



Hey! I want my Personnel File!

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“I want my
Personnel File!”

What do you do?!



Reviewing and Copying Personnel Files

- ▶ Rules vary by state, so get state-specific advice before acting!
- ▶ Generally speaking:
 - ◆ Employees may review their personnel file upon a reasonable request
 - Employer must allow review within certain time limits
 - Employer may set an appointment, need not produce it “on demand”
 - ◆ Employees may be entitled to copy anything they have signed
- ▶ Certain employment-related documents must not be in a personnel file!
- ▶ **KEEP PERSONNEL FILES LOCKED UP!**



So What Goes in a Personnel File?

Varies by state,
but here are some
General Guidelines



Examples of Documents that *Should* be in the File

1. Employment Application

Complete and Signed

Resume, if provided

2. Stand-Alone Comprehensive At-Will

Arbitration Agreement

Signed



Examples of Documents that *Should* be in the File

3. Employee Acknowledgement and Agreement from Employee Handbook

Signed

4. Stand-Alone Acknowledgment of Receipt of Policy Against Harassment

Signed



Examples of Documents that *Should* be in the File

5. FCRA forms if conducting background checks

Complete and Signed

State forms if required

6. Driver's license records



Examples of Documents that *Should* be in the File

7. State and Federal Tax Forms – W-4, etc.

Signed

8. Other State and Federal Forms

Notice Regarding Harassment

Disability Insurance

COBRA Notices

Etc.



Examples of Documents that *Should* be in the File

9. Payroll Authorization/Deduction Forms

Signed

10. Direct Deposit Authorization Forms

Signed



Examples of Documents that *Should* be in the File

11. Records regarding compensation (Pay Plans!), job description, dates of hire, promotions, job transfers, and other changes of status

12. Notices of layoff, leave of absence, and similar time away from work

FMLA

Worker's Comp

Disability

Pregnancy



Examples of Documents that *Should* be in the File

13. Copies of signed attendance sheets

Safety Training

Management Training

Sexual Harassment Training

14. Notices of commendation, warning, counseling reports, discipline and termination

Signed



Examples of Documents that *Should* be in the File

15. Education and training notices and records

ICAR Certifications

Etc.

16. Performance Appraisals

Signed



Examples of Documents that *Should* be in the File

17. Attendance, vacation and absence records

18. Time records

Flag sheets

Clock Hour records



So What
Does Not Go
in a Personnel File?



Examples of Documents that *Should Not* be in the File

A. Medical Records and Information

Drug Test Results

Any medical report or record

Keep separate in a locked cabinet!



Examples of Documents that *Should Not* be in the File

B. I-9 Records

Keep separate in a locked cabinet!



Examples of Documents that *Should Not* be in the File

C. Investigation materials

- Reference letters
- Criminal background check reports
- Investigative materials from internal investigations such as Investigative Questionnaires
- Sexual harassment claims, etc

Keep separate in a locked cabinet!



Examples of Documents that *Should Not* be in the File

D. Any other documents that contain private, sensitive, personal information about employees.

Keep separate in a locked cabinet!



Thank you for your time!

**Questions?
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