CITY OF NEW LONDON Employee Records & Retention Policy		
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Policy Source: Cities and Villages Mutual Insurance Company, Wisconsin Statute 103.13 Wisconsin & Federal Employment Law Manual (Ceridian Corporation) & Wisconsin Employment Law Letter (March, 2007)		
Special Instructions: Review annually for law and court interpretation changes and any new employment practices.		

I. PURPOSE

This policy sets forth the records and retention schedule the City of New London is required to keep regarding its employees, per federal and state law. Records may be kept for longer periods for other reasons, such as historic value.

II. POLICY

A. Documentation

Maintenance of an employee's personnel file begins with accurate and complete personnel records from the date of hire. Important documents to be included in an employee's personnel file consist of: job description, offer of employment letter, job application, resume, I-9 form, W-4 Form, signed acknowledgement of receipt of employee handbook, emergency contact information, review of the municipality's code of conduct, an employee orientation checklist, and other signed acknowledgement receipts of City policies.

The following records are typically obtained throughout the employment relationship and the importance of properly maintaining and updating this information cannot be emphasized enough: compensation records detailing the employee's wage history (i.e. salary recommendations, salary increases, decreases, denials of raises, notification of wage increases or decreases), Form W-4, attendance records, pay advance request records, garnishment orders, and authorization to release payroll information. Information specific to pay for any given week should be part of that week's payroll documentation and not in the personnel file. Performance evaluations, records that document discipline, copies of training certificates, benefit documents (i.e. life insurance application, vacation accrual/taken form, request for leave of absence, retirement application, payroll deduction authorization, any hazardous substance notifications given, should all be in the personnel file.

Training records should be kept in separate training files which indicate the particular training program, dates, attendance, and a signature of the attendees. Tuition reimbursement requests, proof of attendance etc. should all be maintained together with the reimbursement check.

Documentation supporting the end of the employment relationship should also be included in a personnel file. This documentation may include: resignation, documentation supporting a termination, layoff or reduction in force, exit interview form, exit interviewer's comment form, final performance evaluation (exit interview), record of documents given with final paycheck (for example contact information for WRS, deferred comp., and COBRA forms.)

B. Exclusions

The subsequent list of documents should NOT be included in an employee's personnel file, but maintained in a separate, confidential, locked medical file [with limited access]:

- Medical records [i.e. pre-employment physicals, psychological evaluations, medical surveillance information, injury reports, medical questionnaires, workers' compensation reports, drug testing results, COBRA documents]
- FMLA medical certification, fitness-for-duty evaluation, or any tests or results from medical certification
- Background investigation records [Should be restricted to those individuals directly involved in the hiring process]
- Records related to an internal or external investigation due to alleged misconduct.

C. Changes/Updates/Additions

Employees must inform the City of any necessary updates to their personnel file, such as change of address, contact information, emergency contact, marital status, number of dependents, or military status. Employees should also inform their supervisor or Human Resources of any outside training, professional certifications, education, or any other change in status. They should provide copies of training certificates to be placed in their personnel file.

D. Inspection

Employees may inspect any personnel document used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, and medical record , within **7** working days after the request for inspection, during normal working hours. An employee involved in a grievance may designate in writing a representative of the employee's union or other designated representative to inspect the employee's personnel records which may have a bearing on the resolution of the grievance. The employee or employee's representative has a right to copy or receive a copy of the records.

The right of the employee or their designated representative to inspect personnel records does not apply to: (1) records relating to the investigation of possible criminal offenses committed by that employee; (2) letters of reference for that employee; (3) any portion of a test document (except the cumulative test score); (4) information of a personal nature about a person other than the employee if disclosure of the information would constitute invasion of the other persons privacy; [Public Records notification laws will apply] (5) records relevant to any other pending claim between the City and the employee, which may be discovered in a judicial proceeding.

Information contained in personnel records that are disagreed upon may be removed or corrected, at the mutual agreement of the City and employee. At minimum, an employee may submit a written statement explaining their position, which shall be attached to the disputed portion of the personnel record. The employee's statement will be included whenever the disputed portion of the personnel record is released to a third party, as long as the disputed information is part of the personnel file.

The inspection of medical records concerning employees shall be allowed unless the City believes that a disclosure of the record would have a detrimental effect on the employee. If that is the case the City may release the medical records to the employee's doctor or through a doctor designated by the employee. [Again the open public records laws apply to such requests, see the open records policy on the web site.]

E. Discrimination

An employee cannot be discharged or discriminated against due to a complaint being filed, for asserting his/her rights under Wisconsin's access to personnel files, or because an employee testifies or assists in any action to enforce any right under Wisconsin's law concerning access to personnel files.

F. Record Retention

The following table depicts the mandatory recordkeeping and retention schedules for records relating to Federal and Wisconsin employment laws. Records with different retention requirements under different laws must be maintained for the longest period. The minimum retention requirements do not apply when the records are part of litigation or the subject of a pending complaint (i.e. discrimination complaint); in those situations the records must be retained until the litigation or complaint is completely resolved. .

AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)		
Record	**Description**	**Duration**
Payroll	Name, date of birth, occupation, rate of pay, and weekly compensation.	3 years.
Employment	Employment records that include promotions, demotions, applications, layoffs, recalls, terminations, job advertisements, and employer administered tests or physical exams.	1 year.
AMERICANS WITH DISABILITIES ACT (ADA)		
Employment	Employment records like applications, requests for reasonable accommodations, promotions, selections for training and terminations.	1 year from the date the record was created or action was taken.
Apprenticeship Programs	A chronological list of the names, addresses, sex, race of all applicants, and date of application.	2 years from the date of application or the length of apprenticeship – (whichever is longer).
Apprenticeship Programs	All records made solely for completion of EEO-2 report.	1 year from the due date of report.
CONSOLIDATED OMNIBUS RECONCILIATION ACT OF 1985 (COBRA)		
Records	Notices, documentation of dates that reporting and disclosure documents were provided to employees, correspondence regarding eligibility determinations, and beneficiary and distribution forms.	6 years.
EMPLOYEE POLYGRAPH PROTECTION ACT (EPPA)		
Records	Investigation materials, notice to the examiner, and opinions, reports or records given by the examiner.	3 years from the date the polygraph is conducted or from the date the polygraph test is requested if no examination is conducted.

EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)		
Data	All data used to support summary plan descriptions and other records supporting plans or reports, including vouchers, worksheets, receipts & resolutions.	6 years after the filing date of the documents.
Records	Employee/beneficiary records relevant to benefits due or which may become due.	Kept for as long as relevant.
EQUAL PAY ACT (EPA)		
Payroll	Records that include definition of workweek, number of hours worked, pay rates, total wages and total deductions from wages.	3 years.
Records	Records describing the basis for wage differentials between employees of the opposite sex, such as wage rates, job evaluations, job descriptions, merit and seniority systems, and collective bargaining agreements.	2 years.
EXECUTIVE ORDER 11246		
Record	**Description**	**Duration**
General	Affirmative action plan and supporting documents.	2 years.
	EEO-1 Reports	3 most recent reports
FAIR CREDIT REPORTING ACT (FCRA)		
Mandatory Recordkeeping	There are no federally mandated recordkeeping requirements under the FCRA. However, the statute of limitations for employee FCRA claims is 2 years, regardless of whether the employee knows of the violation.	
FAIR LABOR STANDARDS ACT (FLSA) & Wisconsin Administrative Code, DWD Chapter 272		
Payroll	Records that include name, address, date of birth, dates of employment, work hours, meal periods, rates of pay and wages paid, and additions to or deductions from wages as well as other documents setting forth wage information (such as collective bargaining agreements, sales and purchasing records, individual contracts, and other written agreements).	3 years.
FAMILY & MEDICAL LEAVE ACT (FMLA)		
Records	Basic payroll and identifying data, all records, notices, and policies pertaining to compliance with FMLA and documenting leave, leave requests and benefits.	3 years.
FEDERAL INSURANCE CONTRIBUTION ACT (FICA) & FEDERAL UNEMPLOYMENT TAX ACT (FUTA) & INTERNAL REVENUE CODE		
Records	Employment and payroll records.	4 years from date tax is due or paid, whichever is later.
HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA)		
Mandatory Recordkeeping	There are no federally mandated recordkeeping requirements under HIPAA. However, private employee health information must be held confidentially, and may not be included in the employee's general personnel records or disclosed to unauthorized personnel.	

IMMIGRATION REFORM & CONTROL ACT (IRCA)		
Employee ID (I-9) Form	Verification of the applicant's employment eligibility & identification documents.	3 years from the date of hire or 1 year after termination (whichever is later).
TITLE VII OF THE CIVIL RIGHTS ACT OF 1964		
Employment	Records like applications, hiring documents, promotions, transfers, layoffs, and terminations.	1 year from date record was created or action was taken.
	EEO-1 Reports	Current year.
VIETNAM ERA VETERANS' READJUSTMENT ASSISTANCE ACT (VEVRAA)		
Records	Employment and payroll records.	2 years.
	Affirmative action plan	Current year.
	VETS-100	Current report.
OCCUPATIONAL SAFETY & HEALTH ACT (OSHA)		
Records	Training records related to health & safety.	3 years.
	OSHA Logs & Reports (Form 300, 300A, 301).	5 years.
	Records of employee exposure to hazardous materials and bloodborne pathogens.	30 years after exposure.
REHABILITATION ACT OF 1973		
Records	Employment and payroll records.	2 years.
	Affirmative action plan.	Current year.
WISCONSIN RECORDKEEPING REQUIREMENTS		
Record	**Description**	**Duration**
Apprenticeship - Training Programs	Selected and rejected candidates that identify minority & female applicants & include: the applicants qualifications, the basis for evaluating & selecting or rejecting the applicant, interview documents, application, information about the operation of the program, job assignments, promotions, demotions, lay offs & affirmative action plans.	5 years.
Records	WI. Administrative Code, ADM Chapter 50, Contract Compliance - Affirmative action plan and supporting documents.	2 years.
Unemployment Records	WI. Administrative Code, DWD Chapter 110 Unemployment insurance records that include name, address, social security number, employment dates, wages, and dates of wage payments.	6 years from date employee last performed work.
WI. Withholding Certificates	Form WT-4 Employee's WI. Withholding Exemption Certificate, Form WT-4A Wisconsin Employee Withholding Agreement, Form WT-4B Certificate of Exemption from WI. Withholding for 200o Because of the Working Families Tax Credit, Form WT-10 Nonresident Entertainer's Application and Receipt for Surety Bond and Cash Deposit, Form WT-11 Nonresident Entertainer's Receipt for Withholding by Employer, Form W-200 Certificate of Exemption from WI. Income Tax Withholding, Form W-220, Nonresident Employee's Withholding Reciprocity Declaration, & Form W-222 Statement of MN. Residency.	Must be retained for as long as they are active; Inactive certificates must be retained for 4 years after a new certificate is filed or the employee is terminated.

Worker's Compensation	Wisconsin Statutes, Chapter 102 Records relating to work related injuries and illnesses.	12 years according to statute of limitations (no specific record retention requirement).