

EMPLOYEE RECORDS

PURPOSE: To ensure appropriate storage, security and retention of employment-related records in compliance with Oregon Administrative Rules, Records Management Policy, the Americans with Disabilities Act, the Health Insurance Portability and Accountability Act and other laws, rules and regulations which govern employment records.

SCOPE: This policy applies to all County Offices and Employees.

POLICY STATEMENT: The Department of Employee Services is responsible for establishing and maintaining employee records for all regular and temporary employees. These employee records may include information related to personnel, benefits, worker's compensation, Family and Medical Leave, disability claims, pre-employment physical and psychological evaluations, fitness-for-duty reports, grievance and employment claim matters, and may be in the form of paper and/or electronic records. The intent of this policy is to outline the Department of Employee Services (DES) general guidelines and expectations for the necessary collection, use, disclosure and retention of personal and confidential information about employees in order to provide services and benefits while maintaining reasonable safeguards to protect the privacy of employees in conformance with applicable laws.

PUBLIC RECORDS

Oregon Law states in ORS 192.420, "every person has the right to inspect any public records of a public body in the State except as otherwise expressly provided by ORS 192.501 to 192.505." The law allows exemptions from public disclosure including items used in employment testing and certain items placed in employee personnel files. Specifically exempt are: test questions, scoring keys, and other testing data; personnel discipline actions; and supporting documents. In addition, information of a personal nature which may be kept in a personal, medical or similar file is exempt from disclosure if such disclosure would constitute an unreasonable invasion of privacy. The use of the term "personal file" does not specifically include employee personnel files.

In accordance with Oregon law, all records maintained by the County shall be public records except for the statutory exceptions, which include, but are not limited to:

- 1) internal advisory communications of a confidential nature;
- 2) confidential disclosures by citizens or previous employers;
- 3) information subject to ORS personal privacy exemption;
- 4) public records in litigation;
- 5) test questions;
- 7) criminal investigatory material.

PERSONNEL RECORDS

Individual employee personnel files shall be established and maintained by the Department of Employee Services, Personnel Division, for all employees. Maintenance of these central employee files by the Department of Employee Services is necessary for the proper management of human

resources and to allow proper access by employees. Employees' personnel files provide the basis for salary recommendations, promotional considerations, employee development and career planning, education and training considerations, and many other functions directly benefiting the individual employee as well as the department.

Supplemental departmental employee files may also be maintained for effective department management. A supervisor or manager may maintain an information file for employees. These files do not replace those required for the official personnel file. In addition, these files should not contain any medical records as described below. Medical records must be forwarded to DES for secure storage and appropriate retention.

MEDICAL RECORDS

Employee medical records shall not be retained in the official personnel file or a departmental working file, but in a confidential file which is physically separate from the official personnel file as prescribed by the Americans with Disabilities Act (ADA). Examples of medical records may include pre-employment physical and psychological evaluations, employment-related immunizations, work place accommodations under ADA, fitness-for-duty evaluations, worker's compensation or incident reports that disclose an employee's injuries or illness, and releases to return work that describe physical limitations (rather than work limitations). Department should never retain any employee medical records.

HIPAA and PROTECTED HEALTH INFORMATION

In 1996, the Health Information Privacy and Accountability Act (HIPAA) was enacted to give patients new rights and protection against the misuse or disclosure of their health records. All individually identifiable health information held or disclosed by a covered entity in any form, whether communicated electronically, on paper, or orally, is covered by the final regulation.

Under HIPAA, DES is required to reasonably safeguard Protected Health Information (PHI) from any intentional or unintentional use or disclosure. Information to be safeguarded may be in any medium — paper, electronic, oral, and visual. Any County employee who has access to paper, electronic, oral, and/or visual records containing PHI will be required to sign a Confidentiality Agreement as a condition of employment.

ACCESS TO EMPLOYEE RECORDS

Employees have the right to review and know the location of their individual employee records as maintained by the Department of Employee Services and their department. The entire contents of the files shall be made available to the employee upon request, except for reference checks from previous employers and confidential background investigations. Personnel records are available for review by an employee's immediate supervisor and higher level supervisors. All other employee records are protected from access by persons other than the following:

- 1) employee;
- 2) employee's official representative with the employee's signed authorization;
- 4) staff required to handle employee files; or
- 5) other individuals as may be required by law.

DISCLOSURE/DISSENT

Employees shall be informed of all items being placed in their individual employee files and have the right to include dissenting information at the time information is being initially filed. On request, individual employees shall receive copies of these materials.

HIPAA's privacy rules give individuals the right to inspect, copy and request amendment of records that include PHI. Individuals have the right to request restrictions on the use and/or disclosure of their information. In addition, individuals have a right to submit a complaint if they believe that DES has improperly used or disclosed their protected information, or if they have concerns about the privacy policies of DES or concerns about DES compliance with such policies.

The Department of Employee Services may assess a reasonable charge for providing copies of employee files.

PUBLIC INFORMATION

Material and information within an employee's file that is considered public includes, but is not limited to:

- 1) employee's department/agency;
- 2) employee classification;
- 3) employee salary rate;
- 4) employee date of hire;
- 5) employee date of separation; and
- 6) rank on eligible register.

REMOVAL OF PERSONNEL RECORDS

Records may be removed from the employee files maintained by the Department of Employee Services, with the approval of the Director of Employee Services based upon a written request from the affected employee or his/her representative in two circumstances:

- 1) Any employee who has received a written reprimand, been suspended, reduced in pay, demoted or dismissed may have records of such disciplinary action, except as may be documented on a Personnel Action, removed after three years from the date of the action, unless there is evidence in the file of recurring or continuing problems in related areas. (See applicable collective bargaining agreement.)
- 2) Where the record has been the subject of an employee grievance settled by an agreement with the County and/or an employee's bargaining representative, by order of the Employment Relations Board, or by order of the court such records may be removed prior to the expiration of the retention period.

Additional time periods for removal of records may be specified as part of an employee's collective bargaining agreement but shall not be less than the retention periods specified in OAR 166-40-080. Removal of records from employee files maintained by individual departments is subject to managerial discretion and negotiation with individual employees. A management decision to remove documents from an employee's department file does not apply to an employee's personnel file maintained by the Department of Employee Services. Requests for removal of records from a file maintained by the Department of Employee Services must conform to the procedures outlined above.

Department of Employee Services – Records Retention Schedule

RECORDS/DOCUMENTS	DIVISON	MANDATED RETENTION	EMPLOYEE SERVICES	METHOD	RECORDS MANAGEMEN
Accounts Payable Records	Risk & Benefits	Originals – 3 years (Finance has originals) Copies – as needed	3 years	Paper	N/A
Accounts Payable Records	Personnel	Originals – 3 years (Finance has originals) Copies – as needed	1 year	Paper	N/A
Accounts Receivable Records	Personnel Risk & Benefits	Originals – 3 years (Finance has originals) Copies – as needed	3 years	Paper	N/A
Activity Reports, General	Risk & Benefits	2 years	2 years	Paper	N/A
Balance Status and Projection Reports: Working Title: Fund Reconciliations	Risk & Benefits	3 years	3 years	Paper	N/A
Complaint Records BOLI, EEOC, Internal	Personnel	3 years after final decision issued	3 years	Paper	N/A
Bond Records (Employee)	Risk & Benefits	6 years after expiration	6 years	Paper	N/A
Budget Preparation Records	Personnel Risk & Benefits	2 years	2 years	Paper	N/A
Calendars and Scheduling Records	Personnel Risk & Benefits	1 year	1 year	Paper Electronic (PDA, Outlook, etc.)	N/A
Candidate Referral Lists	Personnel	3 years after position filled	3 years	Paper	N/A
Classification Specifications	Personnel	3 years after superceded	10 years	Paper Electronic	N/A
Collective Bargaining Records	Personnel	Contracts and minutes – 75 years after contract expires Other records – 6 years after contract expires	75 years 6 years	Paper/Imaged	N/A
Conference and Seminar Records	Personnel Risk & Benefits	2 years	2 years	Paper	N/A
Contractor Liability Insurance Verification Records	Risk & Benefits	6 years after expiration	6 years	Paper	N/A
Contractor Performance Bond Records DEQ, Public Officials	Risk & Benefits	6 years after expiration	6 years	Paper	N/A

Department of Employee Services – Records Retention Schedule

RECORDS/DOCUMENTS	DIVISION	MANDATED RETENTION	EMPLOYEE SERVICES	METHOD	RECORDS MANAGEMENT
Contracts, Leases and Agreements	Personnel Risk & Benefits	Original scanned through Board of County Commissioners – Permanent Others – 6 years after expiration	Current contract in effect or 6 years after expiration	Paper	N/A
Correspondence, Ephemeral	Personnel Risk & Benefits	N/A – Delete after reading	N/A	Paper Electronic	N/A
Correspondence, General	Personnel Risk & Benefits	1 year	1 year	Paper Electronic	N/A
Correspondence, General – Carrier	Risk & Benefits	1 year	1 year	Paper Electronic	N/A
Correspondence, General – Employee Benefits	Risk & Benefits	1 year	6 years after benefits terminated	Scanned – Employee Record	N/A
Correspondence, Policy and Historical	Personnel Risk & Benefits	Permanent record – microfilm	3 years	Paper	Microfilm for permanent record
Correspondence, Program	Personnel Risk & Benefits	Retain according to type of program	Varies according to type.	Paper Electronic	N/A
Deferred Compensation Quarterly/Monthly Statements	Risk & Benefits	10 years	2 years	Paper	8 years
Drafts and Worksheets	Personnel Risk & Benefits	Retain as needed	Retain as needed	Paper Electronic	N/A
Electronic Records	Personnel Risk & Benefits	Retain according to type	Varies according to type.	Electronic	N/A
Employee Risk & Benefits Record's – Active <ul style="list-style-type: none"> • Selection Forms • Health Enrollment Forms • Life Ins. Enrollment Forms • Statement of Health (Life) • Flexible Spending Account Enrollment Forms • HIPAA Forms • Medical Records • General Correspondence 	Risk & Benefits	2 years after employee separation or eligibility expired Medical information – 6 years	6 years after benefits coverage ends (including COBRA and Retiree coverage)	Scanned – Employee Record	N/A
Employee Benefits Record's	Risk & Benefits	2 years after employee separation or eligibility	6 years after benefits	Scanned – Employee Record	N/A

Department of Employee Services – Records Retention Schedule

RECORDS/DOCUMENTS	DIVISON	MANDATED RETENTION	EMPLOYEE SERVICES	METHOD	RECORDS MANAGEMEN
COBRA / Retiree - Active		expired Medical information – 6 years	coverage ends	Employee Record	
Employee Grievance Files	Personnel	3 years unless ongoing legal action	10 years unless ongoing legal action	Paper	N/A
Employee Recognition Statistics	Personnel	Retain as needed	6 years	Paper	N/A
Employment Applications (not hired)	Personnel	3 years	3 years	Paper (future scanning and/or electronic)	N/A
Employment Verification Materials	Personnel	3 years or 1 year after separation, whichever is longer	6 years after separation	Scanned – Employee Record	N/A
Exit Interview Statistics	Personnel	2 years	2 years	Paper	N/A
Actuarial Reports	Risk & Benefits	3 years	3 years	Paper	N/A
Flexible Benefits Summary Plan Documents	Risk & Benefits	6 years after end of plan year	6 years	Paper Scanned at BCC	N/A
Hazard Communications Program Records	Risk & Benefits	75 years	Until superceded	Paper	Microfilm to maximum of 75 years
Hazard Exposure Records	Risk & Benefits	30 years after separation	40 years after separation	Scanned – Employee Record	N/A
I-9's – Verification of Eligibility for Employment	Personnel	3 years after date of employment or 1 year after separation, whichever is longer	6 years after separation	Scanned – Employee Record	N/A
Insurance Fund Claims: Working Title: CIMA Files (Volunteer Liability Insurance)	Risk & Benefits	5 years (payments) Policy – 10 years	5 years	Paper	Policy-5 years
Insurance Policy Records: Working Title: Insurance Policies, Expired	Risk & Benefits	Group employee health and life, property, and liability insurance: 75 years after expiration if no claims pending; Other insurance: 6 years after expiration if no claims pending)	Health and Life - 3 years after superceded Property and Liability – 3 years	Health and Life insurance scanned at BCC Property and liability - paper	Health and Life - N/A Property and Liability - Microfilm – 72 years
Jobs Lists	Personnel	Retain as needed	1 year	Paper	N/A
Layoff Records	Personnel	3 years	3 years	Paper	N/A

Department of Employee Services – Records Retention Schedule

RECORDS/DOCUMENTS	DIVISON	MANDATED RETENTION	EMPLOYEE SERVICES	METHOD	RECORDS MANAGEMEN
				Or scanned as part of employee record	
Leave Applications(Family Medical Leave Files and Short-Term Disability Files)	Risk & Benefits	3 years after closure	3 years	Scanned – Employee Record	N/A
Liability Claims Records:	Risk & Benefits	If action taken – 10 years after case is closed, dismissed or date of last action. If no action taken – 3 years.	10 or 3 years as required.	Paper	N/A
Meeting Records, Benefit Review Committee	Risk & Benefits	Permanent	2 years	Paper	Microfilm
Meeting Records, Board, Commission, and Committee	Risk & Benefits	Permanent	2 years	Paper	Microfilm
Meeting Records, Deferred Compensation Committee	Risk & Benefits	Permanent	2 years	Paper	Microfilm
Meeting Records, Deferred Compensation Hardship Withdrawal Committee	Risk & Benefits	Permanent	2 years	Paper	Microfilm
Non-Discrimination Testing Records	Risk & Benefits	8 years	8 years	Paper	N/A
Occupational Injury and Illness Records-OSHA Summaries	Risk & Benefits	6 years	6 years	Paper	N/A
Payroll Records (Timesheets)	Personnel Risk & Benefits	4 years	4 years	Paper Electronic	N/A
PeopleSoft Salary Grade and Title Changes	Personnel	1 year	1 year	Paper	N/A
Accident/Incident Reports and Supervisor’s Accident/Incident Reports	Risk & Benefits	10 years after case is closed	1 year	Paper	9 years
Personnel Files	Personnel	Regular - 6 years after separation Temporary – 3 years after separation	6 years	Scanned – Employee Record	N/A
Policy Statements and Directives EPP’s, Risk Management Fund	Personnel Risk & Benefits	20 years after superceded	Permanent	Scanned through BCC process Current version available on Intranet	N/A
Position Classification Questionnaire	Personnel	3 years after superseded or obsolete	3 years	Paper	N/A
Position Requisitions w/Certification Lists	Personnel	3 years after position filled or recruitment cancelled	3 years	Paper	N/A
Property Damage Records	Risk & Benefits	If litigated: 10 years after case closed, dismissed, or	10 or 3 years as required.	Paper	N/A

Department of Employee Services – Records Retention Schedule

RECORDS/DOCUMENTS	DIVISION	MANDATED RETENTION	EMPLOYEE SERVICES	METHOD	RECORDS MANAGEMENT
		date of last action. If not litigated: 3 years after date of last action.			
Recruitment and Selections Records	Personnel	Recruitment summary records: 10 years; Unsolicited employment applications: 3 months; All other records: 3 years after position filled or recruitment canceled	Recruitment files – 10 years Unsolicited application – returned to sender	Paper	N/A
Risk Factor Evaluation Records	Risk & Benefits	4 years	4 years	Paper Electronic	N/A
Safety Inspection and Compliance Records	Risk & Benefits	Originals kept at departments – 10 years Copies – retain as needed	5 years	Paper	N/A
Safety Plans	Risk & Benefits	Until superceded	Until superceded	Paper	N/A
Surveys, Polls and Questionnaires	Risk & Benefits	Summary reports and abstracts: 5 years Other records: Until summary report is completed or 5 years, whichever is sooner	5 years	Paper	N/A
Training Program Records	Risk & Benefits	General – 1 year Attendance – 2 years Program Development – 5 years	General – 1 year Attendance – 6 years after termination of employment Program Development – 5 years	Paper Electronic Paper	N/A
Unemployment Compensation Claims:	Risk & Benefits	2 years	2 years	Paper	N/A
Union Correspondence Files	Personnel	3 years unless ongoing legal action	10 years unless ongoing legal action	Paper	N/A
Vehicle Accident Records	Risk & Benefits	If litigated: 10 years after case closed, dismissed, or date of last action. If not litigated: 3 years after date of last action.	10 or 3 years as required.	Paper	N/A
Volunteer Program Records AIG Medical Insurance	Risk & Benefits	Volunteer program records: 5 years. Policy Related: 10 years Individual volunteer worker records: 2 years after separation	5 Years 5 Years	Paper	Policy-Related: 5 Years
Workers' Comp Claim Records	Risk & Benefits	7 years after closure	7 years	Scanned – Employee Record	N/A
Workers' Comp Program Records: Assessment Reports, Worker's Comp Billings/Alloc, WC	Risk & Benefits	6 years	4 years	Paper	2 years

Department of Employee Services – Records Retention Schedule

RECORDS/DOCUMENTS	DIVISION	MANDATED RETENTION	EMPLOYEE SERVICES	METHOD	RECORDS MANAGEMENT
Exp Ratings (Loss Data)					
Workplace Safety Committee Records	Risk & Benefits	Minutes: 10 years. Other records: 5 years	10 years or 5 years as required.	Paper	N/A