

GRS9 Personnel Records

GRS9.1 Employee Personnel Files

State and local government agencies maintain personnel files on all employees during their time of employment. These files document the hiring of employees, their pay history, any promotions or changes of assignment they may receive, evaluations, any training they undergo, and separation from the agency or local government entity. The records may include, but are not limited to, applications, security clearance forms, resumes, personal information, pay histories, promotion histories, salary increase records, transfer records, change in status forms, separation records, training and testing records, commendations, evaluations, performance reviews, letters of reprimand, probationary reports, job descriptions, termination records, records of employees' military service, and other personnel action forms. The military service records may include, but are not limited to, Veterans' Preference claims, Veterans' Preference applications, forms concerning status as veterans, copies of discharge papers, copies of any other proof of service, requests for military leave, and approval forms for military leave.

a) Files of terminated employees

Retention: Retain ten (10) years after termination.

b) Employee military service records

Retention: Retain thirty (30) years after termination, transfer, or separation.

Note: See also PER1.1 Personnel Action Forms in the Department of Administration – Human Resources Division Records Retention Schedule for veterans status applications.

c) Files of all other employees

Retention: Retain five (5) years after employee transfer or separation.

Note: The record copy/official records of these files is with the designated human resources authority of the agency in question.

GRS9.2 Job Applications (Unsuccessful)

State and local government agencies retain the applications of employees hired throughout the time of the individual's employment. However, applications are also received from people who are not ultimately hired. These applications contain the same types of personal information, letters of application, resumes, reference letters, and other similar records that are placed in personnel files for employees. For unsuccessful applicants, they should be maintained by the position applied for.

Retention: Retain three (3) years after hiring of successful applicant for position in question (or three (3) years after search concluded if position is left unfilled).

GRS9.3 Personnel Request Records

State and local government agencies submit requests to their personnel divisions (whether local or state) when they wish to create new positions or fill positions that have been vacated. This series contains those request forms and all supporting documentation.

Retention: Retain two (2) years after position is filled or request withdrawn.

GRS9.4 Employee Training Records

The Office of Training and Development of the Personnel Division of the Department of Administration oversees the offering of courses for state employees (some for incentive credit and some for non-incentive credit). Some of the courses are offered by colleges and universities, some by the Division of Personnel, and some by agencies. The files may include, but are not limited to, requests to take specific courses, approval forms, information on the courses, requests for educational leave, requests for tuition reimbursement, and personal information on the employees.

a) Descriptive information on the courses taught

Retention: Permanent.

b) All other records

Retention: Retain five (5) years.

GRS9.5 Affirmative Action Plans/Program Records

State and local government agencies implement Affirmative Action plans overseen by the Equal Employment Opportunity (EEO) Office. The EEO Office monitors these programs as required by Federal law (29CFR1602.14). The files may include, but are not limited to, copies of plans, policies, and reports (semi-annual or monthly).

Retention: Retain three (3) years after superseded.

Note: The record copy/official records of these files is with the designated human resources authority of the agency in question.

Note: For discrimination case files see GRS2.1c Discrimination Cases.

GRS9.6 Sexual Harassment Policies

State and local government agencies must establish sexual harassment policies and encourage (but do not require) employees and supervisors to undergo training sessions on the subject as per Executive Order 05-01 and § 28-51-2 (which make the same requirements of any and all employers in the state of Rhode Island that employ fifty or more people). Policies must include procedures for reporting instances of sexual harassment, establish the responsibilities of supervisors, and interacting with those accused of acts that constitute sexual harassment. They must also include a description and examples of sexual harassment and a statement of the range of consequences for employees who are found to have committed sexual harassment. This series includes those policies and any associated documentation.

Retention: Permanent.

GRS9.7 Sexual Harassment Allegation Files

State and local government agencies must investigate sexual harassment claims filed by, and against, agency personnel as per Executive Order 05-01 and § 28-51-2 (which make the same requirements of any and all employers in the state of Rhode Island that employ fifty or more people). This series documents those claims and the actions taken as a result of them. The records may include, but are not limited to, written reports of harassment by complainants, documentation of steps taken by supervisors, notes on interviews with witnesses, notes on

interviews with alleged harassers, records of resolution of cases, and records of any personnel actions taken as a result (including termination, if it occurs).

Retention: Retain seven (7) years if no litigation results before that time.

Note: If complaint results in litigation see GRS2.1 Legal Records – Case Files.

GRS9.8 Incident and Accident Reports Involving Employees

State and local government agencies maintain records of any incidents or accidents that involve employees on state or municipal property (whether owned or leased) or while they are on the job, whether they result in injuries or not. The records may include, but are not limited to, accident reports, notifications of emergency personnel, and records of investigations. If visitors and other non-employees are involved, they may also contain copies of any security logs related to the accident.

Retention: Retain seven (7) years.

Note: See GRS3.7 Safety & Security Records – Incident Reports and Accident Reports for record copies of any items pertaining to accidents involving non-employees.

Note: If accident results in employee injury or health impairment see GRS9.9 Employee Injury and Health Impairment Files.

GRS9.9 Employee Injury and Health Impairment Records

State and local government agencies maintain records of on-the-job injuries suffered by employees or any impairment to employee health that result from work. The records may include, but are not limited to, accident reports, notifications of emergency personnel, copies of medical documentation of injuries or health impairments, records of investigations, and copies of Workers' Compensation documents.

a) Accidents or incidents exposing employee to toxic or harmful substances

Retention: Retain thirty (30) years or until all litigation is resolved, whichever is later.

b) All other accident or incident files

Retention: Retain five (5) years or until all litigation is resolved, whichever is later.

Note: If injury or health impairment results in litigation, see GRS2.1 Legal Records – Case Files.

GRS9.10 Job Description Files

State and local government agencies maintain descriptions of job responsibilities of their employees and of vacant positions. The files may include, but are not limited to, the actual job descriptions and copies of the classifications for each job created by the personnel authority. They also include correspondence concerning the descriptions and any related documents.

Retention: Retain until superseded or one year after termination of last employee hired under the description, whichever is later.

GRS9.11 Employee Medical Records (Non-Work Related)

Some government jobs at state and local levels require periodic physical examinations (usually annually). State and local government agencies maintain records of these examinations. The files may include, but are not limited to, confirmation of physical exams and any accompanying medical documentation.

Retention: Retain ten (10) years after termination, employee transfer, or separation.

GRS9.12 Health Care Benefits Records

State and local government agencies provide health care benefits to their employees. This coverage includes vision care, dental care, and life insurance, as well as general medical benefits. For state employees, the Department of Administration negotiates contracts with health care providers, but individual agencies also maintain files on health care for their employees. The records may include, but are not limited to, enrollment forms, forms for added beneficiaries, forms for changes of beneficiaries, forms for changes in coverage, forms for change in status, and termination of coverage forms.

Retention: Retain three (3) years after termination of enrollment.

GRS9.13 Job Training Program Records

State and local government agencies maintain records of employees trained in government-funded job training programs. In 1973, the Federal government passed the Comprehensive Employment and Training Act (CETA) in order to train workers and give them jobs in public service for a year or perhaps two years. The program focused on those from low-income backgrounds and those who had been unemployed for a significant amount of time. The intent was to provide the workers with marketable skills so they could move on to unsubsidized jobs after their time in the program was over. In 1982, this act was replaced by the Job Training Partnership Act and in 1998, the latter was replaced by the Workforce Investment Act. This version of the act involved the private sector to a greater extent than the earlier versions had, but all of these programs and other similar ones involve government work at all levels. The records may include, but are not limited to, personnel files on the employees, participant counseling records, and copies of records of the programs involved.

a) Personnel files

Retention: Retain five (5) years after termination. If the employee obtains a permanent position with a government entity in Rhode Island, transfer to employer.

b) Program records

Retention: Retain three (3) years after end of program.

c) All other records

Retention: Retain three (3) years after termination.

GRS9.14 Veterans' Records (Employees)

State and local government agencies maintain records on military service of employees, whether such service occurred before the individual was employed by the agency in question or during that time. The records may include, but are not limited to, Veterans' Preference claims, Veterans' Preference applications, forms concerning status as veterans, copies of discharge papers, copies of any other proof of service, requests for military leave, and approval forms for military leave.

Retention: Retain thirty (30) years after termination.

Note: See also PER1.1 Personnel Action Forms in the Department of Administration – Human Resources Division Records Retention Schedule for veterans status applications.

GRS9.15 Job Classification Records

State and local government agencies maintain records concerning the classification of various positions within their offices. These classifications reflect structures imposed by the appropriate personnel authority. The files may include, but are not limited to, copies of job descriptions, classification structures, salary information, and any forms used to determine the classification of any particular position.

Retention: Retain one (1) year after superseded.

GRS9.16 Internship Records

State and local government agencies sometimes use interns (students or otherwise) to perform some of their functions, particularly during summer months. These records document internship programs and those who participate. The files may include, but are not limited to, descriptions of internship programs, applications for internships, copies of any student records associated with applicants (including transcripts), reports to interns' instructors, summaries of assignments, and evaluations.

a) Descriptions of internship programs

Retention: Retain five (5) years after superseded.

b) Unsuccessful applications for internships

Retention: Retain three (3) years.

c) Successful applications and documentation of internships served

Retention: Retain five (5) years.

Note: If an intern is hired as a paid staff member later, transfer internship records to GRS9.1 Employee Personnel Files.

GRS9.17 Family Medical Leave Act Files

State and local government agencies observe the legal ramifications of the Family Medical Leave Act of 1993. This law allows employees to take unpaid leave for medical issues involving immediate family members. The files may include, but are not limited to, applications for leave, written statements concerning the medical condition of the family member in question, communications from doctors, and any other associated correspondence.

Retention: Retain three (3) years as per 29 CFR 825.500.

Note: These records are subject to the same confidentiality laws as any other medical records.

GRS9.18 Position Control Records

State and local government agencies maintain records concerning the positions held by their employees within the agency. These records document structures over time. The files may include, but are not limited to, records of personnel actions (concerning positions, not particular employees), information on the status of positions (whether permanent, temporary fulltime, part time, temporary part time), evaluations of positions (not of individual employees in the position) and their role and utility within the agency.

Retention: Permanent.

GRS9.19 Unemployment Compensation Claim Files

Employees who are laid off from jobs with state and local government agencies may seek unemployment compensation. These agencies maintain records of this compensation. The files may include, but are not limited to, applications for unemployment compensation, rulings in these cases, and any associated correspondence.

Retention: Retain three (3) years or until all litigation (if any) has been resolved, whichever is later.

GRS9.20 Sick Bank Records

Sick banks allow employees of state and local government agencies to donate sick time to a sick bank so that employees who need more sick time than they have accrued can use it. Employees who donate time to the sick bank are eligible to use it if they need it. These decisions are often made by sick bank committees. The records may include, but are not limited to, minutes of committee meetings, affidavits to donate time, request forms to use this time, approvals for use of time, and denials of use of time.

Retention:

a) Minutes of meetings

Retain three (3) years.

b) All other records

Retain one (1) year.

GRS9.21 Drug Testing Records

All employees of state and local government agencies whose jobs involve driving are subject to provisions in the Code of Federal Regulations involving alcohol and drug testing. The same is true of employees who operate other vehicles such as boats or construction equipment. Employees who test positive may face disciplinary action. The records in the series may include, but are not limited to, alcohol test results, drug test results, documentation of refusals to take drug and alcohol tests, reports by substance abuse professionals (SAP), records of maintenance of evidentiary breath testing (EBT) instruments, and records of drug and alcohol tests obtained from previous employers.

Retention:

a) Positive drug test results, alcohol tests registering 0.02 or higher, documentation of refusals to take tests, SAP reports, follow-up test results

Retain five (5) years as per 49CFR40.333.

General Records Retention Schedule

Approved September 2009

Amended May 2016

b) Information obtained from previous employers

Retain three (3) years as per 49CFR40.333.

c) EBT instrument maintenance records

Retain two (2) years as per 49CFR40.333.

d) Negative drug test results, alcohol tests registering below 0.02

Retain one (1) year as per 49CFR40.333.

GRS9.22 Confirmation receipt for new hire reporting (added May 2016)

State and local agencies are required by federal and state law to register all new hires and rehires with RI New Hire Reporting administered by the Department of Human Services – Office of Child Support Services. Confirmation receipts are forwarded to the agency upon receipt of new hire information filed as stipulated in RIGL §15-24 (Public Law 1997 Chapter 170 §16).

Retention: Retain in employee personnel file. See GRS9.1 - Personnel Files