

SCHEDULE NO. 90

PERSONNEL RECORDS

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

*No record may be destroyed under this Retention Schedule if it is pertinent to any current, pending or anticipated investigation, audit or legal proceeding. The **minimum retention periods specified in this schedule apply to the information contained within the record copy, regardless of the physical format of the record copy (paper, microfilm, electronic).** Each municipality must decide on the physical format for each type of record, ensuring authenticity, readability and accessibility for the entire retention period. **Duplicate Copies:** Retain duplicated copies until no longer needed but not longer than the record copy. <Amended 5/14>*

90.010 AFFIRMATIVE ACTION RECORDS

Records relating to compliance with federal affirmative action requirements.

A. Affirmative Action Plan

Retention: 2 years after superseded

B. Report EEO-1

Employer information reports made by all municipalities with more than 100 employees.

Retention: Copy of most current report must be available [29 CFR 1602.12]

C. 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 1602.32]

D. Requests for Reasonable Accommodations

Requests for reasonable accommodations in hiring or employment.

Retention: 2 years [29 CFR 1602.31]

90.020 AGREEMENTS AND CONTRACTS – EMPLOYMENT

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]

90.030 BENEFIT RECORDS

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

A. 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 (i.e., as long as anyone is still covered under the plan), plus 1 year after termination of plan [29 CFR 1627.3]

B. Benefit Reports

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

Retention: 3 years

C. Employee Insurance Claim Records

Reports pertaining to employee claims for medical, dental, long-term disability and other insurance coverage.

Retention: 3 years after claim is closed and all rights of appeal have expired

D. 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]

90.040 BONDS – PUBLIC OFFICIALS

Fidelity, surety, blanket or other bonds intended to guarantee honest and faithful performance of officials. [CRS 31-4-219, CRS 31-4-401]

Retention: 6 years after bond expires

90.050 COLLECTIVE BARGAINING RECORDS

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 collective bargaining agreement [29 CFR 516.5]

90.060 DRIVER'S LICENSE VERIFICATIONS

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

Retention: Until superseded

90.070 EMPLOYEE RECORDS – ACTIVE AND TERMINATED

Documentation of an individual employee's work history maintained because of the employer-employee relationship, such as records pertaining to age, current or last-known address, telephone number and social security number; notices of appointment; tuition reimbursement;

classification questionnaires; commendations; disciplinary and personnel actions and supporting documentation, including hiring, evaluation, demotion, promotion, layoff, selection for training or apprenticeships, transfer, resignation and termination or involuntary termination; delegations of authority and work assignments; emergency notification forms; oaths of office; job-related training documentation; individual safety training records, performance evaluations; salary documentation; beneficiary designations; selection of benefit or insurance plans (such as pension plans or cafeteria or flex benefits); records relating to COBRA continuation of health insurance coverage; etc. [General Reference: CRS 24-72-202(4.5)]. Note: Medical records are to be retained separately in accordance with federal law. For employee medical records, see 90.110.B, *Employee Medical Records in General*.

Retention: 10 years after retirement or separation, provided that records that are updated periodically may be destroyed when superseded and that medical records relating to hazardous material exposure are retained 30 years after separation

Departmental employee records: Consult with custodian of record copy of employee records regarding proper transfer or disposal of departmental employee records upon termination of employment

90.080 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

Departmental temporary or seasonal employee records: Consult with custodian of record copy of employee records regarding proper transfer or disposal of departmental employee records upon termination of employment

90.090 EMPLOYMENT VERIFICATIONS

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: 2 years

90.100 GRIEVANCES

Records of personnel grievances filed by employees.

Retention: 3 years after settled

90.110 HEALTH, MEDICAL AND SAFETY RECORDS

See also 90.220, *Workers' Compensation*.

A. Commercial Drivers' License Records

1. Administrative Records

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

Retention: 5 years [49 CFR 382.401(b)(1)(vii)]

3. Calibration Documentation

Retention: 5 years [49 CFR 382.401(b)(1)(v)]

4. Collection Process Records

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

5. Driving Skills Testing Center Pass/Fail Records

Retention: 3 years [1 CCR 204-12]

6. Test Refusal Documentation

Retention: 5 years [49 CFR 382.401(b)(1)(iii)]

7. Test Result Records – Alcohol and Controlled Substances

a. Alcohol Test Results

1) Concentration Greater Than 0.02

Retention: 5 years [49 CFR 382.401(b)(1)(i)]

2) Concentration Less Than 0.02

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

b. Controlled Substance Test Results

1) Driver Verified Positive Test Results

Retention: 5 years [49 CFR 382.401(b)(1)(ii)]

2) Negative and Cancelled Test Results

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

8. Training and Education Records – Technicians, Supervisors, Drivers

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

B. Employee Medical Records in General

Confidential employee medical records, including: pre-employment physicals; post-employment offer medical examinations and inquiries; job-related medical examinations and inquiries consistent with business necessity; voluntary medical histories obtained as part of an employee health program; pre-employment, post-accident and random drug testing records (not including CDL testing); medical records connected to personnel actions and covered under the requirements of ADA, ADEA, FMLA or OSHA; hazardous materials exposure records, such as 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. [General Reference: 29 CFR 1630.14, medical records are not personnel records and must be kept physically separate from employee personnel records.]

Retention: 10 years after separation from employment, *except* that employee medical records related to hazardous materials or blood-borne pathogen exposure are to be retained for 30 years after separation from employment and medical records related to workers' compensation cases are to be retained for 10 years after case is closed [29 CFR 1910.1020, 29 CFR 1910.1030]

C. HIPAA Authorizations for Release of Information

Employee (patient) authorizations for release of protected health and medical information.

Retention: 6 years from date of creation of record

D. Safety Training Records

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

Retention: 2 years after superseded or after training is no longer administered, whichever is later

90.120 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, rehire or 1 year after separation, whichever is later (minimum of 3 years) [8 CFR 274a.2]

90.130 JOB RECRUITMENT RECORDS

A. Advertisements of Job Opportunities

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

Retention: 1 year [29 CFR 1627.3]

B. Applications for Employment and Supporting Documentation

Applications, resumes and supporting documentation, including polygraph exams, and other replies to job advertisements, including applications for temporary positions and applications from individuals not hired.

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

C. Background Investigation Files – Public Safety Applicants Not Hired

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

Retention: 3 years

D. Examinations and Tests

Tests administered to screen job applicants to determine aptitude or skills.

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

E. Fair Credit Reporting Act (FCRA) Records

Records of reports and investigations by consumer reporting agencies to help employers make hiring or employment-related decisions, including consumer report disclosure to employees, consumer report authorizations from employees, employer certifications to credit reporting agencies, reports from reporting agencies, and summary of rights.

Retention: Individuals may bring claims under FCRA for 2 years after violation of Act [16 CFR, Appendix to Part 600]

F. Job Descriptions and Specifications

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

Retention: Until superseded

G. Recruitment and Interviewing Procedures

Guidelines for recruitment and interviewing processes for hiring of employees.

Retention: 2 years

90.140 PAYROLL RECORDS

A. Basis of Pay

Records pertaining to additions to or deductions from wages paid, including credit union deduction requests, garnishments, etc.; 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 of whether or not sex discrimination exists.

Retention: 3 years [29 CFR 516.2, 29 CFR 516.5, 29 CFR 1627.3]

B. Compensation or Pay Plans

1. Pay Plans

Written plans outlining job titles and pay scales for employees.

Retention: Permanent

2. Seniority or Merit Systems

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

C. Direct Deposit Reports

Retention: 2 years

D. Leave Records

1. Balance Reports

a. Year-End

Retention: 3 years

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, military leave and other leave time.

a. Military Leave

Retention: Employees may spend up to 5 years on active duty and still be eligible for reemployment [38 USC 4312]

b. Other Leave

Retention: 2 years

E. Payroll Reports

1. End of Pay Period

Retention: 2 years

2. FICA Reports – Quarterly

Retention: 7 years

3. Quarterly

Retention: 3 years

4. Year-End

Retention: 7 years, provided that payroll register is retained for 50 years

F. 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.

Retention: 4 years after due date of tax return to which payroll tax records relate or date paid, whichever is later [26 CFR 31.6001-1]

G. Register – Payroll [Year-End]

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

Retention: 50 years

H. Salary Surveys

Studies and surveys conducted to gather comparative salary information for positions in comparable organizations.

Retention: 3 years

I. 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 [CRS 8-72-107]

J. 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: 3 years [29 CFR 516.6]

K. 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 after due date of tax return to which payroll tax records relate or date paid, whichever is later [26 CFR 31.6001-1]

L. W-4 Forms

Withholding allowance certificates documenting exemption status of individual employees.

Retention: Throughout employment

90.150 PENSION AND RETIREMENT RECORDS

See also 90.030.B, Benefit Reports.

A. Actuarial Reports

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

Retention: 50 years

B. Retirement and Pension Files

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

pensions; records of applications for pensions, determinations regarding pension awards and actuarial calculations for the pension.

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

90.160 POLYGRAPH RECORDS – WORKPLACE INVESTIGATIONS

Polygraph investigations of workplace theft or other incidents or activities resulting in economic loss to the employer; copy of statement provided to employee setting forth specific incident or activity under investigation and basis for testing; copy of notice provided to polygraph examiner identifying persons to be examined; copies of opinions, reports, charts, written questions, lists and other records relating to employee polygraph tests (e.g., records of number of examinations conducted each day, records specifying duration of each test period) that have been furnished to the employer by the polygraph examiner.

Retention: 3 years from date polygraph test is conducted or from date examination is requested, whichever is later [29 CFR 801.30]

90.170 STATE OF COLORADO NEW HIRE REPORTING COMPLIANCE

The State of Colorado requires notification for child support purposes when a new employee is hired as part of the federal parent locator service. Reports are kept for statistical purposes. [General Reference: 42 USC 653]

Retention: 3 years

90.180 TRAINING INFORMATION

Information presented to employees regarding policies and procedures. General and technical aspects of their jobs, and other matters, including class rosters, flyers and other supporting information.

Retention: 2 years

90.190 UNEMPLOYMENT INSURANCE

Reports and claim records for unemployment insurance payments.

Retention: 6 years

90.200 VOLUNTEER WORKER RECORDS

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

Retention: 3 years after separation from volunteer service

90.210 WORK SCHEDULES

Records of scheduled work for employees, including shift schedules.

Retention: 3 years

90.220 WORKERS' COMPENSATION

Injury reports and supplemental reports and claim records for workers' compensation. See also 90.110, *Health, Medical and Safety Records*.

Retention: 6 years after case is closed

Cross References

- Agreements and contracts – 40.030, Agreements and Contracts
- Childcare facility personnel records – 75.030.A Childcare Facility Licensing Records
- Correspondence and general documentation – 40.100, Correspondence and General Documentation
- Expense records – 30.010.A, Accounts Payable Records in General
- Policies and procedures – 40.220, Policies and Procedures Documentation
- Reports – 40.290, Reports
- Rules, regulations and standards – 40.310, Rules, Regulations and Standards
- Safety committee – 40.080, Committees – Internal