

Big Bend Community Based Care Policy & Procedure

Series:	1100: Human Resources	
Policy Name:	Organization, Access to and Retention of Employment Files and Records	
Policy Number:	1110	
Origination Date:	02/17/2009	Revised: Board Meeting of 12/18/2018
Regulation:	Ch. 119, F.S. CFOP 60-8	

Policy

It is the policy of Big Bend Community Based Care, Inc. (BBCBC), to properly maintain all employment records, ensure that procedures are established in which personnel can have access to their employment records and are able to make necessary corrections, and to ensure compliance with state and federal laws in the proper retention of employment records.

Procedure

A. Organization of Employment Files.

1. The following items minimally will be retained in an employee's Employment File as follows:
 - a. Employment Application and Resume;
 - b. Reference Checks and Background Screening;
 - c. College Transcript(s) or Verification of Degree, if applicable;
 - d. Job Description(s);
 - e. Records relating to hiring, promotion, demotion, transfer, layoff, rates of pay, other forms of compensation, education and training records;
 - f. Records relating to other employment actions;
 - g. Letters of recognition;
 - h. Disciplinary notices or documents; including memos relating to verbal warnings;
 - i. Performance evaluations;
 - j. Testing documents used by BBCBC to make an employment decision;
 - k. Exit interview questionnaires;
 - l. Termination records.

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2. All Employment Files for BBCBC employees will be arranged in a 6-part folder. The following items shall be maintained in each section as follows:
 - a. **Section 1 – Performance/Salary/Employment Status.**
 - i. Payroll Action Form;
 - ii. Announcements;
 - iii. Promotion/Demotion/Transfer/Layoff Documentation;
 - iv. Offer of Employment Letter;
 - v. Termination;
 - vi. Exit Interview Questionnaires.
 - b. **Section 2 – Emergency/Thank-You Letters/Miscellaneous.**
 - i. Emergency Contact Information;
 - ii. Employee Information Sheet;
 - iii. Miscellaneous Forms and Documents.
 - c. **Section 3 – Job Description/Training.**
 - i. Job Description (signed);
 - ii. Training Related Documents;
 - iii. Certificates;
 - iv. Orientation Checklist.
 - d. **Section 4 – Evaluations/Warnings/Commendations.**
 - i. Performance Evaluations Employee;
 - ii. Appreciation Certificate;
 - iii. In House Job Application;
 - iv. Letters of Commendation;
 - v. Documentation of all Disciplinary Actions and Corrective Action Plan.

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e. Section 5 – Application/Résumé/Misc. Forms.

- i. Employment Application;
- ii. Resume;
- iii. All Signed Acknowledgement Forms;
- iv. Confidentiality Statement(s);
- v. Computer Security and other clearances;
- vi. Thank You Letters.

f. Section 6 (In Manila Envelope) – Background.

- i. Affidavit of Good Moral Character;
- ii. All Background Screening Results;
- iii. Copy of Diploma/Transcripts;
- iv. Copy of Fingerprint Submitted for FDLE Fingerprint Screening;
- v. DCF Background B97 Clearance Letter;
- vi. Written copies of previous employers references, professional or personal references;
- vii. FDLE Results report;
- viii. Local Law Enforcement Background Check and Results.

3. The following items are maintained in a separate envelope within the Employment File entitled “Confidential Medical File”:

- a. Emergency Contact Information;
- b. Drug Screening Results;
- c. Employee Related Incident/Accident Report;
- d. FMLA Paperwork;
- e. Hepatitis B Acceptance/Decline Form;
- f. Medical Questionnaire;

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- g.** Miscellaneous Medical Records/Information;
 - h.** Physician's Notes;
 - i.** Supervisor Accident Investigation Report;
 - j.** Workman's Comp.
- 4.** The following items are maintained in a separate envelope in the Employment file entitled "Confidential File":
- a.** 401(k) Plan Enrollment Form;
 - b.** W-4 Form;
 - c.** Direct Deposit Election Form and voided check;
 - d.** Supplemental Insurance Enrollment Form;
 - e.** Motor Vehicle Report (MVR) Request Form & Results;
 - f.** Wage Garnishments;
 - g.** Insurance Enrollment and Change Form;
 - h.** Acceptance/Waiver of Insurance Plans;
 - i.** Notice of Special Enrollment Rights Form;
 - j.** Copies of Retirement Enrollment Forms;
 - k.** Copy of Auto Insurance Card;
 - l.** Copy of Valid Driver's License;
 - m.** Copy of Social Security Card;
 - n.** Copy of Credit Union Enrollment Form;
 - o.** Employee Verification Loan Processing, Housing Verification (in binder);
 - p.** Fair Credit Reporting Act (FCRA Authorization and Disclosure Forms);
 - q.** Copy of United Way Pledge Card.
- 5.** The following item is maintained in a separate notebook kept within a separate file entitled "Immigration (I-9)":
- a.** Employment Eligibility Verification (U.S. Department of Justice I-9 Form);

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6. The Employment File is accessible to only the Chief Executive Officer and/or their designee.
 - a. The Supervisor can only have access to Sections 1 — 5 of the employment file;
 - b. The Medical and Confidential Files are accessible to only the CEO or their designee.

B. Access to Personnel Employment Records.

1. BBCBC respects individual privacy and maintains in confidence all information and records pertaining to employment to the extent practicable in keeping with the organization's interest.
2. No private information or personal data about an employee will be shared inside the organization without the consent of the employee and in accordance with applicable law, except with those employees maintaining the data or employees having a legitimate business need.
3. Any request to view an employee's file will be directed to the CEO or their designee. The review of the personnel file will be conducted in strict accordance with Ch. 119, F.S.
4. All subpoenas for employment records will be directed to the CEO or their designee.
5. Separate files will be maintained for medical records, workers' compensation claims, family or medical leave and immigration records. These files may only be accessed in accordance with applicable law.
6. BBCBC cooperates with federal or state agencies performing investigatory functions. However, personal information will be provided to governmental investigators only where they are entitled by law to such information.

C. Retention of Employment Records.

1. Employment records will be retained as follows:
 - a. **Recruitment records.** Recruitment records include solicited and unsolicited resumes/employment application, advertisements, test papers, interview forms, and drug testing results. The recruitment records for candidates selected for a position will be retained in the individual's employment file. Recruitment records for all candidates who responded to the opening (both interviewed and not interviewed) and who were not selected will be forwarded to the CEO or their designee and retained for a minimum of one (1) year and three (3) months. After one (1) year and three (3) months, the records may be destroyed.
 - b. **Payroll records.** Payroll records will be retained for a period of six (6) years.
 - c. **Employment records.** Any personnel documents related to the promotion, demotion, transfer, selection of training, layoff, recall, discipline or discharge of any employee will be kept until the destruction of the personnel records in accordance with *subsection C.2., below*, of this Procedure.
 - d. **Occupational Injuries and Illnesses.** These records will be kept for five (5) years following the end of the year to which they relate. Occupational Exposure records will be retained for thirty (30) years.
 - e. **Employee verification form I-9.** These records will be retained for three (3) years from the date of hire or one (1) year and three (3) months from the date of termination, whichever is longer.
 - f. **Employment of Minors.** The records of minors will be kept for five (5) years.

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2. All inactive or “closed” personnel records will be merged and retained in storage for a minimum of seven (7) years.
3. Any personnel records containing Occupational Exposure records shall be separated in storage and retained for the required length of time.
4. When a former employee is rehired, the CEO or their designee will review the former employee’s inactive employment files.
5. When the required retention period expires, records must still be retained if the records relate to a matter in which judicial or administrative proceedings are in progress. These records will be kept until the final disposition of the judicial or administrative proceeding.