



**Human Resource  
Records Management**

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City of West Columbia*

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2 | Human Resource Records Management 

**Disclaimer**

I have tried to provide the most current information available.

Nothing contained in this presentation is intended as a substitute for legal advice.

Please consult your municipal attorney for legal advisement.

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Topics to be covered

- What is a record
- How to set up an employee file system
- Records security
- Records retention
- Quick Tips




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### What is a record?

Any document (paper or electronic), media or other format created or received by offices or employees that allows them to conduct business.



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### Records Include



Anything you create



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### Determining if Something is a Record

If you created it in the course of normal business, you have created a legal liability to use it, store it and / or dispose of it in a proper manner.

FORMAT ISN'T RELEVANT

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### What is a Non-Record?



Technical Journals



Federal/State publications or guidelines

Anything you did not create or alter by inserting information

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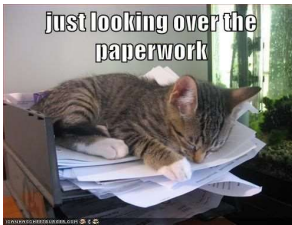
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### How to Set Up an Employee File



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### What Should An Employee File System Contain?



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### 1. Personnel File



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### 2. Confidential File



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### 3. Medical File



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### 4. Benefits File



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### 5. FMLA File



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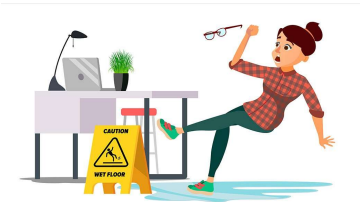
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### 6. Workers' Compensation File



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### 7. Form I-9 E-Verify

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### What NOT to Keep in Employee Files

- Information that is opinion, supposition, random notes, gossip or unfounded rumors
- Unresolved allegations from other employees
- Unpursued allegations (not investigated or concluded)
- Any non-factual information
- Do not merge files when an employee leaves. Continue to maintain separate folders, but place in one primary folder.

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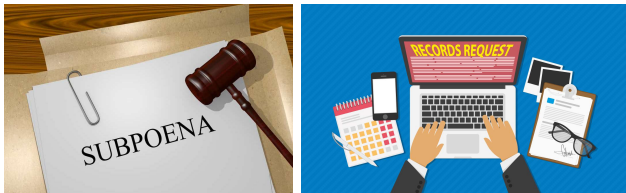
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### Why Not Put These Materials in the Employee's Personnel File?



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### Subpoenas

- *Subpoena duces tecum*: a writ that orders a person or organization to provide physical evidence before the ordering authority or face punishment. This is often used for requests to mail copies of documents to the requesting party or directly to court.
- A subpoena usually requests the entire contents of the employee's personnel file.
- Subpoenas issue from civil or criminal suits, sometimes unrelated to the municipality.

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### FOIA Requests

SC Code of Laws §30-4-40 (Matters exempt from disclosure)  
 (a) A public body may but is not required to exempt from disclosure the following information:  
 (2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy.  
*Always consult your employment attorney*

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### Log and Summary of Occupational Injuries and Illnesses

- Must track Workers' Comp injuries during the year (employers with more than 10 employees)
- Forms 300, 300A, 301
- Post Form 300A Feb 1 to April 30 of each year
- Must notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation or loss of an eye.

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### Records Security



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### Records Security

- Storage: Paper files should be locked in cabinets preferably in a locked file room (with environmental controls); Electronic filing considerations.
- Access: Limited to only two or three employees: i.e., city manager/administrator, you and one other employee who would cover for you when you are not at work.
- A supervisor should have access to only the employee's personnel file.
- It is important to be able to accurately state in court who has access to the employee files – the fewer the better.

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### Records Retention



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### Records Retention Schedule

SC Department of Archives and History  
SC Public Records Act of 1973

<https://scdah.sc.gov/records-management/schedules>

- Local Government General Schedules
  - General Records Retention Schedules for Municipal Records
  - Subarticle 7. Personnel

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### Payroll Records

- Not included in today's discussion
- Payroll Registers; SCRS Quarterly Reports; PORS Quarterly Reports; Payroll Deduction Registers; W-2 Forms; Time Cards; Time Sheets; Insurance Records; Sick and Annual Leave Records

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### Quick Tips

- Use color coding to distinguish files: e.g.,
 

manilla - personnel file	red - confidential
blue - medical	green - benefits
yellow - FMLA	other color - WC
- Use checklists (hire/termination/FMLA/WC)
- Cross file records: e.g., WC and FMLA
- Employment Applications
- Combine files into one main folder at termination

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### THE WHY



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### Best Practices



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### Five Documents to Appear in an Employment Lawsuit:

- Job Descriptions
- Employee Handbooks
- Performance Evaluations
- Disciplinary Action Documents
- Response to Administrative Charges

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Thank you for your time!  
Any questions?

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