

## **Personnel File**

A personnel file contains information relevant to an individual's employment. A file is established when someone begins working for UB, is updated throughout his service, and is kept for 7 years after he leaves UB.

The Office of Human Resources (HR) establishes and maintains all personnel files. Files are kept in accordance to state and federal law and with consideration to an employee's privacy. HR follows a retention schedule as outlined below.

This page addresses HR's practices for file maintenance and employee access. It also serves to facilitate all compliance reporting needs. The Policy on Human Resource Files for Nonexempt and Exempt Staff Employees (Policy VII-6.02) regulates UB's personnel file practices.

## **Employee Access to Personnel File**

Employees, current and former, may request to review their personnel file once per year. The file will be available for review within 2 business days of the request. All others requesting a file review should contact the Office of Human Resources.

Files are available during normal business hours. Employees should be allowed a reasonable amount of time during their regular work schedule to review their file.

**NOTE:** In person requests for immediate access to files may not be granted depending on staff availability.

## **What to Expect...**

### **After Submitting the Request**

- HR will contact you to schedule an appointment for your file review.
- Bring your photo ID to the appointment.

### **During the Review**

- An HR employee will be in the room with you as you review your file.
- You may request copies of items in your file. Please be reasonable in your requests so we may maintain this as a free service.
- If you object to any item in your file, you may place a statement of such into the file. However, employees would do well to respond to unfavorable items at the time they are produced and not wait until a file review.
- Employees are asked to limit their review to 30 minutes.

## In Your File

The chart indicates the types of items a personnel file might include.

Document	Retention Period
Employment application and résumé	Permanent
Reference checks	3 years
College/university transcripts	Permanent
Job descriptions	3 years after effective date
Records relating to hiring, promotion, demotion, transfer, layoff, rates of pay and other forms of compensation, and education and training records	3 years
Records relating to other employment practices such as compliance training, demographic form	3 years (some exceptions)
Letters of recognition	3 years
Disciplinary notices or documents	3 years (some exceptions)
Performance evaluations	Current plus 3 years
Test documents used by an employer to make an employment decision	3 years after effective date
<p>Under the Civil Rights Act of 1964, Title VII and the Americans with Disabilities Act (ADA), employers with at least fifteen employees must retain applications and other personnel records relating to hires, rehires, tests used in employment, promotion, transfers, demotions, selection for training, layoff, recall, terminations or discharge for one year from making the record or taking the personnel action.</p> <p>The Age Discrimination in Employment Act (ADEA) requires the same length of retention for the same employment related records for employers with twenty or more employees. In addition, Title VII and the ADA require that basic employee demographic data, pay rates and weekly compensation records be retained for at least one year. ADEA requires the same information to be retained for at least three years.</p>	

## Not to be in Your Personnel File

The chart lists records the Office of Human Resources may keep on an employee separate from their personnel file. Employees may request to see these items at the same time of their other review.

Document	Retention Location and Period
Medical/insurance records	Maintained by HR only for 3 years
EEO/invitation to self-identify disability or veteran status records	Maintained by HR only; permanent retention
Employment	Maintained by HR only for three years after date of hire or

Verification/immigration (I-9) forms	one year after date of termination, whichever is later.
Safety training records	Retain in separate file; maintained by department; 3 years unless otherwise required
Child support/garnishments	Retain in separate file; maintained by HR or Payroll only; 3 years
Litigation documents	Retain in separate file; maintained by HR only; generally 3 years but may vary. Where a charge or lawsuit is filed, all relevant records must be kept until "final disposition" of the charge or lawsuit.
Workers' compensation claims	Retain in separate file; maintained by HR only; 3 years
Requests for employment/payroll verification	Retain in separate file; maintained by HR only; 3 years

## Who Else Can Access an Employee File

File Type	Who Can Access
Personnel	Employee Supervisors with a need to know. Former employee (check your state's provisions) Human Resources  Auditors (USM, Institution, Legislative auditors)  Authorized agent for an employee*
Medical/Confidential	Human resources Supervisors as needed for reasonable accommodation Government/legal agencies conducting investigation relevant to medical issues Authorized agent for an employee*
Payroll	Payroll staff Human resources. Auditors (USM, Institution, Legislative auditors)  Authorized agent for an employee*
I-9	Human Resources Auditing/investigating agencies

\*Any company or individual acting as an authorized agent for an employee must present authorization signed by the employee, granting the access to the confidential record.