

District Operations Brief

DO Brief #7 - 2013



Personnel Files

As political subdivisions of the State of Washington, Conservation Districts are encouraged to follow the guidelines and recommendations for organization and management of staff personnel files.

Personnel records can be maintained in paper form, scanned or completed and maintained electronically. An employer can choose which format best suits their needs. No matter what format is used, the maintenance, security and retention requirements are the same.

When a new employee is hired, what are the appropriate personnel related files that need to be created?

Personnel File – This is the employee’s “official” personnel file. This file is maintained in the Human Resource Office and follows the employee throughout his/her tenure of employment with the conservation district. A recommended layout for personnel files is as follows (this is a layout for a classification 2 divide folder <http://www.smead.com/Director.asp?Nodell=1009>):

Some of the items below may or may not apply to your district. Please use professional judgment in determining applicability.

1 st Left	1 st Right	2 nd Left	2 nd Right	3 rd Left	3 rd Right
General Data Information	Action Items & Back up Paperwork	Recognition	Evaluations and Training	Policy/Procedure	Disciplinary/ Corrective
Applications	Appointment letters/memos	Awards/Certificates	Position Descriptions	Confidentiality Statements	Create form to capture who reviews and date
Employment Verification Requests	Change of Address	Letters of appreciation	Evaluations	Policy/Procedure Acknowledgement	
New Hire Checklist	Date Adjustments	Recognition letters	Expectations	Report of Outside Employment	
Records Transmittals Cover Sheets	Position # change letter	Service letters	Training Plans	Telecommute Agreements	
File Review Approval (Goes on top)	Reallocation letters/memos		Training Profile		
	Salary change memo		Tuition Reimbursement Requests		
	Work Schedule Shift Change Notice				

It is very important to never include any information regarding the employee’s performance or discipline in the personnel file without the employee’s knowledge.

"This information is provided as a courtesy to Washington State Conservation Districts. It is not legal or tax advice. For legal and tax status questions, we encourage you to consult qualified legal and accounting professionals."

The following are files that are in addition to the main personnel file.

Affirmative Action File – This file should only include affirmative action paperwork.

Emergency Contact File – This file should only include emergency contact information for the individual employee and is recommended to be updated on an annual basis.

I-9 File – This file should include an I-9 file ONLY for the employee. I-9's are required documentation for all employees working in the United States. Please visit the U.S. Citizenship and Immigration Services website for more information about I-9, Employment Eligibility Verification. <http://www.uscis.gov>

Medical File – An employee medical file should include the following information ONLY, this information shall be kept separate from the employee's personnel file as required by [WAC 162-22-090\(4\)](#) and [29 CFR 1630.14\(d\)\(1\)](#):

- Labor and Industries Paperwork
- Shared Leave Paperwork
- Reasonable Accommodation Paperwork
- Family Medical Leave Act Paperwork

Payroll File – An employee payroll file should include the following information ONLY:

- Insurance Paperwork
- Benefits
- Retirement
- Direct Deposit Form
- Unemployment Insurance

An optional file to include with the employee personnel file is a Supervisory File. The supervisory file is a twelve month working file maintained by the supervisor. The only items placed in the supervisory file are documents relevant to the performance of the employee during their twelve month evaluation period.

Personnel File Records Retention and Public Disclosure.

To locate information about retention of the employee's personnel file and the additional files mentioned above, please refer to [Chapter 40.14 RCW](#). It is recommended that prior to destruction of any record, the conservation district contact their legal counsel to ensure there are no additional reasons to retain a record beyond its retention period, a circumstance for that happening includes; potential litigation.

It is very important to know that without exception, all of the records in the personnel file and additional files mentioned in this brief are classified as public records and are commonly requested through a public records request. [Chapter 42.56 RCW, Public Records Act](#) does include information about applicable redactions and prohibitions for public disclosure. We encourage conservation districts who receive a public disclosure request to contact their legal counsel with questions. Additional resources for public disclosure include: [MRSC Public Records Act](#).

Employee Inspection of personnel file.

[Chapter 49.12.240 RCW](#) provides:

- Every employer shall, at least annually, upon the request of an employee, permit that employee to inspect any or all of his or her own personnel file(s).

Employee Inspection of a personnel file – Erroneous or disputed information.

[Chapter 49.12.250 RCW](#) states:

- (1) Each employer shall make such file(s) available locally within a reasonable period of time after the employee requests the file(s).
- (2) An employee annually may petition that the employer review all information in the employee's personnel file(s) that are regularly maintained by the employer as a part of his business records or are subject to reference for information given to persons outside of the company. The employer shall determine if there is any irrelevant or erroneous information in the file(s), and shall remove all such information from the file(s). If an employee does not agree with the employer's determination, the employee may at his or her request have placed in the employee's personnel file a statement containing the employee's rebuttal or correction. Nothing in this subsection prevents the employer from removing information more frequently.
- (3) A former employee shall retain the right of rebuttal or correction for a period not to exceed two years.

Employee Inspection of personnel file – Limitations.

[Chapter 49.12.260 RCW](#) states:

- RCW [49.12.240](#) and [49.12.250](#) do not apply to the records of an employee relating to the investigation of a possible criminal offense. RCW [49.12.240](#) and [49.12.250](#) do not apply to information or records compiled in preparation for an impending lawsuit which would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts