

What Does and Doesn't Belong in a Personnel File

Employers should keep all job-related documentation such as hiring records, performance reviews, disciplinary actions and job descriptions in an employee's general personnel file. Consider whether the document would be 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 so, then the document should be included in the employee's general personnel file.

Medical records must be maintained separate from the personnel file. The Americans with Disabilities Act (ADA) prohibits employers from including medical information in an employee's general personnel file. Employers should create a separate file for employee medical information that includes records related to medical leave, reasonable accommodations, workers' compensation claims, etc. Employers who are required to invite applicants and employees to self-identify as an individual with a disability under Section 503 of the Rehabilitation Act must maintain these self-identification forms separate from all other records, including other medical records.

There are also records that should not be accessible to managers and supervisors due to the sensitive nature of the information. These include documents that contain information such as date of birth, marital status, dependent information, Social Security number, immigration status, national origin, race, gender, religion, sexual orientation and criminal history. It is common for employers to have a "confidential" or "other" file that contains these records.

Tip: A common recommendation is to keep I-9 forms separate from all other records. Some employers choose to use a binder system for all employee I-9 forms maintained alphabetically and separated by current or terminated status. A similar system could be used for employee benefit enrollment forms that do not contain any personal employee medical information and beneficiary forms.

Type of Record	Location
Recruiting and screening documents such as applications, resumes and educational transcripts	Personnel file
Reference/background check results	Confidential file

Drug test results	Confidential file
Job descriptions	Personnel file
Equal employment opportunity (EEO) self-identification of gender and race/ethnicity	Confidential file
Affirmative action self-identification of race, gender and veteran status	Confidential file
Affirmative action self-identification of disability	Affirmative action confidential file
Immigration (I-9) forms	I-9 file
Records relating to job offers, promotion, demotion, transfer and layoffs	Personnel file
Pay and compensation information	Personnel file
Education and training records	Personnel file
Handbook and policy acknowledgments	Personnel file
Employment agreements (noncompete, confidentiality agreements)	Personnel file
Letters of recognition and awards	Personnel file
Warnings, counseling and disciplinary notices	Personnel file
Performance evaluations and goal-setting records	Personnel file

Termination notice and documentation	Personnel file
Medical records (medical questionnaires, benefit claims, doctor's notes, accommodation requests, medical leave records, workers' compensation claims)	Medical file
Child support/garnishments	Confidential file
Litigation documents	Confidential file
Workplace investigation records (although relevant disciplinary action, counseling or other direct communications are placed in the employee's personnel file)	Confidential file
Requests for employment/payroll verification	Confidential file
Benefit enrollment forms	Benefits file
Beneficiary designations	Benefits file

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