INDIVIDUAL	7 years after termination	Personnel	X		

Continued on page 4-6

Continued from page 4-5

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
INDIVIDUAL ATTENDANCE RECORDS	6 years after termination	Personnel		X	
INVENTION ASSIGNMENT FORMS	Permanent	Personnel			Personnel office
JOB DESCRIPTIONS	3 years after superseded	Personnel			Personnel office
JOB OR STATUS CHANGE RECORDS	6 years after termination	Personnel		X	
NON-HIRED APPLICANTS	2 years from date of hiring decision; 4 years if file contains any correspondence which might be construed as an offer	Personnel			Personnel office
PAY SURVEYS	3 years	Personnel			Personnel office
PERFORMANCE EVALUATIONS	6 years after termination	Personnel		X	
PERSONNEL HEADCOUNT REPORTS	3 years	Personnel			Personnel office
PRE-EMPLOYMENT PHYSICALS	2 years from date of hiring decision; 4 years if file contains any correspondence which might be construed as an offer	Personnel	X		
RESUMES - WHETHER SOLICITED OR UNSOLICITED	2 years from date of hiring decision; 4 years if file contains any correspondence which might be construed as an offer	Personnel		X	
SAFETY/INJURY FREQUENCY REPORTS	10 years	Personnel			Personnel office
TEST RESULTS	6 years after termination	Personnel	X		
TRAINING & QUALIFICATION RECORDS	6 years after termination	Personnel		X	
WITHHOLDING INFORMATION	6 years after termination	Personnel		X	
YOUTH EMPLOYMENT CERTIFICATES FOR EMPLOYEES UNDER AGE 18	2 years	Personnel	X		
EMPLOYEE DEDUCTION AUTHORIZATIONS	4 years after termination	Payroll		X	

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
EMPLOYEE EARNINGS RECORDS	Termination + 6 years	Payroll	X		
GROSS PAYROLL REGISTERS	7 years	Payroll			Payroll office
HOURS WORKED EACH WEEK	3 years post termination	Payroll			Payroll office
LABOR DISTRIBUTION COST RECORDS	7 years	Payroll			Payroll office
NET PAYROLL REGISTERS	7 years	Payroll			Payroll office
PAYROLL ASSIGNMENTS	3 years after payment or settlement; disposal requires written CFO approval	Payroll			Payroll office
PAYROLL ATTACHMENTS	3 years after payment or settlement; disposal requires written CFO approval	Payroll			Payroll office
PAYROLL GARNISHMENTS	3 years after payment or settlement; disposal requires written CFO approval	Payroll		X	Payroll office
PAYROLL REGISTERS (GROSS & NET)	7 years	Payroll			Payroll office
TIME CARDS	2 years	Payroll			Payroll office
TIME SHEETS	2 years	Payroll			Payroll office
UNCLAIMED WAGE RECORDS	6 years	Payroll			Payroll office
FORMER EMPLOYEE PAYROLL RECORDS (NAME, ADDRESS, HOURLY/SALARY STATUS)	Termination + 6 years	Pension			Pension office
PENSION DOCUMENTS & SUPPORTING EMPLOYEE DATA	Retain appropriately, and for an appropriate period so organization can resolve whether or not any pension is payable to any person and the amount of the pension.	Pension			Pension office
PENSION ELIGIBILITY RECORDS (HOURS WORKED & SERVICE BREAKS)	Termination + 6 years	Pension			Pension office

Continued on page 4-8

Continued from page 4-7

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
PENSION EMPLOYEE PAYROLL RECORDS (NAME, ADDRESS, HOURLY/SALARY STATUS)	Termination + 6 years	Pension			Pension office
PENSION EMPLOYEE SERVICE RECORDS (HOURS WORKED & SERVICE BREAKS)	Termination + 6 years	Pension			Pension office
PENSION PAYMENT RECORDS (RECORD OF PENSION PAID TO EMPLOYEES OR BENEFICIARIES)	6 years after final payment	Pension			Pension office
PENSION PLAN - PLAN ADMINISTRATOR RECORDS (SETTING FORTH AUTHORITY TO PAY)	Termination + 6 years	Pension			Pension office
PENSION PLAN DETERMINATION LETTERS	Termination + 6 years	Pension			Pension office
PENSION PLANS/ AMENDMENTS	6 years	Pension			Pension office
REPORTS OF PENSIONS OR PENSION PLANS FILED WITH THE DOL OR IRS	6 years after filing	Pension			Pension office
ACCIDENT CLAIMS	7 years	Health & Safety			Safety office
ACCIDENT REPORTS	7 years	Health & Safety			Safety office
ENVIRONMENTAL SITE FILES	7 years	Health & Safety			Safety office
HAZARDOUS WASTE DISPOSAL RECORDS	7 years	Health & Safety			Safety office
INSURANCE CLAIMS INVOLVING ENVIRONMENTAL SITE FILES	7 years	Health & Safety			Safety office
OCCUPATIONAL INJURY OR ILLNESS FILES	5 years	Health & Safety	X		Safety office
OSHA ANNUAL SUMMARIES	5 years	Health & Safety			Safety office
SAFETY RECORDS - HAZARDOUS SUBSTANCE EXPOSURE	7 years	Health & Safety			Safety office
SAFETY RECORDS; GENERAL	5 years	Health & Safety			Safety office

Continued on page 4-9

Continued from page 4-8

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
ANNUAL LOSS SUMMARIES	10 years	Insurance			Co. insurance ofs.
AUDITS & ADJUSTMENTS	2 years after final adjustment	Insurance			Co. insurance ofs.
CERTIFICATES ISSUED ON BEHALF OF THE COMPANY	3 years	Insurance			Co. insurance ofs.
CERTIFICATES ISSUED TO THE COMPANY	Permanent	Insurance			Co. insurance ofs.
FIDELITY & CRIME INSURANCE POLICY	Current	Insurance			Co. insurance ofs.
FIRST PARTY CLAIMS FILES	5 years after last correspondence or contact with claimant	Insurance			Co. insurance ofs.
GENERAL LIABILITY INSURANCE POLICY	Current	Insurance			Co. insurance ofs.
GROUP INSURANCE PLANS - ACTIVE EMPLOYEE	Until plan is amended or terminated	Insurance			Co. insurance ofs.
GROUP INSURANCE PLANS - RETIREES	Permanent or until 6 years after death of last eligible participant	Insurance			Co. insurance ofs.
GROUP LIFE CLAIMS FILES	5 years after close	Insurance			Co. insurance ofs.
INSPECTIONS	3 years	Insurance			Co. insurance ofs.
JOURNAL ENTRY SUPPORT DATA	7 years	Insurance			Co. insurance ofs.
LONG-TERM DISABILITY CLAIMS FILES	10 years after return to work, retirement, or death	Insurance			Co. insurance ofs.
LOSS RUNS	10 years	Insurance			Co. insurance ofs.
OTHER THIRD PARTY CLAIMS FILES	5 years after last correspondence or contact with third party	Insurance			Co. insurance ofs.
OTHER THIRD PARTY INSURANCE POLICY	Current	Insurance			Co. insurance ofs.

Continued on page 4-10

Continued from page 4-9

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
PRODUCT LIABILITY CLAIMS FILES	5 years after last correspondence or contact with claimant	Insurance			Co. insurance ofs.
PROPERTY INSURANCE POLICY	Current	Insurance			Co. insurance ofs.
RELEASES & SETTLEMENTS	25 years	Insurance			Co. insurance ofs.
WORKERS COMPENSATION CLAIMS FILES	10 years after close of matter	Insurance	X		
CONTRACT REVIEW RECORDS	6 years post-expiration or termination (includes warranty/service periods, if in project files)	Legal & Contracts			Legal office
CONTRACTS & RELATED CORRESPONDENCE	6 years post-expiration or termination (includes warranty/service periods, if in project files)	Legal & Contracts			Legal office
LEGAL MEMORANDUMS	6 years after close of matter; disposal to be with written CFO approval	Legal & Contracts			Legal office
LEGAL OPINIONS	6 years after close of matter; disposal to be with written CFO approval	Legal & Contracts			Legal office
LEGAL SUBJECT MATTER FILES	6 years after close of matter; disposal to be with written CFO approval	Legal & Contracts			Legal office
LICENSING & DISTRIBUTION AGREEMENTS	6 years post-expiration or termination (includes warranty/service periods, if in project files)	Legal & Contracts			Legal office
LITIGATION FILES - MAJOR LITIGATION	Retention period determined by General Counsel on a case by case basis	Legal & Contracts			Legal office
LITIGATION FILES - OTHER LITIGATION	1 year after expiration of appeals or time for filing appeals	Legal & Contracts			Legal office
PROPOSALS RESULTING IN CONTRACT (PLUS SUPPORTING COLLATERAL)	6 years post-expiration or termination (includes warranty/service periods, if in project files)	Legal & Contracts			Legal office
RECORDS RETENTION SCHEDULE	Current	Legal & Contracts			Legal office
REQUEST FOR DEPARTURE FROM RECORDS RETENTION PLAN	Current	Legal & Contracts			Legal office

Continued on page 4-11

Continued from page 4-10

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
REQUEST FOR DEPARTURE FROM RECORDS RETENTION PLAN	10 years	Legal & Contracts			Legal office
ACCOUNTS PAYABLE INVOICES - ELECTRONIC MEDIA	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office
ACCOUNTS PAYABLE INVOICES - ORIGINAL	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office
ACCOUNTS PAYABLE INVOICES - MICROFILM	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office
ACCOUNTS RECEIVABLE CASH RECEIPTS FILES	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office
ACCOUNTS RECEIVABLE INVOICES	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office
ANNUAL AUDIT & FINANCIAL STATEMENTS	Permanent	Accounting, Finance, Tax			Act-Fin-Tax office
ANNUAL AUDIT WORKPAPER PACKAGE	7 years; disposal requires written approval	Accounting, Finance, Tax			Act-Fin-Tax office
ANNUAL PLANS & BUDGET	2 years	Accounting, Finance, Tax			Act-Fin-Tax office
ANTIBOYCOTT REPORTS	5 years from date of related request	Accounting, Finance, Tax			Act-Fin-Tax office

Continued on page 4-12

Continued from page 4-11

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
APPROPRIATION REQUESTS	1 year from post completion review	Accounting, Finance, Tax			Act-Fin-Tax office
BANK STATEMENTS & CANCELED CHECKS	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office
EXCISE TAX RECORDS	7 years	Accounting, Finance, Tax			Act-Fin-Tax office
CENSUS BUREAU & OTHER GOVERNMENT SURVEYS	7 years	Accounting, Finance, Tax			Act-Fin-Tax office
FIXED ASSET SCHEDULES	Permanent	Accounting, Finance, Tax			Act-Fin-Tax office
CHARITABLE CONTRIBUTIONS COLLATERAL	7 years	Accounting, Finance, Tax			Act-Fin-Tax office
FRANCHISE TAX RETURNS	Permanent	Accounting, Finance, Tax			Act-Fin-Tax office
DEPRECIATION SCHEDULES	Permanent	Accounting, Finance, Tax			Act-Fin-Tax office
GENERAL JOURNALS & OTHER POSTING	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office
EMPLOYEE EXPENSE REPORTS	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office
GENERAL LEDGER SUBSIDIARY CONTROL COLLATERAL	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office

Continued on page 4-13

Continued from page 4-12

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
GENERAL LEDGERS	Permanent; Records to be maintained until tax losses are utilized/examined by the IRS or statute of limitations expires. Disposal requires CFO written approval	Accounting, Finance, Tax			Act-Fin-Tax office
HOUSEHOLD MOVES	3 years after move	Accounting, Finance, Tax			Act-Fin-Tax office
INCOME TAX RETURNS	Permanent	Accounting, Finance, Tax			Act-Fin-Tax office
NORMAL TRADE PAYABLES	7 years	Accounting, Finance, Tax			Act-Fin-Tax office
INVENTORY CONTROL REPORTS	3 years	Accounting, Finance, Tax			Act-Fin-Tax office
MONTHLY FINANCIAL STATEMENTS	7 years; disposal to be by written approval of CFO	Accounting, Finance, Tax			Act-Fin-Tax office
ORIGINAL/MICROFILM	To be determined	Accounting, Finance, Tax			Act-Fin-Tax office
PAYROLL TAX RECORDS	7 years	Accounting, Finance, Tax			Act-Fin-Tax office
PHYSICAL INVENTORY RECORDS	7 years; disposal to be by written approval of CFO	Accounting, Finance, Tax			Act-Fin-Tax office
PRODUCTION SCHEDULES	1 year	Accounting, Finance, Tax			Act-Fin-Tax office
PROPERTY TAX RETURNS	Permanent	Accounting, Finance, Tax			Act-Fin-Tax office
PURCHASE ORDER REGISTER	6 years	Accounting, Finance, Tax			Act-Fin-Tax office
SALES TAX RECORDS	7 years	Accounting, Finance, Tax			Act-Fin-Tax office
STRATEGIC PLANS	2 years after termination of plan period	Accounting, Finance, Tax			Act-Fin-Tax office
TAX BILLS	Permanent	Accounting, Finance,			Tax Act-Fin-Tax office

Continued on page 4-14

Continued from page 4-13

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
TAX STATEMENTS	Permanent	Accounting, Finance, Tax			Act-Fin-Tax office
TAX RECEIPTS	Permanent	Accounting, Finance, Tax			Act-Fin-Tax office
TAX WORKPAPER PACKAGES; ORIGINALS	Permanent	Accounting, Finance, Tax			Act-Fin-Tax office
TAX WORKPAPER PACKAGES; UNIT COPIES	7 years	Accounting, Finance, Tax			Act-Fin-Tax office
USE TAX RECORDS	7 years	Accounting, Finance, Tax			Act-Fin-Tax office
VENDOR CORRESPONDENCE	6 years	Accounting, Finance, Tax			Act-Fin-Tax office
VENDOR CREDIT CHECKS	6 years	Accounting, Finance, Tax			Act-Fin-Tax office
VENDOR PURCHASE ORDERS	6 years	Accounting, Finance, Tax			Act-Fin-Tax office
VENDOR QUOTATIONS	6 years	Accounting, Finance, Tax			Act-Fin-Tax office
VENDOR REQUISITIONS	6 years	Accounting, Finance, Tax			Act-Fin-Tax office
ACQUISITION FILES REVIEW	after 20 years	Corporate & General			Designated office
ANNUAL REPORTS	after 20 years	Corporate & General			Designated office
BOARD COMMITTEES MINUTE BOOKS REVIEWS	after 20 years	Corporate & General			Designated office
BOOKS (TEXTS)	20 years	Corporate & General			Designated office
CHRONOLOGICAL CORRESPONDENCE FILES	1 year OR retained for the same period as the document they pertain to.	Corporate & General			Designated office
COLLECTION LETTERS AFTER ACCOUNTS ARE PAID	5 years	Corporate & General			Designated office

Continued on page 4-15

Continued from page 4-14

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
COPIES OF INTERDEPARTMENTAL CORRESPONDENCE	With copy in originating department file, read and destroy, unless content provides reference or direction to other documents and must be kept for project or product tracking	Corporate & General			Designated office
COPIES OF INTERDEPARTMENTAL OR OTHER COMPANY CORRESPONDENCE WITH LOCAL UNIT FILE COPY	1 year OR retained for the same period as the document they pertain to	Corporate & General			Designated office
COPIES OF OTHER COMPANY CORRESPONDENCE & DOCUMENTS	With copy in originating department file, read and destroy, unless content provides reference or direction to other documents and must be kept for project or product tracking	Corporate & General			Designated office
CORPORATE & SUBSIDIARY BOARDS MINUTE BOOKS REVIEWS	After 20 years	Corporate & General			Designated office
CORPORATE BYLAWS	After 20 years	Corporate & General			Designated office
CORPORATE MINUTE BOOKS REVIEWS	After 20 years	Corporate & General			Designated office
CORPORATE RECORDS REVIEWS	After 20 years	Corporate & General			Designated office
CORPORATE SEALS	After 20 years	Corporate & General			Designated office
CORRESPONDENCE FOR QUALIFICATION TO DO BUSINESS IN STATES	After 20 years	Corporate & General			Designated office
CREDIT AGREEMENTS	10 years after satisfaction	Corporate & General			Designated office
DEPARTMENTAL BUDGETS & RELATED WORK SHEETS	2 years	Corporate & General			Designated office
DIVESTITURE FILES REVIEW	After 20 years	Corporate & General			Designated office
DIVIDEND RECORDS REVIEW	After 20 years	Corporate & General			Designated office
FINANCING COMMITMENTS	10 years after satisfaction	Corporate & General			Designated office

Continued on page 4-16

Continued from page 4-15

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
FORM LETTERS WHICH REQUIRE NO FOLLOW-UP	1 year OR retained for the same period as the document they pertain to	Corporate & General			Designated office
ITEMS OF HISTORICAL VALUE TO THE COMPANY	Permanent	Corporate & General			Designated office
LETTERS ASSOCIATED WITH ESTABLISHING CREDIT	5 years	Corporate & General			Designated office
LETTERS EXPLAINING, NOT SETTING COMPANY POLICY	5 years	Corporate & General			Designated office
LETTERS OF COMPLAINT NEEDING SPECIFIC ACTION WITH NO VALUE AFTER ACTION TAKEN	1 year OR retained for the same period as the document they pertain to	Corporate & General			Designated office
LETTERS OF GENERAL INQUIRY COMPLETING CORRESPONDENCE CYCLE	1 year OR retained for the same period as the document they pertain to	Corporate & General			Designated office
LETTERS OF GENERAL REPLY COMPLETING CORRESPONDENCE CYCLE	1 year OR retained for the same period as the document they pertain to	Corporate & General			Designated office
LOAN AGREEMENTS	10 years after satisfaction	Corporate & General			Designated office
OTHER LETTERS OF LITTLE CONSEQUENCE OR WHICH FINALIZE CORRESPONDENCE	1 year OR retained for the same period as the document they pertain to	Corporate & General			Designated office
POLICY & PROCEDURES MANUALS - COPIES	Retain current version only	Corporate & General			Designated office
POLICY & PROCEDURES MANUALS - ORIGINAL	Current version with revision history	Corporate & General			Designated office
PROFESSIONAL PERIODICALS	20 years	Corporate & General			Designated office
PROJECT FILES (NOT CLASSIFIED ELSEWHERE)	Review at close of project	Corporate & General			Designated office
PROXIES (ELECTION OF DIRECTORS)	10 years	Corporate & General			Designated office
PROXY REVIEW COLLATERAL	After 20 years	Corporate & General			Designated office
PUBLISHED REPORTS	20 years	Corporate & General			Designated office
QUARTERLY REPORTS	After 20 years	Corporate & General			Designated office
RECORDS OF INCORPORATION	After 20 years	Corporate & General			Designated office

Continued on page 4-17

Continued from page 4-16

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
RECORDS OF QUALIFICATION TO DO BUSINESS IN STATES REVIEW	After 20 years	Corporate & General			Designated office
REPORTS BY CONSULTANTS	2 years	Corporate & General			Designated office
ROUTINE LETTERS & NOTES WHICH REQUIRE NO ACKNOWLEDGMENT OR FOLLOW-UP	1 year OR retained for the same period as the document they pertain to	Corporate & General			Designated office
IMPORTANT SPEECHES BY CORPORATE OFFICERS	4 years (review yearly for historical value)	Corporate & General			Designated office
STOCKHOLDERS MEETINGS MINUTE BOOKS REVIEWS	After 20 years	Corporate & General			Designated office
SUBSIDIARY MINUTE BOOKS REVIEWS	After 20 years	Corporate & General			Designated office
TRADE ASSOCIATION MATERIALS	Review annually for usefulness	Corporate & General			Designated office
FIXED ASSET LEDGERS - YEAR-END RUN MORTGAGES	Permanent; keep until tax losses have been utilized/examined by the IRS or the statute of limitations has expired. CFO to provide written approval of disposal	Facilities & Property			Facilities office
ORIGINAL PURCHASE/SALE/LEASE AGREEMENT	Permanent	Facilities & Property			Facilities office
PLANT INSPECTION & SAFETY AUDIT REPORTS	3 years	Facilities & Property			Facilities office
PROPERTY & FACILITIES ASSESSMENTS	10 years	Facilities & Property			Facilities office
PROPERTY & FACILITIES CORRESPONDENCE	10 years	Facilities & Property			Facilities office
PROPERTY & FACILITIES LICENSES	10 years	Facilities & Property			Facilities office
PROPERTY & FACILITIES MISCELLANEOUS DOCUMENTS	10 years	Facilities & Property			Facilities office
PROPERTY & FACILITIES RIGHTS OF WAY	10 years	Facilities & Property			Facilities office
PROPERTY DEEDS	10 years	Facilities & Property			Facilities office
PROPERTY INSURANCE POLICIES	Current	Facilities & Property			Facilities office
WASTE DISPOSAL RECORDS	3 years	Facilities & Property			Facilities office

Continued on page 4-18

Continued from page 4-17

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
COLLECTION CORRESPONDENCE	2 years	Credit			Credit office
COLLECTION LITIGATION FILES	3 years after legal settlement and satisfaction of legal judgment	Credit			Credit office
CREDIT APPLICATIONS	1 year after account becomes inactive	Credit			Credit office
CREDIT APPROVAL FORMS	1 year after account becomes inactive	Credit			Credit office
CREDIT FINANCING STATEMENTS	3 years after satisfaction	Credit			Credit office
CREDIT QUALIFICATION REPORTS	1 year after account becomes inactive	Credit			Credit office
CREDIT SECURITY AGREEMENTS	3 years after satisfaction	Credit			Credit office
CUSTOMER FINANCIAL STATEMENTS	Until superseded	Credit			Credit office
GUARANTEES AGREEMENTS	3 years after termination or settlement of account	Credit			Credit office
SUBORDINATING AGREEMENTS	3 years after termination or settlement of account	Credit			Credit office
BILLS OF LADING	2 years after delivery	Mfg. & Production			Mfg-Prod office
COPYRIGHT	Original for life of copyright + 6 years	Mfg. & Production			Mfg-Prod office
CUSTOMER COMPLAINTS	5 years	Mfg. & Production			Mfg-Prod office
CUSTOMER SERVICE RECORDS	10 years	Mfg. & Production			Mfg-Prod office
DESIGN CONTROL & REVIEW RECORDS	Project completion + 6 years	Mfg. & Production			Mfg-Prod office
DUTY DRAWBACK RECORDS	5 years from date of liquidation	Mfg. & Production			Mfg-Prod office
EQUIPMENT CALIBRATION RECORDS	Life of product +3	Mfg. & Production			Mfg-Prod office
FREIGHT BILLS	3 years	Mfg. & Production			Mfg-Prod office
FREIGHT CLAIMS	2 years after settlement	Mfg. & Production			Mfg-Prod office
IMPORT ENTRY SUMMARIES	5 years from date of entry	Mfg. & Production			Mfg-Prod office
INDUSTRY STANDARDS	20 years	Mfg.& Production			Mfg-Prod office

Continued on page 4-19

Continued from page 4-18

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
INDUSTRY STANDARD PARTICIPANT RECORDS & NOTES	20 years	Mfg. & Production			Mfg-Prod office
INSPECTION RECORDS	Life of product + longest warranty	Mfg.& Production			Mfg-Prod office
INSTRUMENT CALIBRATION RECORDS	Life of product +3	Mfg. & Production			Mfg-Prod office
INVENTION NOTEBOOKS	Life of patent + 6 years	Mfg. & Production			Mfg-Prod office
INVENTION RECORDS	Life of patent + 6 years	Mfg. & Production			Mfg-Prod office
LABORATORY NOTEBOOKS	Life of product + 5 years	Mfg. & Production			Mfg-Prod office
LABORATORY SUPPORTING & TEST DATA	Life of product + 5 years	Mfg. & Production			Mfg-Prod office
MANUFACTURING COSTS RECORDS ON PRODUCT ASSEMBLED ABROAD WITH U.S. COMPONENTS	5 years from date of re-entry	Mfg. & Production			Mfg-Prod office
MANUFACTURING QUANTITY RECORDS ON PRODUCT ASSEMBLED ABROAD WITH U.S. COMPONENTS	5 years from date of re-entry	Mfg. & Production			Mfg-Prod office
MANUFACTURING SHIPMENT DATE RECORDS ON PRODUCT ASSEMBLED ABROAD WITH U.S. COMPONENTS	5 years from date of re-entry	Mfg. & Production			Mfg-Prod office
MANUFACTURING SOURCES RECORDS ON PRODUCT ASSEMBLED ABROAD WITH U.S. COMPONENTS	5 years from date of re-entry	Mfg. & Production			Mfg-Prod office
MATERIAL SUBSTITUTION RECORDS	10 years	Mfg. & Production			Mfg-Prod office
NEW PRODUCT CONCEPTS - EXTERNALLY SOURCED	Life of product + 5 years	Mfg. & Production			Mfg-Prod office
NEW PRODUCT INSPECTION & TEST REPORTS; ALSO SOFTWARE & FEATURES	Life of product + 5 years	Mfg. & Production			Mfg-Prod office
NON-CONFORMING PRODUCT RECORDS	3 years	Mfg. & Production			Mfg-Prod office
PATENT	Original for life of patent + 6 years	Mfg. & Production			Mfg-Prod office
PRODUCT CHANGE NOTICES	Life of product + 5 years	Mfg. & Production			Mfg-Prod office

Continued on page 4-20

Continued from page 4-21

RECORDS RETENTION REQUIREMENTS

CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
PRODUCT DESIGN DATA	Life of product + 20 years	Mfg. & Production			Mfg-Prod office
PRODUCT RESEARCH DATA	Life of product + 20 years	Mfg. & Production			Mfg-Prod office
PRODUCT SPECIFICATIONS DATA	Life of product + 20 years	Mfg. & Production			Mfg-Prod office
PROJECT COMPLETION CORRECTIVE ACTIONS	Project completion +6 years	Mfg.& Production			Mfg-Prod office
PROJECT COMPLETION PREVENTIVE ACTIONS	Project completion +6 years	Mfg. & Production			Mfg-Prod office
PROPOSED PRODUCT INSPECTION TEST REPORTS, SOFTWARE & FEATURES	Life of product + 5 years	Mfg. & Production			Mfg-Prod office
QUALITY AUDIT EXTERNAL RECORDS	5 years	Mfg. & Production			Mfg-Prod office
QUALITY AUDIT INTERNAL RECORDS	5 years	Mfg. & Production			Mfg-Prod office
QUALITY CORRECTIVE ACTIONS	5 years	Mfg. & Production			Mfg-Prod office
QUALITY PREVENTIVE ACTIONS	5 years	Mfg. & Production			Mfg-Prod office
QUALITY PROGRAM MANAGEMENT REVIEW RECORDS	5 years	Mfg.& Production			Mfg-Prod office
QUALITY PROJECT DOCUMENT CONTROL RECORDS	Project completion + 6 years	Mfg. & Production			Mfg-Prod office
RATES & TARIFFS	1 year after superseded	Mfg. & Production			Mfg-Prod office
RETURNED GOODS RECORDS	10 years	Mfg. & Production			Mfg-Prod office
TECHNICAL MEETING MINUTES	Life of product + 5 years	Mfg. & Production			Mfg-Prod office
TEST RECORDS	Life of product + longest warranty	Mfg. & Production			Mfg-Prod office
TRADEMARK	Original for life of trade-mark + 6 years	Mfg. & Production			Mfg-Prod office
VALIDATED EXPORT LICENSES	5 years from validation date	Mfg.& Production			Mfg-Prod office
WAYBILLS	2 years after delivery	Mfg. & Production			Mfg-Prod office
ADVERTISING COPY	5 years	Marketing & Sales			Mkt-Sls office
CUSTOMER CORRESPONDENCE FILES	5 years from creation date	Marketing & Sales			Mkt-Sls office

Continued on page 4-21

Continued from page 4-20

RECORDS RETENTION REQUIREMENTS					
CONTENT	SUGGESTED RETENTION	BUSINESS CATEGORY	EMPLOYEE CONFIDENTIAL	EMPLOYEE WORKING	COMPANY FILES
CUSTOMER ORDER FILES	4 years	Marketing & Sales			Mkt-Sls office
DUTY DRAWBACK RECORDS	4 years	Marketing & Sales			Mkt-Sls office
MARKETING PROGRAMS	5 years	Marketing & Sales			Mkt-Sls office
PACKAGING MATERIALS/ INSTRUCTIONS - COPIES	5 years	Marketing & Sales			Mkt-Sls office
PRICE LISTS	5 years	Marketing & Sales			Mkt-Sls office
PROPOSALS NOT PROCEEDING TO CONTRACT	5 years	Marketing & Sales			Mkt-Sls office
SALES DEPARTMENT INVOICE COPY	1 year	Marketing & Sales			Mkt-Sls office
SALESPERSON REPORTS	2 years	Marketing & Sales			Mkt-Sls office

Table 4-3

GENERAL ACCESS TO EMPLOYEE INFORMATION	
INFORMATION TYPE	RECOMMENDED ACCESS
Confidential/medical information	<ul style="list-style-type: none"> • First aid/emergency personnel as needed • Government/legal personnel conducting investigation relevant to medical issues • Person handling human resources • Persons as needed to conduct workers' compensation/ other claims • Supervisor with need to know about reasonable accommodation
I - 9 information	<ul style="list-style-type: none"> • Auditing/investigating authority • Staff handling human resources
Payroll information	<ul style="list-style-type: none"> • Auditing/investigating authority • Payroll staff • Staff handling human resources
Personnel information	<ul style="list-style-type: none"> • Employee • Former employee • Person handling human resources • Supervisor with need to know

Table 4-4

MANY LEGAL AND REGULATORY ITEMS HAVE REQUIREMENTS FOR POSTING FOR ALL EMPLOYEES TO SEE. THESE INCLUDE:

POSTER	DETAILS	POSTING PERIOD
Minimum Wage Poster (WH 1088)	Most employers are required to post	Continuously
Notice to Employees Working on Federal or Federally Funded Construction Projects (WH 1321)	Required by employers engaged in federal or federally funded construction projects	Continuously
Notice to Employees Working on Government Contracts (WH 1313)	Required by employers doing business with the federal government under Service Contracts Act	Continuously
Notice to Employee Polygraph Protection Act (WH 1462)	Most employers are required to post	Continuously
Notice to Employees	Statement that employer carries workers' compensation insurance under the Longshore and Harbor Workers' Compensation Act. (Available through nearest Office of Workers' Compensation Programs)	Continuously
Certificate that Employer has Secured Payment of Compensation	Notice certifying employer has insurance coverage for liability under the Longshore and Harbor Workers' Compensation Act or its extensions. (Available through nearest Office of Workers' Compensation Programs)	Continuously
Equal Employment Opportunity is the Law	Required to be posted by all private employers. Several non-discrimination laws are covered including Title VI & VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act, Equal Pay Act and Section 504 of the Rehabilitation Act of 1973	Continuously
Family and Medical Leave Act	Explains rights and responsibilities under the federal Family and Medical Leave Act	Continuously
Job Safety and Health Protection (OSHA)	Advises employees on OSH Act provisions	Continuously
Agricultural Minimum Wage. Entitled "Agricultural Employees" (WH 1386)	Required of agricultural employers only	Continuously
OSHA - Summary Poster (Form 300A)	Summary of injuries and illnesses for the worksite. Some employers, such as hardware stores, are not required to keep OSHA 300 records; lumber/building materials stores must keep OSHA records. Some state laws may vary from federal.	To be posted from February 1 st to April 30 th each year. States may have other posting requirements

CONFIDENTIALITY OF MEDICAL INFORMATION UNDER THE AMERICANS WITH DISABILITIES ACT (ADA)

Q - MAY MEDICAL INFORMATION BE GIVEN TO DECISION MAKERS INVOLVED IN THE HIRING PROCESS?

A - Yes. Medical information may be given to and used by appropriate decision-makers involved in the hiring process so they can make employment decisions consistent with the ADA. In addition, the employer may use the information to determine reasonable accommodations for the individual. For example, the employer may share the information with a third party, such as a health care professional, to determine whether a reasonable accommodation is possible for a particular individual. The information certainly must be kept confidential.

Of course, the employer may only share the medical information with individuals involved in the hiring process (or in implementing an affirmative action program) who need to know the information.

Q - CAN AN INDIVIDUAL VOLUNTARILY DISCLOSE HIS/HER OWN MEDICAL INFORMATION TO PERSONS BEYOND THOSE TO WHOM AN EMPLOYER CAN DISCLOSE SUCH INFORMATION?

A - Yes, as long as it is really voluntary. The employer cannot request, persuade, coerce or otherwise pressure the individual to get him/her to disclose medical information.

Q - DOES THE EMPLOYER'S CONFIDENTIALITY OBLIGATION EXTEND TO MEDICAL INFORMATION THAT AN INDIVIDUAL VOLUNTARILY TELLS THE EMPLOYER?

A - Yes. For example, if an applicant voluntarily discloses a medical condition and the need for reasonable accommodation, the employer may not disclose the condition or the applicant's need for accommodation to the applicant's references.

Q - CAN MEDICAL INFORMATION BE KEPT IN AN EMPLOYEE'S REGULAR PERSONNEL FILE?

A - No. Medical information must be collected and maintained on separate forms and in separate medical files. An employer should not place any medical-related material in an employee's non-medical personnel file. If an employer wants to put a document in a personnel file, and that document happens to contain some medical information, the employer must remove the medical information from the document before putting it in the personnel file.

Q - DOES THE CONFIDENTIALITY OBLIGATION END WHEN THE PERSON IS NO LONGER AN APPLICANT OR EMPLOYEE?

A - No. An employer must keep medical information confidential even if someone is no longer an applicant or is no longer an employee.

Q - IS AN EMPLOYER REQUIRED TO REMOVE FROM ITS PERSONNEL FILES MEDICAL INFORMATION OBTAINED BEFORE THE ADA'S EFFECTIVE DATE?

A - No.

Q - WHEN IS IT TIME TO DESTROY ALL OF THOSE OLD PERSONNEL FILES?

A - Refer to Table 4-2 for specific retention schedules. Beyond those, it is up to the employer. An important point here is to be consistent in handling all similar information the same way. Don't keep some and burn others of the same material.

Continued on page 4-24

Continued from page 4-23

Q - WHERE SHALL WE KEEP ALL OF THE RECORDS?

A - A central location is best. It should be as safe and secure as possible. Such a location contributes to quality control, standard treatment for all employees, making quick comparisons and spotting problems and bolstering the employer's position on potential legal matters.

Q - WHAT ABOUT ALL OF THOSE "PERSONAL NOTES" AND "SATELLITE" PERSONNEL FILES THAT END UP BEING KEPT BY MANAGEMENT?

A - This can be a dangerous practice for a number of reasons:

- *Complaints and legal actions may result in investigators looking through unrelated and inappropriate materials.*
- *Confidential material may be kept there.*
- *Defamatory, harassing and/or discriminatory material may be kept.*
- *Illegal and/or irrelevant information is kept.*
- *Information and items may be a surprise to employees.*
- *Information and items may be a surprise to management.*
- *Satellite storage may not be safe and secure.*
- *The wrong persons may have access.*
- *There can be inconsistency in files and recordkeeping.*