

## **OKI EMPLOYEE RECORDS RETENTION POLICY**

The human resources (HR) department retains and destroys personnel records in accordance with OKI, Regional Council of Governments corporate policies on business records retention, as well as federal and state laws governing record retention. Below is an outline of the HR department's operating procedures for personnel record retention and destruction of documents when such retention periods have passed. If OKI's retention procedure is not of sufficient duration for any state in which the company does business, this procedure will be superseded by state requirements.

The HR department maintains both employee record information and government compliance reports. Both are subject to the following retention requirements and destruction procedures.

### **MAINTENANCE OF EMPLOYEE RECORDS**

The following employee information records are maintained in segregated files:

#### **PERSONNEL FILES**

A personnel file may contain documents that fall into one of the following categories of records:

- **Basic Information.** This category includes personal information such as the employee's full name, social security number, address, and birth date. Employers may also wish to collect information relating to emergency contact numbers.
- **Hiring Documents.** Many employers retain documents related to the hiring process, including job descriptions, employment applications, and resumes.
- **Job Performance and Development.** This is a broad category that may encompass documents such as performance evaluations and supervisory or management notes regarding performance issues; corrective action or disciplinary letters; awards, nominations, and other commendation letters; promotion records; and records of training or education.
- **Employment-Related Agreements.** Any aspect of the employment relationship which is governed by an agreement between the parties, such as an employment agreement, union contracts, non-competition agreement, confidentiality or nondisclosure agreement, should be kept in the personnel file.
- **Compensation.** This category includes documents related to compensation and benefits information, such as W-4s and beneficiary forms, payroll records, and time cards for prior year(s).
- **Termination and Post-Employment Information.** It is a good idea to keep information related to an employee's termination on file should a dispute later arise. Documents the employer may wish to retain include exit interview forms (if applicable) and any final employee performance appraisal, as well as a record of documents provided to the employee along with the final paycheck (e.g., termination letter, benefits notices, unemployment compensation forms).

#### **CONFIDENTIAL INFORMATION**

Confidential Files--Keep Separate from the Personnel File

It is a good idea (and in certain instances may be legally required) to keep certain employee records and information in a confidential file separate from the personnel file, such as:

- Medical records
- Workers' Compensation claims
- Federal and state leave documents
- Form I-9s
- Documents pertaining to an employee investigation such as a disciplinary action
- Background checks

- Immigration filings
- Benefits plan and employee medical records
- Health and safety records
- Pre-employment testing results and background check information

*Please note that this list represents some of the key examples of personnel information which should be kept in a separate file. States may also have specific recordkeeping requirements as well. If you have any questions regarding the confidentiality of a particular record or form, please contact your state's labor department or a knowledgeable employment law attorney.*

## **DESTRUCTION OF EMPLOYEE AND APPLICANT RECORDS**

All paper personnel records and confidential employee data maintained by the HR department will be destroyed by shredding after retention dates have passed; this procedure pertains to all personnel records, not just those governed by the Fair and Accurate Credit Transactions Act (FACTA).

Employment application materials submitted by applicants who were never employed are also to be shredded. When a confidential record must be discarded or destroyed, it shall be marked as confidential and given to the Administrative Services Department to be destroyed in accordance with the record destruction policies. Alternatively, hardcopy confidential records may be shredded using a locked shredder on the OKI premises. In the case of remote employees, employees are discouraged from printing out or creating hard copies of confidential records where possible. If hard copies must be printed, created or kept, they should be stored in a locked cabinet, drawer or other secure location until they are no longer needed, or until the maximum retention period has ended. Remote employees must then destroy all confidential files by shredding them in a locked shredder on the OKI premises, or otherwise rendering the documents unusable or unreadable.

Personnel records include electronic as well as paper records. The HR department will work with the IT department periodically but no less than twice annually to review and ensure that the HR department's electronic records relating to employee information and compliance reports are properly purged.

## **LITIGATION HOLD**

When OKI, Regional Council of Governments is involved in or anticipates that it may be involved in litigation, the General Counsel's office will issue a litigation hold. This means that all documents relating to the litigation matter must be kept in order to preserve any potential evidence. If we fail to do so, OKI can be sanctioned by the court for destroying evidence. A court has broad authority to impose these sanctions, which may include anything from unfavorable procedural rulings during a trial to payment of monetary damages.

In the event that the OKI General Counsel announces a litigation hold on any or all OKI records as a result of pending or anticipated litigation, all records covered by such litigation hold **MUST NOT** be discarded, deleted or destroyed. Further, the IT department will suspend the automatic deletion of emails for all individuals covered by the litigation hold. Any questions about the litigation should be directed to the General Counsel.

## RETENTION OF TERMINATED EMPLOYEES' RECORDS

### *Record Types and Retention Periods*

#### **Health & Benefits Records**

|  |                              |
|--|------------------------------|
| Health & Benefits Beneficiary Forms      | Termination + 3 yrs.         |
| Medical, Dental/Vision Plan Elections    | Termination + 3 yrs.         |
| Drug Test Results                        | Termination + 3 yrs.         |
| Education Assistance Program Records     | Termination + 3 yrs.         |
| FMLA Leave Reports                       | Termination + 3 yrs.         |
| USERRA Leave Records                     | <b>Permanent</b>             |
| Toxic & Bloodborne Pathogens Records     | <b>Termination + 30 yrs.</b> |
| Job Related Injuries & Illnesses Records | <b>Termination + 5 yrs.</b>  |
| Reasonable Accommodation Records         | Termination + 3 yrs.         |

#### **Pre-Employment/Employment Documents\***

|                                  |                      |
|----------------------------------|----------------------|
| Job Description                  | Termination + 3 yrs. |
| Position Requisition             | Termination + 3 yrs. |
| Recruitment Notice/Job Ads       | Termination + 3 yrs. |
| Employment Application/Resume    | Termination + 3 yrs. |
| Interview Evaluation             | Termination + 3 yrs. |
| Assessment Results               | Termination + 3 yrs. |
| Background Check Information     | Termination + 3 yrs. |
| References/Verifications         | Termination + 3 yrs. |
| New-Hire Action Form             | Termination + 3 yrs. |
| Offer Letter                     | Termination + 3 yrs. |
| Form I-9                         | Termination + 3 yrs. |
| EEO Data Form                    | Termination + 3 yrs. |
| Employee Policy Acknowledgements | Termination + 3 yrs. |

|  |                       |
|--|-----------------------|
| Conflict of Interest Statement   | Termination + 3 yrs.  |
| Intellectual Property Ownership/Nondisclosure  | Termination + 5 yrs.  |
| Employee Change Action Documents   | Termination + 3 yrs.  |
| Disciplinary Records   | Termination + 3 yrs.  |
| Employee Development Records   | Termination + 3 yrs.  |
| Position/Pay History Records   | Termination + 3 yrs.  |
| Employee Performance Reviews   | Termination + 3 yrs.  |
| International Assignment Documents   | Termination + 3 yrs.  |
| Relocation Agreement   | Termination + 3 yrs.  |
| Resignation Letter   | Termination + 3 yrs.  |
| Termination Action Form  | Termination + 3 yrs.  |
| COBRA Election Notice  | Termination + 3 yrs.  |
| Separation Agreement   | Termination + 5 yrs.  |
| Exit Interview Form  | Termination + 3 yrs.  |
| Unemployment Claim Records   | Termination + 4 yrs.  |
| * <i>Note:</i> If an applicant is ultimately not hired, the above records should be retained for three (3) |                       |
| <b>Retirement</b>  |                       |
| 401(k) Allocation Records  | Termination + 4 yrs.  |
| 401(k) Loan Payment Forms  | Termination + 3 yrs.  |
| Pension Eligibility Records  | Termination + 50 yrs. |
| Request for Calculation  | Termination + 4 yrs.  |
| Retirement Beneficiary Form  | Termination + 50 yrs. |
| <b>Payroll/Tax</b>   |                       |
| Paychecks/stubs, W-2s, W-4s  | 4 yrs.                |
| Earnings Register  | 4 yrs.                |
| Employee Withholding   | 4 yrs.                |
| Expense Reports  | 3 yrs.                |

|                                   |                        |
|-----------------------------------|------------------------|
| Federal & State Payroll Tax Forms | 4 yrs.                 |
| Federal Forms 1099                | 4 yrs.                 |
| Time Sheets/Cards                 | 4 yrs.                 |
| Other Payroll Records             |                        |
| Computer Loan Agreement           | Termination + 5 yrs.   |
| Direct Deposit Records            | Termination + 4 yrs.   |
| Garnishment Records               | Termination + 4 yrs.   |
| Final Payroll Deduction Checklist | Termination + 4 yrs.   |
| <b>HR Policies &amp; Reports</b>  |                        |
| EEO-1 Reports                     | Permanent              |
| HR Policies                       | While current + 3 yrs. |
| State New-Hire Reports            | 3 yrs.                 |
| Affirmative Action Plans/Records  | 5 yrs.                 |
| Form 5500                         | 6 yrs.                 |
| OSHA 300/300A                     | Posting date + 5 yrs.  |
| VETS-4212 Reports                 | 5 yrs.                 |
| Ethics Hotline Reports*           | 3 yrs.                 |