

# RECORDS MANAGEMENT MANUAL

## COLORADO SPECIAL DISTRICTS

### SCHEDULE NO. 15

#### PERSONNEL RECORDS

General Description: Records relating to the hiring, employment, safety, benefits, compensation, retirement and termination of district employees. *The specified retention period applies 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 Schedule 15 Compliance with Regulatory Requirements.

#### 15.20 Agreements And Contracts - Personnel

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.

##### ***Collective Bargaining Agreements and Agreements***

Retention: 3 years after expiration [29 CFR 516.5]

##### ***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 Schedule 15 Compliance with Regulatory Requirements.

#### 15.40 Benefits Records

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

##### **Group Health Insurance – Continuation of Coverage**

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Records showing that covered employees, their spouses and dependents have received written notice of continuing group health insurance and COBRA<sup>5</sup> rights, and whether the covered employees, spouses and dependents elected or rejected coverage.

Retention: 3 years + current<sup>6</sup>

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

Retention: 3 years + current

### ***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]<sup>7</sup>

### **Benefit Reports**

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

Retention: 3 years + current

### **Employee Insurance Claims**

See 5.240.D, Employee Insurance Claim Records.

### ***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 and 29 CFR 2520]

## **15.50 Bonds - Public Officials**

Fidelity, surety, blanket or other bonds intended to guarantee honest and faithful performance of officials such as district board members or the treasurer [CRS 32-1-901, CRS 32-1-902].

Retention: 6 years + current after term expires

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<sup>5</sup> COBRA means Consolidated Omnibus Budget Reconciliation Act of 1985.

<sup>6</sup> Retention period not specified in federal law 26 CFR 4980 B (f)(6) or 29 USC 1166

<sup>7</sup> GRMRC F-19 and P-17 specify permanent retention for pension plans

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### 15.60 Compliance With Regulatory Requirements

#### ***Affirmative Action Compliance***

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

#### ***Affirmative Action Plan***

Retention: Permanent

#### ***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<sup>8</sup> [29 CFR 1602.31]

#### ***Report EEO-4***

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

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

#### ***Americans with Disabilities Act (ADA) Compliance***

See *Schedule 15 Physical and Medical Records*.

#### ***Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) Compliance***

See *Schedule 15 Benefits – Group Health Insurance – Continuation of Coverage*.

#### ***Family and Medical Leave Act (FMLA) Compliance***

See *Schedule 15 Physical and Medical Records*.

#### ***Occupational Safety and Health Act (OSHA) Compliance***

See *Schedule 15 Physical and Medical Records*.

### 15.65 Driver's License Verifications

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

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<sup>8</sup> GRMRC P-4 specifies 5 years + current; 29 CFR 1602.14 specifies 1 year

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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 special district 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*.

Retention: 10 years after retirement or separation, provided that records relating to hazardous material exposure are retained 30 years after separation.<sup>9</sup>

Duplicate Copies: Consult with custodian of record copy of special district employee records regarding proper transfer or disposal of departmental employee records upon termination of employment

### 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

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

Retention: 1 years + current

### 15.90 Expense Records

See *Schedule 5 Accounts Payable Records*.

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<sup>9</sup> 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].

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### 15.100 Garnishments

See *Schedule 15 Payroll Records*.

### 15.110 Grievances

Records of personnel grievances filed by employees.

Retention: 3 years + current after settled]

### 15.120 Health And Safety Records

See also *Schedule 15 Physical and Medical Records* and *Workers' Compensation*.

#### ***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]

#### ***HIPPA Authorizations for Release of Information***

Employee (patient) authorizations for release of protected information.

Retention: 6 years from date of creation of the record

#### ***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 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.

#### ***Safety Committee Records***

See *Schedule 7 Committees – Internal*.

#### ***Safety Policies and Procedures***

See *Schedule 7 Policies and Procedures Documentation*.

#### ***Safety Training Information***

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

Retention: 1 year + current

### 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 *Schedule 15 Benefits* and *Schedule 5 Insurance Records*.

### 15.150 Job Records

#### ***Advertisements of Job Opportunities***

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

Retention: 1 year + current [29 CFR 1627.3]

#### ***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

#### ***Applications for Employment – Not Hired***

Applications, resumes and supporting documentation submitted for special district 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]

#### ***Examinations***

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

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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]

### ***Job Descriptions and Specifications***

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

Retention: Until superseded

### ***Polygraph Records – Job Applicants***

Retention: 2 years + current

### ***Polygraph Records - Routine (Not Job Related)***

Retention: Until administrative need ends

## **15.160 Oaths Of Office**

Oaths of office taken by elected or appointed district officials [CRS 32-1-901].

Retention: Term of office + 1 year

## **15.170 Payroll Records**

### ***Basis of Pay<sup>10</sup>***

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]

### ***Compensation Plans***

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<sup>10</sup> 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].

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### ***Pay Plans***

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

Retention: Permanent

### ***Seniority or Merit Systems***

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

### ***Credit Union Deduction Requests***

Retention: 1 year after superseded<sup>11</sup>

### ***Direct Deposit Reports***

Retention: 1 year + current

### ***Employee Longevity Reports***

Report related to individual employee.

Retention: 10 years after separation

### ***Garnishments***

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

Retention: 3 years

### ***Leave Records***

#### ***Balance Reports***

##### ***Year-End***

Retention: Duration of employee file

#### ***Other Periodic Reports***

Retention: 2 years

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<sup>11</sup> 29 CFR 516.6 specifies retention for 2 years.

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### ***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

### ***Pay Plans***

See *Compensation Plans* above.

### ***Payroll Reports***

#### ***Employee Longevity Reports***

Retention: Permanent

#### ***End of Pay Period***

Retention: 1 year + current

### ***FICA Reports – Quarterly***

Retention: 6 years + current

#### ***Quarterly***

Retention: 2 years + current

#### ***Year-End***

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

### ***Payroll Tax Records***

Records of collection, distribution, deposit and transmittal of federal and state income taxes, including federal miscellaneous income statements (1099), request for taxpayer identification number and certificate (W-9), employer's quarterly federal tax return (941, 941E) and other similar federal and state forms.

Retention: 5 years + current

### ***Register – Payroll [Year-End]***

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

Retention: Permanent

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### ***Salary Surveys***

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

Retention: 3 years + current

### ***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]<sup>12</sup>

### ***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]

### ***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

### ***W-4 Forms***

Withholding allowance certificates documenting exemption status of individual district employees.

Retention: Throughout employment

## **15.180 Pension Records**

### ***Actuarial Reports***

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

Retention: Permanent

### ***Pensions Awarded***

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<sup>12</sup> GRMRC P-16, 29 CFR 1602.31 and 29 CFR 516.6 specify retention for 2 years. The model retention schedule follows state law.

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

Retention: Permanent

### ***Pension Plans***

See *Schedule 15 Benefits – Benefit Plans*.

### **Retirement Files**

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 Schedule 15 Health and Safety Records.*

### ***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]

### ***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]

### ***Occupational Safety and Health Act (OSHA) Records***

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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

Handbooks, manuals, directives and other written statements or summaries of policies and procedures governing personnel and human resource matters pertaining to employment with the special district. See also *Schedule 7 Policies and Procedures Documentation*.

Retention: Until updated, *except* retain permanently all documentation that would be useful in establishing past policies or procedures in settling personnel disputes

#### ***Recruitment and Interviewing Procedures***

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

Retention: 1 year + current

### 15.210 Regulatory Agency Information

See *Schedule 7 Legislation and Regulatory Actions*.

### 15.220 Reports - Personnel

See *Schedule 15 Pension Records and Payroll Records*.

### 15.230 Safety

See *Schedule 15 Health and Safety Records*.

### 15.240 Signature Certificates

Facsimile signature certificates of any authorized district officer that are filed with the Secretary of State's office for authentication and verification of the signature of the official on district documents.[CRS 11-55-103]

Retention: 1 year after end of employment or board service

### 15.250 Social Security

See *Schedule 15 Benefits – Benefit Plans*.

### 15.260 Test Records

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See *Schedule 15 Job Records*.

### **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**

Records documenting work performed for the district by citizens without compensation for their services.

Retention: 3 years after separation

### **15.300 Work Schedules**

#### ***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*.

Retention: 6 years + current