

POLICIES AND PROCEDURE MANUAL

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| Chapter: | Human Resources | | |
| Title: | Personnel Records | | |
| Policy: <input type="checkbox"/> Procedure: <input checked="" type="checkbox"/> Page: 1 of 7 | Review Cycle: Biennial Author: Deputy Director | Adopted Date: 07.2015 Review Date: 07.11.2023 | Related Policies: Employee Onboarding Personnel Manual |

Purpose: To address the management of Mid-State Health Network (MSHN) Personnel Records to ensure compliance with federal and state laws and contracts. Management of personnel records includes creation, security access, organization, retention, and media type.

Procedure: This procedure applies to Personnel Records for regular employees, temporary employees, and contractual employees.

Personnel File Creation Upon receipt of a signed Employment Offer Letter, the Executive Support Specialist will:

- A. Create three (3) electronic records for the new employee in Box→Personnel Records and Information→
1. General Personnel Records
 2. Confidential Personnel
 3. Restricted Personnel – Medical Records

The naming convention of the folders will be in the following format: *'Last Name, First Name*

- i. Only the following employees will have 'Editor' access – Chief Executive Officer (CEO), DEPUTY DIRECTOR, Chief Financial Officer (CFO) and Executive Support Specialist.
- B. Create the necessary sub-folders and set appropriate accesses to each sub-folder as identified in the tables below.

Organization of Records & Security Access

Special consideration is given to where and how personnel records are maintained, limiting access to only those with a “need to know”, protecting applicants and employees from discrimination, identity theft, breach of privacy, and Health Insurance Portability and Accountability Act (HIPAA) violations. Personnel records, both electronic and physical, will be organized into separate and clearly marked sub-files dealing with different aspects of employment, with contents in chronological order for ease of access.

Table 1: General Personnel File Contents

NEW HIRE FOLDER:

- Employment Application
- Resume
- Offer Letter
- Orientation Checklist
- Property/Equipment Form
- Acknowledgement of receipt for handbook and other policies, including anti-harrassment and drug testing policy
- Credit Card Applications
- Computer Use Agreement
- Consent Forms for Background Check, Credit Check, Etc.
- Cell Phone User Agreement
- Cell Card Hot Spot User Agreement
- Special Licenses and Certifications
- Compliance Plan Acknowledgement/Signature
- Job Offer Acceptance

Sub-Folders:

- Signed Job Description
- Remote Employee Procedure Agreement

CREDENTIALING RECORD:

- Information obtained through Primary Source Verifications
- Any other pertinent information used in determining whether or not the provider met MSHN's credentialing and re-credentialing standards.

Sub-Folders:

- Initial Credentialing
- Re-Credentialing

PERFORMANCE & DISCIPLINE:

- Performance Appraisals, commendations, awards and other evidence of specific accomplishments
- Disciplinary Records
- Performance Improvement Plans

EMPLOYEE MAINTENANCE:

- Compensation and Job Status change and related information
- Payroll Status Change Forms

TRAINING & PROFESSIONAL DEVELOPMENT:

- Certificates of Completion (ex. Relias Transcript)
- Transcripts
- Internship Paperwork
- Other Training Records

OTHER:

- Jury Duty

Table 2: Confidential Personnel Files

PRE-EMPLOYMENT DOCUMENTS:

- Employment references
- Background investigation reports
- Criminal history reports
- Pre-employment screening tests
- Interview notes
- Data collection forms on gender, race/ethnic origin, military status and disability
- Direct Deposit Form

EMPLOYMENT VERIFICATION:

- I-9 form
- Supporting documentation
- Secondary Employment Requests
- Request for Employment Verifications
- Student Loan Forgiveness Forms

BENEFIT DOCUMENTS:

- Benefit enrollment forms and related documents
- BCBS-BCN Subscriber Enrollment and Primary Physician Selection
- Health Care Savings Plan
- MERS Defined Contribution Beneficiary Designation
- MERS Defined Contribution Payroll/Investment Election
- MERS Personal Information
- Social Security Opt-Out Beneficiary Designation
- Social Security Opt-Out Payroll/Investment Election
- Social Security Opt-Out Personal Information
- 457 Quick Enrollment, if applicable
- Disability and/or Life Insurance Enrollment
- Flexible Spending Reimbursement Enrollment
- Michigan Dental and Vision Application
- Termination of Employment Benefit Documents and COBRA
- MERS Loan Documents

TAX DOCUMENTS:

- Michigan W4
- Federal W4
- W2
- Garnishments

INVESTIGATIONS:

- Internal and external investigation files of complaints by or against the employee (excluding Internal Affairs Investigations)

SEPARATION FROM EMPLOYMENT:

- Exit interview forms and notes
- Termination Letters
- Termination Checklist

Table 3: Restricted Personnel Files

MEDICAL RECORDS:

- Medical history questionnaires
- Medical evaluations and related documents
- Notes from Doctors
- Any documents about past or present health, medical conditions, or disabilities
- Disability Claims, Communications
- Accommodation Requests

FMLA DOCUMENTS:

- Requests for family leave

WORKERS COMPENSATION:

- Workers' compensation history, claims and related documents

DRUG AND ALCOHOL TESTING:

- Results of drug/alcohol tests and related documents

Employee Access to Personnel Records

1. In accordance with the Bullard-Plawecki Employee Right to Know Act, upon written request, MSHN shall provide a MSHN employee with an opportunity to periodically review his/her personnel record if MSHN has a personnel record for that employee. A personnel record shall not include:
 - Employee references supplied to an employer if the identity of the person making the reference would be disclosed.
 - Materials relating to the employer's staff planning with respect to more than 1 employee, including salary increases, management bonus plans, promotions, and job assignments.
 - Medical reports and records made or obtained by the employer if the records or reports are available to the employee from the doctor or medical facility involved.
 - Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
 - Information that is kept separately from other records and that relates to an investigation by the employer pursuant to [section 9](#).
 - Records limited to grievance investigations which are kept separately and are not used for the purposes provided in this subdivision.
 - Records maintained by an educational institution which are directly related to a student and are considered to be education records under section 513(a) of title 5 of the family educational rights and privacy act of 1974, 20 U.S.C. 1232g.
 - Records kept by an executive, administrative, or professional employee that are kept in the sole possession of the maker of the record and are not accessible or shared with other persons. However, a record concerning an occurrence or fact about an employee kept pursuant to this subparagraph may be entered into a personnel record if entered not more than 6 months after the date of the occurrence or the date the fact becomes known.
2. Schedule a time and location - the review shall take place at a location reasonably near the employee's place of employment and during normal office hours.
 - If an employee demonstrates that he/she is unable to review his/her personnel record at MSHN, then MSHN, upon that employee's written request, shall mail a copy of the requested record to the employee.
 - If a review during normal office hours would require an employee to take time off from work, then MSHN shall provide some other reasonable time for the review.

3. If requested, provide a copy of the information or part of the information contained in his/her personnel record.
 - MSHN may charge a fee for providing a copy of information contained in the personnel record. The fee shall be limited to the actual incremental cost of duplicating the information.
4. If there is a disagreement with information contained in a personnel record, the employee may schedule time to meet with the MSHN Deputy Director to discuss the removal or correction of that information
 - If an agreement is not reached, the employee may submit a written statement explaining the employee's position.
 - The statement shall not exceed 5 sheets of 8-1/2-inch by 11-inch paper and shall be included when the information is divulged to a third party and as long as the original information is a part of the file.

Record Retention

MSHN shall follow the Records Management and Archival Preservation procedures as published in the *DTMB Administrative Guide to State Government, Chapter 900*. Personnel records shall be retained in accordance with [General Schedule #26 Local Government Human Resources](#). Table 4 below denotes the retention schedule for commonly acquired documents related to personnel records. Refer to General Schedule #26 for an all-inclusive list.

1. Annually, the Executive Support Specialist will review personnel records, identifying those which have reached their minimum retention period contained within General Schedule #26 (or State and Federal regulations and states, whichever is longer).
2. Personnel records which are no longer required for the efficient operation of MSHN, may be disposed of.
 - a. Disposal shall be made by a method which is guaranteed to ensure privacy of sensitive or confidential information.
 - b. "Non-public records" may be destroyed at any time by any method. Please check with the CEO or DEPUTY DIRECTOR to assure the records are "non-public records."
3. Managers opting to maintain desk files (electronic or physical) shall provide the electronic or physical file to the CEO or DEPUTY DIRECTOR upon the employee's separation or upon the manager's separation from MSHN.

Table 4: Retention Schedule

| Document | Rule | Description | Source |
|---|-------|---|----------------------|
| I-9 | EVT+3 | Maintain signed copies of I-9 forms for 3 years after the date of hire or one year after termination, whichever is later. | 8 CFR 274A.2 |
| Personnel Files | ACT+7 | Documentation within the file may include the following: resumes, applications, withholding cards, beneficiary designations, performance evaluations, pay adjustments, name and address changes, service ratings, insurance information, counseling and disciplinary documents, correspondence, etc. This file remains active until the employee makes a departure other than a leave of absence. | General Schedule #26 |
| Personnel Files – Contractual Employees | EXP+6 | These files are maintained on all contractual employees. They may include 1099 forms, W-9 forms, verification of insurance, copies of contracts, etc. | General Schedule #26 |
| Selection Files | CR+4 | These records contain all documents that support appointment and selection activity for employment. The files may contain selection criteria, evaluation of candidates, position descriptions, applications, interview questions, reference checks, and appointment recommendations/notifications. | General Schedule #26 |
| Background Files | ACT+6 | These files document that the local government conducted appropriate background checks on employees. These files may contain release forms to conduct criminal history checks, fingerprint checks and professional conduct checks, and the results of those checks. They may also include | General Schedule #26 |

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| | | driving records, drug and alcohol tests, physical exam results, polygraph test results, credit history reports, etc. ACT = term of employment. | |
| Time and Attendance | CR+5 | These records may include time cards, timesheets, etc. and are used to document the attendance and hours worked by date and time. The records may be signed by the employee. | General Schedule #26 |
| Workers Comp | CR+10 | These files document Worker's Disability Compensation claims due to on-the-job injury or illness. Documentation may include the initial injury claim form, accident reports, notice of commencement of compensation payments, employee wage data, copies of time and attendance records, medical documentation and reports, correspondence, etc. | General Schedule #26 |
| Medical Files | ACT+30 | These files document private medical information for a specific employee, including disability accommodations. They may contain insurance forms, physician correspondence, tuberculosis tests, polygraph test results, off work notices, Family Medical Leave Act forms and requests, long and short-term disability paperwork, drug and alcohol tests, physical exams, accident reports, personal requests, etc. [29 CFR 1910.1020(d)] These records must be retained separately from personnel files (see item #100A). The medical records of employees who have worked for less than 1 year for the employer need not be retained beyond the term of employment, if they are provided to the employee upon the termination of employment. ACT = term of employment. Note: this series does not include the official copy of insurance claims, which are usually retained by the business or finance office. | General Schedule #26 |
| ACT=Active CR=Creation EVT=Event EXP=Expiration | | | |

Format

1. Electronic Personnel Records shall meet the following criteria:
 - A reliable and secure document management system;
 - Clear parameters around which employees have access to which files has been established;
 - MSHN has implemented proven security and password protections to ensure access is provided only to those with a need to know;
 - There is a backup system in place to ensure data are not lost;
 - There is a secondary backup system in the event both the software and its backup are destroyed;
 - Training has been provided to end users on how to properly use and protect information in the document management system.
2. Physical Personnel Records shall meet the following criteria:
 - Maintained in a locked and secure cabinet, or have proper electronic security features;
 - All documents that contain protected information shall be included in the confidential and/or restricted personnel file. Protected information includes medical information, Social Security numbers or other protected class information such as age, race, gender, national origin, disability, marital status and religious beliefs;
 - Organized in a logical manner so that information is easy to find. The two most common practices are to maintain files in chronological order or to have files with different sections for different types of documents (e.g., performance, training, employment);
 - Information in personnel records must be factual. Supervisor or Human Resources staff opinions; random notes; gossip; unfounded rumors; questions, reports, or tattletale allegations from other employees that are unexplored; allegations not pursued, investigated, and concluded; and any other non-factual information, commentary, or notes should be excluded.

Applies to

- All Mid-State Health Network Staff
 Selected MSHN Staff, as follows: All Supervising Managers, Executive Support Specialist
 MSHN's Affiliates: Policy Only Policy and Procedure
 Other: Sub-contract Providers

Definitions

ACT: Active

CEO: Chief Executive Officer

Confidential Access: Contains personal information that should be kept confidential to protect the privacy of the individual. Keep in a locked cabinet or secured electronic database and accessible by HR personnel and administrative personnel responsible for managing a particular process (e.g. benefits administration).

CR: Creation

EVT: Event

EXP: Expiration

General Personnel Record: This entire file including the sub parts is accessed by supervisors when making employment decisions as well as by HR personnel, so they should not include any information irrelevant to the job or to the hiring decision, such as protected class information, arrest records, and Social Security numbers (SSNs).

MSHN: Mid-State Health Network

Personnel Record: A record kept by the employer that identifies the employee, to the extent that the record is used or has been used or may affect or be used relative to that employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary action. A personnel record shall include a record in the possession of a person, corporation, partnership, or other association who has a contractual agreement with the employer to keep or supply a personnel record as provided in this subdivision.

Restricted Access: Typically, medical records where access is highly restricted. Keep in a locked cabinet or secured electronic database and only accessible by administrative personnel responsible for managing the particular process.

Other Related Materials

N/A

References/Legal Authority

General Schedule #26 - https://www.michigan.gov/dtmb/-/media/Project/Websites/dtmb/Services/Records-Management/RMS_GS26.pdf?rev=0d8759d6d0b1477bb0a183a64ec144f6&hash=394C05AB86D975BDBAAF8C6DE27B7AAF

Records Reproduction Act ([MCL 24.401-24.406](#))

DTMB Administrative Guide to State Government, Chapter 900 - http://www.michigan.gov/dtmb/0,5552,7-150-9131_9347---,00.html

Verification of Identity and Employment Authorization - Federal Code [8 CFR 274A.2](#)

Bullard-Plawecki Employee Right to Know Act, [Act 397 of 1978](#)

Change Log:

| Date of Change | Description of Change | Responsible Party |
|-----------------------|------------------------------|--------------------------|
| 07.17.15 | New procedure | Credentialing Specialist |
| 07.10.17 | Annual Review | Deputy Director |
| 05.17.18 | Annual Review | Deputy Director |
| 05.01.19 | Annual Review | Deputy Director |
| 02.2021 | Biennial Review | Deputy Director |
| 02.2023 | Biennial Review | Deputy Director |