

## Job-Related Records Guidelines: What to keep & How to file

Often the term “personnel file” refers to the location to keep all documents that relate to an employee. In practice, however, job-related records must be kept separate to limit review by those authorized to do so. Best practice is to create three separate files for each employee minimally.

| File Type                | Who can see   | Type of Records   |
|--------------------------|---|---|
| General (Personnel) File | HR, Employee Supervisor(s)— those with legitimate need, Employee upon written request, or required by law | Related to performance, knowledge, skills, ability or behavior <ul style="list-style-type: none"> <li>• Hiring Records</li> <li>• Performance Reviews</li> <li>• Disciplinary Actions</li> <li>• Job Descriptions</li> <li>• Termination Records</li> </ul>   |
| Medical File             | HR only or required by law<br>No managers or supervisors  | Related to any medical records including: <ul style="list-style-type: none"> <li>• Doctor’s notes or exams</li> <li>• Leave and accommodation requests</li> <li>• Benefits information re: employees or employee’s family</li> </ul> NOTE: Create a SEPARATE file for any records of self-identification of disability (see §503 of ADA Rehabilitation Act)   |
| Confidential File        | HR only or required by law<br>No managers or supervisors  | Containing confidential information: <ul style="list-style-type: none"> <li>• Date of Birth</li> <li>• Marital Status</li> <li>• I-9 Form*/Immigration Status</li> <li>• SSN</li> <li>• Background check findings</li> <li>• Other information disclosed or discovered: Alcohol/drug test results; Other Protected Class Status (Sexual orientation, criminal history, etc.)</li> <li>• Garnishment</li> <li>• Workplace investigation records</li> <li>• Beneficiary designations/enrollment forms [Can be separate file]</li> </ul> |
| *I-9 File                | HR only or as required by law   | TIP: Keep all employees’ I-9 forms in a single confidential folder for easy confirmation of compliance.   |

For any questions on proper job-related recordkeeping and/or retention, please contact [Sarah Kissel](#) at Scholz Nonprofit Law. This document is intended for informational purposes only and is not intended as legal advice on specific matters, factual situations, or issues. Different facts, information, or developments in the law may affect the material in this document.