



700 Rayovac Dr., Suite 9  
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## **Human Resources Recordkeeping Guidelines**

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### **Employers are required to keep a large variety of records.**

1. Payroll records.
  - a. Federal-exempt v. non-exempt employees.
  - b. State -Wis. Admin. Code DWD 272.11
2. Required tax records and forms.
3. 1-9 verifications.
4. OSHA records.
  - a. 300 Log of Work-Related Injuries and Illnesses.
  - b. 300A Summary.
  - c. 301 Injury and Illness Report.
  - d. Reports of work-related injuries.
  - e. Material Safety Data Sheets.
5. Unemployment insurance records.
6. Worker's compensation records.
7. Plant closing/mass layoff notices.
8. EEO records.
9. Federal contractor reports (e.g., EEO-1 and Vets 100)
10. FMLA records.
11. New hire reports.
12. Employee benefit plans.
13. COBRA records.
14. ERISA records.
15. Records relating to drug and alcohol testing.

### **Other records are generally recommended, even if not required.**

1. Application materials.
2. Test validations and documentation.
3. Employment contracts, including non-competes and confidentiality agreements.
4. Key policies.
5. Job descriptions.
6. Performance evaluations.
7. Harassment or other investigation documentation.
8. Documentation of discipline and termination.
9. Signed receipts for documents and training.
10. Pay withholding authorizations.
11. Reference check and background check information.



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**Once records are created, they must be kept according to a strict retention schedule, ranging anywhere from 1 year to 30 years.**

**Documentation should be created carefully with an understanding that it may eventually be seen by employees, their legal representatives, administrative agencies, and courts.**

**Some things should be left out of personnel records:**

1. Personal speculation about an employee's physical or mental condition.
2. Statements implying underlying facts (e.g., this employee is a thief), unless the underlying facts are confirmable.
3. Coding of other information that may identify protected status.
4. Stray marks or doodles.
5. Social security numbers or other personally identifying information.

**How to maintain personnel records.**

1. Systematic, contemporaneous recording.
2. Consistency in content and appearance.
3. Central location and limited access.
4. Some files are "ultra" confidential.
  - a. Medical information.
  - b. 1-9 forms
  - c. Affirmative action data.
  - d. Records relating to drug testing.
  - e. Criminal background check and credit check information.
5. Inactive files should be removed from general files and stored safely according to applicable retention schedules.
6. No specific form of records is required, but each form of records should suit the purpose of the record.
7. Records must be kept in a manner that is available to inspection by government agencies.
8. Records should be reviewed and "purged" on a regular basis.
9. Destruction of records should be discarded with "dumpster diving" law (Wis. Stat. 895.505) in mind (i.e., personally identifiable information should be obliterated).

**Penalties exist for failure to keep and maintain records.**

**Employees have a right to access personnel records.**



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1. Wis. Stat. 103.13.
2. OSHA.
3. ERISA.
4. Federal drug testing laws.
5. State and federal HIPAA laws.

**Third parties have only a limited right to access personnel records.**

1. Wis. Stat. 895.50 (invasion of privacy).
2. Wis. Stat. 103.13.
3. Worker's compensation laws.
4. State and federal HIPAA.
5. Americans with Disabilities Act.
6. DOT drug testing rules.
7. Other statutes and rules.