Policy 0520

From Human Resources

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PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Personnel Files and Employee Records **Policy Number**: 0520 **Chapter Title**: Employment **Effective Date**: April 16, 2013 **Supersedes Policy Number**: 0520 **Dated**: January 17, 2012
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POLICY STATEMENT

The department will maintain employee records in accordance with federal and state recordkeeping laws, and provide employees a reasonable opportunity to review and copy documents contained in

their personnel files, as well as their other employee records maintained separately from their personnel file.

DEFINITIONS

Official Personnel File: A hardcopy file, maintained by the Human Resources (HR) Division, for each department employee.

Work Location Personnel File: A hardcopy file, maintained by the district engineer/ division leader/state engineer, for each employee in the district/division/office.

Personnel File: Refers to both the official personnel file and work location personnel file.

Performance Management File: A hardcopy file, maintained by an employee's immediate supervisor, containing the supervisor's documentation for all phases of the performance management process for the employee.

Former Employee: An employee who has retired, resigned, was released, or for any other reason, is no longer employed with the department.

Purge: To destroy documents or files by shredding or other method.

Acronyms: EOCY (End of Calendar Year) EOSFY (End of State Fiscal Year) SOE (Separation of Employment)

PROVISIONS / REQUIREMENTS

General

1. The HR director is considered the official custodian of records for all personnel files and employment records of the department.

2. In the case of an employment-related lawsuit, administrative charge, internal grievance, or post-termination hearing, documents contained in personnel files, performance management files, and other employee records related to such are not to be purged until final disposition of the lawsuit, administrative charge, internal grievance or post-termination hearing, or the record retention period established herein has expired, whichever is longer. If a request for the employee's or former employee's personnel file is made in any of these circumstances, the department will also provide the performance management file in response to such request.

Official Personnel File and Work Location Personnel File

3. An employee's official personnel file shall be limited to the documents listed below. These documents are not to be purged from this file unless stated below.

A. Copy of employment application, including the Affirmative Action Survey, resume, and other documents submitted with the application and application to return from military leave, if applicable.

B. Copies of official school transcripts, training certificates, and certificates showing professional registration and/or certification.

C. Correspondence involving employment such as offer and acceptance, commendations, prior state service, retirement, department service dates, and other department correspondence deemed appropriate by the HR director. Regret letters regarding jobs for which an employee has applied, but was not selected, are not to be kept in the personnel file.

D. Original Form P-2, "Personnel Clearance," transactions processed prior to the implementation of the SAM II HR/Payroll System (prior to November 1, 2000) and printouts of Employment Status Maintenance Transactions (ESMT) from the SAM II HR/Payroll System reflecting changes to employment status for new hires and rehires only. The first page and comments section only of the ESMT, if available, will be kept.

E. Copies of Form P-3, "Employee Personal Information Changes," and Form P-3B, "Employee Address Form."

F. Original Form P-3A, "Employee Education and Licenses Information Update."

G. Copies of letters that result in disciplinary transfers, demotions, suspensions, or probations (except those involving drug or alcohol testing as described in paragraph 3H, or termination.

H. Copies of letters informing employees of failure to pass a drug or alcohol test are to be purged after two years from the date of the letter.

I. Copies of requests for disaster relief volunteer services from the American Red Cross (or other approved agencies) and any subsequent letters or memos, including approval or denial of the request.

J. Original Form P-53, "Application for Educational Assistance and Repayment."

K. Original Form P-24, "Relocation Repayment Agreement."

L. Original Form P-25, "Policy 6502 – Repayment Agreement Form."

M. Original Form P-26, "External Training Repayment Agreement Form."

4. Each district/division/office must maintain a work location personnel file on each employee in their area. The work location personnel file does not have to be an exact duplicate of the official personnel file. However, the documents described in paragraph 5 below must be stored separately from personnel files. At a minimum, the work location personnel file must contain the following documents and should not be purged unless stated below:

A. Copies of the employment application and other documents submitted with the application.

B. Original "New Employee Orientation Checklist" forms.

C. Copies of official school transcripts, training certificates, and/or certificates showing professional registration and/or certification.

D. Copies of letters that result in disciplinary transfers, demotions, suspensions, or probations (except those involving drug or alcohol testing as described in paragraph 4E, or termination.

E. Copies of letters informing employees of failure to pass a drug or alcohol test are to be purged after two years from the date of the letter.

Although documentation about verbal warnings and copies of written warnings must be kept in the employee's performance management file, additional copies may be kept in the work location personnel file. If, following the issuance of a verbal warning or written warning, an employee has no further disciplinary actions taken for a period of three years from the date the verbal warning or written warning is issued (i.e., the date of the letter), documentation about the verbal or written warning will not be considered in subsequent employment and disciplinary decisions and will be purged from files.

Other Employee Records

5. The following employee records are to be stored separately from personnel files. Where possible, these records should be stored in a file cabinet or cabinet drawer separate from personnel files storage.

Type of Record	Where Maintained *	How Long to Keep
Original I-9 "Employment Eligibility Verification" form and related documents	**HRCO**	**3 years following termination**
Staffing records that support employment decisions (hiring, promotion, etc.) including, but not limited to, job advertisements, internal postings, internal applications, qualified applicant lists, interview questions, and summaries	**Local HR office**	**EOCY 5 years following the effective date the vacancy was filled**
Employee Training Program	**HRCO**	**SOE plus 5 years**
Supporting documentation from grievances and investigations, except for documentation of verbal and written	**Local HR office, AI or EOD, and supervisors**	**EOSFY plus 5 years after action or settlement (HR**

warnings and formal disciplinary letters described in paragraphs 3 and 4		**records), permanent retention (PR) for AI records**
Medical information and files, including FMLA forms and information on employee accommodation under the Americans With Disabilities Act	**HRCO, local HR office, and supervisors, as instructed by HRCO**	**SOE plus 50 years; local HR office copy is SOE plus 5 years**
Workers' Compensation claims files	**RB and local RB office**	**RB copy is 25 years following the date of claim resolution, then review and determine if retained; local RB office copy is discarded when the claim is closed**
Results from positive drug tests	**RB**	**5 years from test date**
Results from physicals	**RB**	**25 years following the date of resolution**
Background check records - not hired	**HRCO**	**EOSFY plus 5 years**
Background check records - hired	**HRCO**	**SOE plus 5 years**
Official payroll records	**FS and local BB**	**Payroll records will be kept by FS and local BB offices until the end of the calendar year in which they are superseded or become obsolete**
Medical insurance and life insurance records	**RB**	**EOCY after termination of all benefits plus 10 years**

*Audits and Investigations Unit (AI), Financial Services (FS), Business and Benefits (BB), Human Resources (HR), Human Resources Central Office (HRCO), Equal Opportunity and Diversity (EOD), and Risk and Benefits Management Division (RB). “Local HR office” refers to district HR for districts and HR Services for the Central Office.

Employee Access to Personnel Files and Other Employee Records

6. Any department employee is entitled to review the entire contents of his/her own personnel file or performance management file, and may obtain a copy of any document within these files. The employee may not remove his/her personnel file from the premises of the HR Division or the district/division/office where the personnel file is stored.

7. Employees will not be charged annual leave for a reasonable amount of time (up to 30 minutes) spent reviewing their work location personnel file or performance management file, including travel time. For efficiency purposes, supervisors may take a work location personnel file or performance management file to an employee in the field. In these situations, supervisors

are responsible for safeguarding all documents, ensuring that all documents are returned to the appropriate file, and that the file is returned to the proper location.

An employee may use annual leave or compensatory time to travel to the HR Division to review his/her official personnel file, or the employee may obtain a copy of his/her official personnel file by sending a request, in writing, to his/her local HR representative or the HR Division. The request must be signed by the employee, dated, and notarized. It must include the employee's full name as it appears on his/her social security card and the last four digits of his/her social security number. The copied information will then be sent to the employee's mailing address (the current mailing address in the SAM II system).

8. A designated supervisor or HR representative must be present as the employee is reviewing the personnel or performance management file.

9. An employee may not change or delete information from his/her personnel file, but may request that information contained in the file be corrected or deleted, or may write a statement of disagreement regarding any item in the file that will be placed in the pertinent personnel file. An employee may submit the request for correction, deletion, or statement of disagreement for the personnel file to his/her local HR representative or the HR Division. The HR director will determine whether to make the requested correction or deletion. If the requested change is denied, the statement of disagreement will be placed in the file.

10. Except as stated below, any employee may have access to view and copy any form or document described in paragraph 5 above that he/she has personally signed or completed, but will be prohibited from access to all other documents referenced in paragraph 5.

An employee's right of access to Form A-570, "Medical Enrollment Coventry," and other documents obtained in the processing of medical insurance claims maintained by the RB Division shall be governed by federal regulations.

11. Employees will not be granted access to the SAM II HR/Payroll System or the MoDOT HR/Payroll Data Mart unless such access is necessary to perform the duties assigned to their position.

Access to Personnel Files and Employee Records by Other Missouri Department of Transportation (MoDOT) Employees and Non-MoDOT Employees

12. Access by MoDOT employees to personnel files, MoDOT Accountability and Performance System (MAPS) files, other employee records, and information in the SAM II HR/Payroll System or MoDOT HR/Payroll Data Mart is limited to those documents and system screens required to conduct business and will be granted to:

A. Department supervisors and other department staff responsible for reviewing performance management ratings, conducting investigations, preparing disciplinary actions, making promotion decisions, and responding to grievances.

B. Members of the Chief Counsel's Office (CCO), AI, and HR staff, or other department employees who have been delegated authority on behalf of MoDOT or the Missouri Highways and Transportation Commission, as necessary, to conduct their business.

13. Except as stated in paragraph 14, the release of information contained in personnel files, performance management files, and other employee records to people who are not department employees is limited to information which is not a closed record under the Missouri Sunshine Law. Specifically, release of information shall be limited to first, middle, and last name, job title, salary, employment dates, and work location. At their discretion, districts/divisions/ offices may require requests for information to be submitted in writing. Requests for employment verification may be referred to the State of Missouri's toll-free hotline, by calling "The Work Number" at 800-996-7566.

In addition to the items described above, employee work location addresses will be released upon written request to the HR Division.

An employee's home address and home telephone number are considered confidential and will not be released, with the exception that home phone numbers and addresses may be provided to police/fire departments as part of an emergency response system. However, a Form P-3B, "Employee Address Form," signed and dated by the employee, indicating he/she agrees to allow the state of Missouri to release his/her home address, will operate as permission to release the home address to anyone who should request it.

14. Federal and state government agencies requesting access to employee files and records may be allowed access to the relevant portion of any personnel file, performance management file, or other employee record necessary for the federal or state government agency to conduct their business, provided proper identification and proof of legal authority to investigate or gain access is furnished. An employee or former employee may waive the limitations set out in paragraph 13 and allow additional specific information to be released to himself/herself or other individuals. To make a waiver, a notarized written request signed and dated by the employee or former employee, specifically stating the employee's full name, the last four digits of his/her social security number, what information is to be released, and to whom it is to be released, must be submitted to his/her local HR representative or the HR Division.

A. Except as noted in paragraph 14B and 14C, all requests of this nature shall be sent to the HR director for response.

B. Equal Employment Opportunity Commission and Missouri Commission on Human Rights requests for employee information shall be forwarded to AI for response.

C. Requests to review documents or files related to medical insurance claims must be forwarded to the RB Division for response.

15. Requests for employee information, other than what are specified in this policy, must be submitted in accordance with the "Open Records Policy and Procedure," located on the Commission Secretary's intranet site, listed under the "Policies" heading.

Maintenance of Personnel Files and Performance Management Files

16. Personnel files must be stored in locked cabinets except when authorized personnel are granted access, in which case the individual granted access is responsible for maintaining the confidentiality of all documents contained in the files.

17. The HR Division is responsible for maintaining documents in official personnel files in accordance with retention periods specified in paragraphs 3 and 5, and will retain the official personnel files of former employees, who terminate after 1972 for 50 years after employment.

18. The work location personnel file must transfer with an employee to another district/division/office if a transfer should occur. District HR managers are responsible for maintaining documents in work location personnel files for district employees in accordance with retention periods specified in paragraphs 3 and 5 and will retain work location personnel files of former employees for a minimum of five years following termination unless having been instructed to retain such files by AI, CCO, or other MoDOT divisions, after which time the files may be purged. The appropriate district engineer/division leader/state engineer holds this responsibility for Central Office employees.

19. Performance management forms and related documentation in an employee's performance management file and all other files are not to be considered after three years from the date of the annual MAPS review. The MAPS form will be maintained for five years, but any documentation related to the employee's performance will be purged from these files after three years. When an employee transfers or is promoted to a new position, the employee's performance management file is to be sent to the receiving supervisor. Upon a supervisor's termination from employment or transfer to a new position, the performance management files the supervisor had been maintaining shall transfer to the new supervisor. An employee's immediate supervisor is responsible for maintaining performance management files in accordance with Personnel Policy 1017, "Performance Management and Evaluation." Supervisors will retain the performance management files of former employees for three years following termination, after which time he/she will purge the files.

CROSS REFERENCES

Commission Secretary's Office, "Open Records Policy and Procedures" (http://www.modot.org/about/openrecords.htm)

Personnel Policy 1017, "Performance Management and Evaluation"

Missouri Sunshine Law (RSMo, Chapter 610, Section 610.021, Subparagraph 13) (http://ago.mo.gov/missouri-law/sunshine-law)

FORMS

- Form A-570, "Medical Enrollment Coventry" (http://www.modot.mo.gov/newsandinfo/documents/MedicalA570forCoventry.doc)

- "Form P-3, Employee Personal Information Changes" (http://sharepoint/facilitation/HR/Forms/Employment-Hiring/P-3%20Employee%20Personal%20Information%20Changes.doc)
- Form P-3A, "Employee Education and Licenses Information Update" (http://wwwi/intranet/hr/documents/P-3AEducationandlicenseupdate.docx)
- Form P-3B, "Employee Address Form" (http://wwwi/intranet/hr/documents/P-3BEmployeeaddress.docx)
- Form P-24, Relocation Repayment Agreement Form (http://wwwi/intranet/hr/documents/P-24RelocationRepaymentAgreement.doc)
- Form P-25, Policy 6502 Repayment Agreement Form (http://wwwi/intranet/hr/documents/P-25RepaymentAgreementForm.doc)
- Form P-26, External Training Repayment Agreement Form (http://wwwi/intranet/hr/documents/P-26RepaymentAgreementForm.docx)
- Form P-53, Application for Educational Assistance and Repayment Agreement Form (http://wwwi/intranet/hr/documents/P-53-ApplicationforEducationalAssistanceandRepaymentAgreement.doc)
- I-9, "Employment Eligibility Verification" (http://www.uscis.gov/files/form/i-9.pdf)
- New Employee Orientation Checklist (http://wwwi/intranet/hr/documents/NEOChecklist.doc,)

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