

CITY OF WAUKESHA HUMAN RESOURCES POLICY/PROCEDURE

POLICY TITLE

Should this policy be abolished since the City has a retention policy that the Attorney Office put together?

In order for the City to reduce it's requirements to provide space for and maintain inactive employee personnel files the following is adopted:

1. All records on inactive employees will be forwarded to the Human Resources Department just prior to employment separation of an individual – no matter what the reason.
2. The Human Resources Department will place these inactive files on hold for a six (6) year period after employee termination.
3. The Human Resources Department will destroy inactive employee files which have aged six (6) years.

The following is a summary of personnel recordkeeping requirements as established by law. For each category of record, the table reflect the retention period that has been established by state or federal law.

Note: Regardless of the specific retention period, if a lawsuit or agency proceeding is commenced, the specific records which relate to the case MUST be retained until it is finally resolved.

| Category | Records to be Retained | Period of Record Retention |
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| Payroll Records | Name, address, Social Security Number, date of hire and termination, time each workday began and ended, time each meal period was started and concluded, total hours worked in each day and each week, rate of pay and wages paid during each pay period, amount of and reason for each deduction from wages, and daily output of an employee not paid on an elapsed time basis. | 3 years from termination of employment |
| Job Evaluations, Seniority System Records, and Document Relating to Disciplinary Action | Job and/or merit evaluations; other data which explains any pay differential between the sexes; records relating to promotion, demotion, transfer, discipline, termination, copies of tests given to employees; and the results of physical examinations considered in connection with any personnel action. | 2 years from making the record or related personnel action |
| Employment Taxes | Income tax withholding, Social Security, unemployment compensation, and advanced date earned income credit payments. | 4 years from date of filing |
| Employment Applications | Applications for positions known by the applicant to be of a temporary nature. All other applications including related records, job orders to employment | 90 days from date of filing 1 year from date of filing |

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| | agencies or labor organizations and advertisements. | |
| Employment Eligibility and Verification | I-9 Form | 3 years from date of filing or 1 year from termination of employment, whichever is later |
| Apprenticeship | All employment records of apprentice in a program for skilled trades certified by the Federal Department of Labor. All employment records of apprentices in a program for skilled trades under which the employer pays a subminimum wage. A chronological listing of the names, addresses, sex, and minority group identification of all applicants for an apprenticeship program; any test papers and notes of interviews. | 5 years from the date an employee completes the program 3 years from the termination date of the program. The greater of 2 years or program length. |
| Family and Medical Leave | Medical certifications and related medical information; type of leave taken; dates or hours of leave taken; name, position, and pay rate of individual on leave; copies of all notices given to or received from employee; documents describing employee benefits and status; records of any dispute between employer and employee. | 3 years |
| Affirmative Action Records | Written affirmative action plans; supporting documentation, analyses and related records or raw data; tests given to employees; documents on their use and validation studies. Internal complaints and related documents from handicapped workers, termination of disabled veterans and veterans of the Vietnam era; all records concerning the action(s) taken in response to such complaints. EEO-1 Reports | Duration of Federal Contract 1 year from employment Retain a copy of the most recent report filed for each reporting unit |
| Handicapped Workers Paid at a Subminimum Wage | Certificates authorizing payment at less than minimum wage. | 3 years from termination of employment |

| Category | Records to be Retained | Period of Record Retention |
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| Pensions, Profit Sharing, and Other Employee Benefit Plans | <p>Plan documents, reports, and all recorded information used in compiling required reports.</p> <p>Listing of years of services and vesting percentage of each employee.</p> <p>Records required to determine eligibility and employee benefits, including age, service, marital status and pay records, documents relating to discipline and promotion, demotion or transfer.</p> <p>Records indicating the amount of separate and/or sickness and accident benefits paid out of a Supplemental Unemployment Benefit trust to each employee as well as records of employee contributions, if any.</p> | <p>6 years from date of filing</p> <p>No definite period specified</p> <p>No definite period specified</p> <p>6 years from the date of making the record or the related personnel action</p> |
| Employee Benefit Plans and Seniority or Merit Rating Systems | Plan descriptions, insurance contracts, labor agreements | Full period that plan is in effect plus one year after termination. |
| Employment of Minors and Student Learners | <p>Student Learners: Copies of employment applications; certificates authorizing the employment of student learners; payroll records; and a notation of occupation.</p> <p>Minors: Name, address, and date of birth; certificate of age; dates of hire and termination; times each work day began and ended; times of daily meal period(s); total hours worked in each day and week; output of minor employee if paid other than on an elapsed time basis; and any written training agreements.</p> | <p>3 years from termination of employment</p> <p>3 years from termination of employment</p> |

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| <p>Occupational Injury and Illness</p> | <p>Documents concerning work-related injuries or illnesses for worker's compensation purposes.</p> <p>As to minors, employees in the armed services or suffering from insanity; for worker's compensation purposes.</p> <p>General OSHA employee medical records (which may include documents concerning work-related injuries or illnesses kept for worker's compensation purposes but does not include first aid and medical records of short term employees, i.e., individuals employed for less than one year)</p> <p>OSHA Forms 100, 101, 102, and 200 including supporting records.</p> <p>Noise exposure measurement.</p> <p>Audiometric exams</p> <p>OSHA employers subject to special standards:</p> <p>Asbestos - (personal and environmental monitoring records and employee medical examinations for asbestos).</p> <p>Carcinogen – Roster of personnel and medical records.</p> <p>Bloodborne Diseases – Personnel and medical records.</p> <p>Radiation – (records of exposed employees)</p> | <p>The later of 12 years from date of injury, death, or last payment of compensation.</p> <p>12 years from the date the limitation on a claim would expire.</p> <p>30 years from termination of employment</p> <p>5 years after year reported</p> <p>2 years</p> <p>Duration of employment</p> <p>30 years from termination of employment</p> <p>30 years from termination of employment</p> <p>30 years from termination of employment</p> <p>30 years from termination of employment</p> |
| <p>Toxic Substances</p> | <p>MSDS regarding toxic substance or written lists identifying toxic substances. Records of "significant adverse reactions" to health or environment that may indicate "long-lasting or irreversible damage," "partial or complete impairment of body function."</p> | <p>30 years from date substance was last received in the workplace and 30 years from date of last complaint for records of significant adverse reaction to employee's health.</p> |

Brief Summary of Applicable Statutes

Fair Labor Standards Act: The minimum wage, equal pay, overtime, and child labor standards apply to employees, not specifically exempt, who are: 1) engaged in interstate commerce; 2) engaged in the production of goods for commerce; and 3) employed in “an enterprise engaged in commerce or the production of goods for commerce.”

Walsh-Healey Act: Employers who have contracted with a government agency to manufacture or supply articles in any amount exceeding \$10,000; only employees engaged in producing or furnishing the contract articles are covered.

Davis-Beacon Act: Mechanics and laborers engaged in construction of public buildings or public works whose specifications call for an expenditure in excess of \$2,000. The Act applies to work performed under certain other laws, such as the Federal Aid Highway Act and the Area Redevelopment Act.

Age Discrimination in Employment Act: Employers employing 20 or more workers for at least 20 weeks a year may not discriminate against employees or job applicants over the age of 40.

Title VII of the 1964 Civil Rights Act: An employer engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.

Executive Order 11246: Any employer holding a federal contract or subcontract of \$50,000 or more and who employs 50 or more employees.

Vocational Rehabilitation Act of 1973: An employer having any contract or subcontract in excess of \$2,500 with any federal department or agency for the procurement of personal property and non-personal services (including construction) for the United States.

Vietnam Era Veterans’ Readjustment Act: Employers holding contracts or subcontracts with the federal government in excess of \$10,000 for the procurement of personal property and non-personal services (including construction) for the United States.

Employee Retirement Income Security Act: Employers with private pension and welfare plans.

Occupational Safety and Health Act: An employer engaged in a business affecting interstate commerce who has employees.

Wisconsin Right to Know Act: All public and private sector employers with control or custody of a toxic substance, infectious agent or pesticide.

Toxic Substances Control Act: Every person who manufactures or processes or intends to manufacture or process a chemical substance or mixture is subject to the provisions of this Act.

Immigration Reform and Control Act: As of November 6, 1986, all public and private sector employers must verify authorization for employment.

Internal Revenue Service: Regulations governing collection and payment of payroll related taxes.

Americans with Disabilities Act: Covers employers with 15 or more employees.

Family and Medical Leave Act: Covers employers with 50 or more employees.

Passed this _____ day of _____, 2004.

Approved this _____ day of _____, 2004.

Mayor
ATTEST:

City Clerk/Treasurer

Passed this _____ day of _____, 1997.
Approved this _____ day of _____, 1997.

Mayor

ATTEST:

Clerk/Treasurer
