

SCHEDULE NO. 15

PERSONNEL RECORDS

General Description: Records relating to the hiring, employment, safety, benefits, compensation, retirement and termination of municipal employees.

*The retention periods specified in this schedule apply to the information contained within the record, regardless of the physical format of the record (paper, microfilm, computer disk or tape, optical disk, etc.). **Duplicate Copies:** Provided that no retention period is specified for duplicate copies, retain those that are created for **administrative purposes** for 1 year, and retain those created for **convenience or reference purposes** until no longer needed or for 1 year, whichever is first. Duplicate copies should not be retained longer than the record copy.*

15.10 AFFIRMATIVE ACTION RECORDS

See 15.60.A, *Affirmative Action Compliance*.

15.20 AGREEMENTS AND CONTRACTS – PERSONNEL

See also 7.20, *Agreements and Contracts*.

A. Collective Bargaining Agreements

See 15.55, *Collective Bargaining Records*. <Amended 3/07>

B. Employment Contracts

Individual employment contracts or where contracts or agreements are not in writing, a written memorandum summarizing the terms.

Retention: 3 years after expiration [29 CFR 516.5]

15.30 AMERICANS WITH DISABILITY ACT RECORDS

See 15.190.A, *ADEA and ADA Records*.

15.40 BENEFIT RECORDS <Amended 2/08>

Records pertaining to fringe benefits, insurance coverage and benefit plans for employees.

A. Group Health Insurance – Continuation of Coverage

Records showing covered employees, their spouses and dependents have received written notice of continuing group health insurance and COBRA¹⁰ rights, and whether the covered employees, spouses and dependents elected or rejected coverage.

Retention: 3 years + current¹¹

¹⁰ COBRA means Consolidated Omnibus Budget Reconciliation Act of 1985.

¹¹ Retention period not specified in federal law 26 CFR 4980 B (f)(6) or 29 USC 1166.

B. Benefit Plans

Documentation relating to employee health, dental, vision and other insurance plans; Social Security, pension, deferred compensation, Individual Retirement Accounts, money purchase plans, retirement and similar plans; including a benefit plan description and/or a summary benefit plan description.

Retention: Full period that plan or system is in effect, plus 1 year after termination of the plan [29 CFR 1627.3]¹²

C. Benefit Reports <Added 2/08>

Reports detailing the status of employee benefits, such as the amount of flex time remaining.

Retention: 3 years + current

D. Employee Insurance Claims <Added 2/08>

See 5.240.D, Employee Insurance Claim Records.

E. Plan Basis

Records providing the basis for all required plan descriptions and reports necessary to certify the information, including vouchers, worksheets, receipts, applicable resolutions.

Retention: Not less than 6 years after filing date of documents [29 USC 1027] <Amended 2/08>

15.50 BONDS – PUBLIC OFFICIALS

Fidelity, surety, blanket or other bonds intended to guarantee honest and faithful performance of officials such as the municipal clerk, financial officer or administrator [CRS 31-4-219, CRS 31-4-401].

Retention: 6 years + current after term expires

15.55 COLLECTIVE BARGAINING RECORDS <Added 3/07>

Agreements resulting from collective bargaining negotiations and supporting documentation such as general correspondence; records relating to the selection of negotiators, mediators and arbitrators; negotiation session agendas, notes, recordings and summaries, etc.

Retention: 3 years after expiration of the collective bargaining agreement [29 CFR 516.5]

15.60 COMPLIANCE WITH REGULATORY REQUIREMENTS

A. Affirmative Action Compliance

Records relating to the municipality's compliance with Title VII of the Civil Rights Act [29 CFR 1602].

1. Affirmative Action Plan

Retention: Permanent

2. Affirmative Action Records

Records of requests for job applicant's reasonable accommodation applications, hiring, promotion, demotion, transfer, layoff, termination, rates of pay, selections for training or apprenticeship.

Retention: 2 years [29 CFR 1602.31]

3. Report EEO-4

Records submitted to the Equal Employment Opportunity Commission (EEOC) documenting compliance with EEOC requirements by municipalities with 15 or more employees.

Retention: 3 years [29 CFR 1602.30; 29 CFR 1602.32]

B. Americans with Disabilities Act (ADA) Compliance

See 15.190.A, ADEA and ADA Records.

C. Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) Compliance

See 15.40.A, Group Health Insurance – Continuation of Coverage.

D. Family and Medical Leave Act (FMLA) Compliance

See 15.190.B, FMLA Records.

E. Occupational Safety and Health Act (OSHA) Compliance

See 15.190.C, OSHA Records.

F. State of Colorado New Hire Reporting Compliance <Added 3/07>

The State of Colorado requires notification for child support purposes when a new employee is hired. Reports are kept for statistical purposes. [General Reference: 42 USC 653A(b)(1)(A)].

Retention: 3 years + current

15.65 DRIVER'S LICENSE VERIFICATIONS <Added 3/07>

Records of periodic checks by the municipality that employees have the appropriate valid drivers' licenses.

Retention: Until completion of subsequent verification, or until separation from employment, whichever comes first

15.70 EMPLOYEE RECORDS – ACTIVE AND TERMINATED

Documentation of an individual employee's work history, including information regarding active and terminated employees maintained because of the employer-employee relationship, such as records pertaining to age, address, telephone number and social security number; notices of appointment; tuition reimbursement; classification questionnaires; commendations; disciplinary and personnel actions relating to the employee, including hiring, evaluation, demotion, promotion and termination of municipal employees; letters of commendation; letters of resignation; emergency notification forms; oaths of office; job-related training documentation; beneficiary designations; performance evaluations; salary documentation; beneficiary designations; selection of benefit plans, etc. [CRS 24-72-202(4.5)]. See also other employee and personnel records listed elsewhere in Schedule 15. <Amended 2/08>

Retention: 10 years after retirement or separation, provided that records relating to hazardous material exposure are retained 30 years after separation¹² <Amended 2/05>

Duplicate Copies: Consult with custodian of record copy of municipal employee records regarding proper transfer or disposal of departmental employee records upon termination of employment <Amended 2/08>

¹² Research notations: *Age records*, 3 years [29 CFR 516.2, 41 CFR 50.201, and 29 CFR 1627.3]; *demotion records*, 1 year [29 CFR 1627.3 and 29 CFR 16902.14]; *hiring records*, 3 years [29 CFR 1602.14 and 29 CFR 1627.3]; *promotion records*, 1 year from date record made or personnel action taken, whichever is later [29 CFR 1602.14]; *termination records*, 1 year from date record made or personnel action taken, whichever is later [29 CFR 1602.14]; *involuntary terminations*, 2 years from date of termination, or in cases of charges of discrimination retain until final disposition of charge or action [29 CFR 1602.31].

15.80 EMPLOYEE RECORDS – TEMPORARY AND SEASONAL

Records and documentation relating to employment of temporary and seasonal employees, except for payroll and fiscal information.

Retention: 3 years after termination, *except* payroll and fiscal records

15.85 EMPLOYMENT VERIFICATIONS <Added 3/07>

Records of verification of employment in response to external requests (i.e., verifications of employment status needed for loans, child support, job applications, etc.).

Retention: 1 year + current

15.90 EXPENSE RECORDS

See 5.10.F, *Expense Records*.

15.100 GARNISHMENTS

See 15.170.F, *Garnishments*.

15.110 GRIEVANCES

Records of personnel grievances filed by employees.

Retention: 3 years + current after settled

15.120 HEALTH AND SAFETY RECORDS

See also 15.190, *Physical and Medical Records* and 15.310, *Workers' Compensation*.

A. Commercial Drivers' License Records <Added 3/07>

1. Administrative Records <Amended 2/08>

Records relating to administration of the CDL Program, including copies of expired driver's licenses, DOT physicals, program brochures and flyers, etc.

Retention: 5 years [49 CFR 382.401(B)(1)(VI)]

2. Annual Calendar Year Summary <Added 3/07>

Retention: 5 years [49 CFR 382.401(B)(1)(VII)]

3. Collection Process Records <Added 3/07>

Retention: 2 years [49 CFR 382.401(B)(2)]

4. Test Refusal Documentation <Added 3/07>

Retention: 5 years [49 CFR 382.401(B)(1)(III)]

5. Test Result Records – Alcohol and Controlled Substances <Added 3/07>

a. Alcohol Test Results <Added 3/07>

1) Concentration Greater Than 0.02 <Added 3/07>

Retention: 5 years [49 CFR 382.401(B)(1)(I)]

2) Concentration Less Than 0.02 <Added 3/07>

Retention: 1 year [49 CFR 382.401(B)(3)]

b. Controlled Substance Test Results <Added 3/07>

1) Driver Verified Positive Test Results <Added 3/07>

Retention: 5 years [49 CFR 382.401(B)(1)(II)]

2) Negative and Cancelled Test Results <Added 3/07>

Retention: 1 year [49 CFR 382.401(B)(3)]

6. Training and Education Records – Technicians, Supervisors, Drivers <Added 3/07>

Retention: Maintained by employer while individual performs the functions which require the training and for 2 years after the individual ceases to perform those functions [49 CFR 382.401(B)(4)]

B. Drug Testing Records <Added 3/07>

Pre-employment and random drug testing records relating to municipal employees (does not include CDL drug testing). <Amended 2/08>

Retention: 10 years after separation from employment

C. Hazardous Materials Exposure

Records of any personal or environmental monitoring of exposure to hazardous materials, lead and asbestos, chemicals, toxic substances, noise, dust, heat, cold, repetitive motion, blood-borne pathogens, biological agents, bacteria, virus, fungus, radiation, or other dangerous work-related conditions.

Retention: 30 years after separation [29 CFR 1910.1020 and 15 USC 2622]

D. HIPAA Authorizations for Release of Information <Added 4/06>

Employee (patient) authorizations for release of protected information.

Retention: 6 years from date of creation of the record

E. Material Safety Data Sheets (MSDS)

Employers must have a MSDS on file for each hazardous chemical they receive and use and ensure copies are readily accessible to employees in their work area. Employer must keep records of chemicals used, where they were used and for how long [29 CFR 1910.1200].

Retention: Until superseded or 1 year + current after chemical is disposed of or consumed, provided that the employer retains some record of the identity (chemical name if known) of the substance or agent, where it was used, and when it was used, for at least 30 years <Amended 4/06>

F. Safety Committee Records

See 7.70, Committees – Internal.

G. Safety Policies and Procedures

See 7.260, Policies and Procedures Documentation.

H. Safety Training Information

Manuals, handbooks and similar documentation of safety training provided to employees.

Retention: 1 year + current

COLORADO MUNICIPAL RECORDS RETENTION SCHEDULE

15.130 I-9 FORMS

Record of verification of citizenship and eligibility to work in the United States, including verification documentation that establishes identity and eligibility (Immigration and Naturalization Services Form I-9, Employment Eligibility Verification Form); applies to all employees hired after November 6, 1986.

Retention: 3 years from date of hire or 1 year after separation, whichever is later [8 CFR 274a.2]

15.140 INSURANCE – EMPLOYEE

See 5.240.D, *Employee Insurance Claim Records*.

15.150 JOB RECORDS

A. *Advertisements of Job Opportunities*

Advertisements and announcements regarding job openings, promotions, training programs or overtime work.

Retention: 1 year + current [29 CFR 1627.3]

B. *Applications for Employment and Supporting Documentation*

Applications, resumes and supporting documentation and other replies to job advertisements, including applications for temporary positions.

Retention: 2 years from the date record was made or human resource action was taken, whichever is later [29 CFR 1627.4, 29 CFR 1602.14]

C. *Applications for Employment – Not Hired*

Applications, resumes and supporting documentation submitted for municipal employment by individuals not hired.

Retention: 2 years from the date of the making of the record or the personnel action involved, whichever occurs later [29 CFR 1602.31]

1. *Background Investigation Files – Public Safety Applicants Not Hired* <Added 3/07>

Files containing background investigation information for public safety applicants, such as background checks, CVSA narrative psychological reports, reference checks, etc.

Retention: 3 years + current

D. *Examinations*

Tests administered by the municipality in connection with screening job applicants to determine aptitude or skills.

Retention: 2 years + current from the date of making record or action, whichever occurs last [29 CFR 1602.31, 29 CFR 1627.3 and 29 CFR 1607.4]

E. *Job Descriptions and Specifications*

Written descriptions of duties performed, qualifications and physical requirements for municipal positions.

Retention: Until superseded

F. Polygraph Records – Job Applicants

Retention: 2 years + current

G. Polygraph Records – Routine (not job-related) <Added 4/06>

Retention: Until administrative need ends

15.160 OATHS OF OFFICE

Oaths of office taken by appointed municipal officials [CRS 31-4-401].

Retention: Term of office + 1 year

15.170 PAYROLL RECORDS

A. Basis of Pay¹³

Records pertaining to additions or deductions from wages paid; the basis on which wages are paid; earnings per week; records containing employee's name, address, date of birth, occupation, rate of pay and compensation earned per week; includes payroll records pertaining to both FLSA-Exempt and FLSA-Non-Exempt Employees.

Note: The basis on which wages are paid must be documented in sufficient detail to permit calculation for each pay period including benefits and prerequisites. The records may include payment of wages, wage rates, job evaluations, merit and incentive programs and seniority systems. The basic reason for these records is to give the Wage-Hour Division an indication on whether or not sex discrimination exists.

Retention: 3 years [29 CFR 516.5]

B. Compensation Plans

1. Pay Plans

Written plans outlining job titles and pay scales for municipal employees.

Retention: Permanent

2. Seniority or Merit Systems

Retention: For the full period the plan or system is in effect plus 1 year [29 CFR 1627.3]

C. Credit Union Deduction Requests

Retention: 1 year after superseded¹⁴

D. Direct Deposit Reports

Retention: 1 year + current

¹³ Research notations: *Additions or Deductions from Wages Paid*, 3 years [29 CFR 516.5]; *Age Discrimination in Employment Act Records*, 3 years [29 CFR 1627.3]; *Basis on Which Wages Are Paid*, 2 years [29 CFR 1620.32 and 29 CFR 516.6]; *Earnings Per Week*, 3 years [29 CFR 1627.3 and 29 CFR 516.5]; *FLSA-Exempt Employees*, 3 years [29 CFR 516.5]; *FLSA-Non Exempt Employees*, 3 years [29 CFR 516.5]; *Title VII and Americans with Disabilities Act*, 1 year from date record made or personnel action taken, whichever is later [29 CFR 1602.14].

¹⁴ 29 CFR 516.6 specifies retention for 2 years.

E. Employee Longevity Records <Added 4/06>

Report related to individual employee.

Retention: 10 years after separation

F. Garnishments

Documentation of requests and court orders served on the municipality to withhold the wages of employees for garnishments, tax levies, support payments and other reasons.

Retention: 3 years

G. Leave Records

1. Balance Reports

a. Year-End

Retention: Duration of employee file

b. Other Periodic Reports

Retention: 2 years

2. Leave Requests

Applications submitted by employees for sick, vacation, compensatory, personal business, family and medical leave, long-term leave and other leave time.

Retention: 1 year + current

H. Pay Plans

See 15.170.B.1, Compensation Plans.

I. Payroll Reports

1. End of Pay Period

Retention: 1 year + current

2. FICA Reports – Quarterly

Retention: 6 years + current

3. Quarterly

Retention: 2 years + current

4. Year-End

Retention: 6 years + current provided Payroll Register is retained permanently

J. Payroll Tax Records

Records of collection, distribution, deposit and transmittal of federal and state income taxes, including employer's quarterly federal tax return (941, 941E) and other similar federal and state forms. *<Amended 3/07>*

Retention: 5 years + current

K. Register – Payroll [Year-End]

Documentation of the earnings, voluntary and required deductions and withholdings of municipal employees.

Retention: Permanent

L. Salary Surveys

Studies and surveys conducted by the municipality or its agents to gather comparative salary information for municipal positions in comparable organizations.

Retention: 3 years + current

M. Time Worked Records

All basic time and earnings cards or sheets and work production sheets of individuals where all or part of the employee's earnings are determined.

Retention: 5 years + current [CRS 8-72-107]²²

N. Wage-Rate Tables

All tables or schedules (from their last effective date) of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages, or salary, or overtime pay computation.

Retention: 2 years; however the Department of Labor may request records back 3 years [29 CFR 516.6]

O. W-2 Forms

Annual wage and tax statements documenting individual employee earnings and withholdings for state and federal income taxes and social security tax.

Retention: 4 years + current

P. W-4 Forms

Withholding allowance certificates documenting exemption status of individual municipal employees.

Retention: Throughout employment

15.180 PENSION RECORDS

A. Actuarial Reports

Reports by actuaries concerning the financial soundness of a pension plan.

Retention: Permanent

B. Pensions Awarded

Records of applications for pensions, determinations regarding award of pensions and actuarial calculations for the pension.

Retention: Permanent

C. Pension Plans

See 15.40.B, *Benefit Plans*.

D. Retirement Files <Added 2/08>

Records containing calculations and supporting documentation regarding retirement eligibility, retirement amounts and other information pertaining to current and potential future pensions.

Retention: 10 years after retirement benefits are no longer paid or after eligibility for retirement benefits ceases, whichever is later

15.190 PHYSICAL AND MEDICAL RECORDS

Records documenting an individual employee's work-related medical history [29 CFR 1630.14]. Note: These records are not personnel records and must be kept physically separate from employee personnel records in a separate location as required by the Americans with Disabilities Act. See also 15.120, *Health and Safety Records*.

A. Age Discrimination in Employment Act (ADEA) and Americans with Disabilities Act (ADA) Records

Records required to be retained under Age Discrimination in Employment Act (ADEA) and Americans with Disabilities Act (ADA) containing results of physical examinations considered in connection with personnel actions.

Retention: 1 year [29 CFR 1627.3]

B. Family and Medical Leave Act (FMLA) Records

Records required to be retained under Family and Medical Leave Act (FMLA); includes an FMLA leave request relating to medical certifications, recertification or medical histories of employees or employees' family members. These records shall be maintained in separate files/records and be treated as confidential medical records, except that supervisors and managers may be informed regarding necessary restrictions and accommodations, not the nature of the condition, first aid and safety personnel may be informed (when appropriate) if the employee may/might require emergency treatment, and government officials investigating compliance with FMLA shall be provided relevant information.

Retention: 3 years [29 CFR 825.500]

C. Occupational Safety and Health Act (OSHA) Records

Records required under Occupational Safety and Health Act (OSHA), including complete and accurate records of all medical examinations required by OSHA law. Note: These records may be retained by the medical provider.

Retention: Duration of employment + 30 years, unless a specific OSHA standard provides a different time period [29 CFR 1910.1020]

15.200 POLICIES AND PROCEDURES – PERSONNEL

See 7.260, *Policies and Procedures Documentation*. <Amended 3/07>

A. Recruitment and Interviewing Procedures

Guidelines for recruitment and interviewing processes for hiring of municipal employees.

Retention: 1 year + current

15.210 REGULATORY AGENCY INFORMATION

See 7.150, *Legislation and Regulatory Actions*.

15.220 REPORTS – PERSONNEL

See 15.170, *Payroll Records* and 15.180, *Pension Records*.

15.230 SAFETY

See 15.120, *Health and Safety Records*.

15.240 SIGNATURE CERTIFICATES

Facsimile signature certificates for the municipal clerk and treasurer that are filed with the Secretary of State's office for authentication and verification of the signature of the official on municipal documents.

Retention: 1 year after end of employment

15.250 SOCIAL SECURITY

See 15.40.B, *Benefit Plans*.

15.260 TEST RECORDS

See 15.150.D, *Examinations*.

15.270 TRAINING INFORMATION

Information presented to orient new employees regarding policies and procedures.

Retention: 1 year + current

15.280 UNEMPLOYMENT INSURANCE

Reports and claim records for unemployment insurance payments.

Retention: 6 years + current

15.290 VOLUNTEER WORKER RECORDS <Amended 3/07>

A. Recognition Records <Added 3/07>

Records relating to awards and events recognizing uncompensated volunteer service to the municipality.

Retention: 3 years + current

B. Service Records <Added 3/07>

Records documenting work performed for the municipality by individuals without compensation for their services, including applicants, records of background investigations, individual recognition and timesheets.

Retention: 3 years after separation from volunteer service

15.300 WORK SCHEDULES

A. Employee On-Call Schedule

Retention: 2 years + current

15.310 WORKERS' COMPENSATION

Injury reports and supplemental reports and claim records for workers' compensation. See also 5.240.E, *Insurance Policies*. <Amended 2/08>

Retention: 6 years + current

