

Policy Name: III.18 Personnel Files	Section: III Human Resources	Programs: All
	Standard/Area: Criterion I 7,10 Human Resources	Review Date: 8/17/21, 6/11/25
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Section I: Intent

Martha’s Vineyard Community Services is committed to excellence, professionalism, and accountability in our service to individuals, families, and the community. We value our employees by creating a caring work environment that is respectful of all staff, nurtures professional growth and open communication, fosters teamwork, and builds trust. It is our intent to establish and maintain personnel records that document the effective implementation of these core values.

Section II: Policy

It is MVCS policy to appropriately screen, orient and evaluate all personnel. It is our policy to establish and maintain Personnel Files for each staff member that documents the application, resume, verification of credentials and/or competency, background checks, evidence of orientation and other training.

Section III: Procedure

1. All personnel and volunteers who have direct contact with the people we serve in our programs have files that are maintained electronically in the current HRIS system by the Human Resources Department.
2. The Personnel Files for staff include:
 - The employment application or résumé.
 - Verification of credentials, including certification, licensure, or registration, when applicable, and/or competencies.
 - Evidence of orientation, including receipt of handbook
 - Certificates of attendance
 - Performance evaluation reports
 - Criminal background checks, (CORI), National Criminal Background Check (fingerprinting) for ECP and DDS licensed programs (maintained in separate confidential file)
 - Primary Verification

- Other information required by law or Program licensure and accreditation including but not limited to: I9 Form, W4, Direct Deposit Form, EEO Form, Policy Acknowledgement forms
- MVCS offer letter, Job Description, New Hire Form, Status Change forms
- Performance Evaluations (maintained in agency HRIS)
- Completion certificates (i.e. CPR, First Aid)

3. Volunteer File:

- Application
- A copy of the List of Volunteer Duties, specifying scope of responsibilities and supervision, which is given to the volunteer
- An agreement signed by the volunteer, which includes acknowledgement of understanding and receipt of the List of Volunteer Duties, orientation, Confidentiality Policies, Personnel Policies Handbook which includes written procedure for dismissal

4. Personnel File Retention and Destruction

- MVCS will retain Personnel records for 7 years after termination. This time period exceeds Massachusetts state requirements that stipulates an employer must maintain an employee's complete personnel record for a minimum of three (3) years after termination, however seven (7) years aligns with the Safe Harbor Retention period for personnel files. See Attachment A for a list of Specific Documents and Minimum Retention Requirements by law.
- Personnel files will be purged 7 years following termination date and a record of archived and destroyed files will be maintained by the Human Resources Department.

5. Information Designated Confidential or Medical

- MVCS follows best practice of maintaining Form I9 outside of the employee's personnel file in a separate stored file
- MVCS follows best practice of maintaining CORI in a separate confidential file
- MVCS follows best practice of maintaining employee medical information in a separate medical (PHI) file

6. Review of File

Upon written request from an employee, Human Resources will provide the employee the opportunity to review his or her personnel record or PHI record or provide the employee with a copy of his or her requested record. Per Massachusetts law, all requests will be granted within five (5) days of the employee's request. Inspection must occur in the presence of Human Resources during normal working hours. All requests by an outside party for information contained in your personnel file will be directed to Human Resources, which is the only person authorized to give out such information.

7. Need To Know

Every effort will be made to keep your personnel and PHI records confidential. Access to your personnel record is on a "need-to-know" basis only. This includes, but is not limited to, supervisors and others in management reviewing the file for possible promotion, transfer, or layoff. Your PHI record is not shared with anyone other than Human Resources.

Section IV: Distribution and Training

The Personnel Files Policy and associated attachments are distributed on the MVCS shared Drive (P) and also on the Employee Portal. Notifications related to new, amended, or reviewed policies will be communicated to MVCS leadership and program directors for dissemination to their staff as appropriate. The policy may be directly disseminated to appropriate staff and/or staff groups via email notification after initial dissemination to leadership as per direction of the CEO or designee. The dissemination will be performed by the Chief Administrative Officer or designee.

Section V: Legal, Regulatory, Accrediting, and Other Related References and Resources

- Attachment A – Employment Records Retention Guidelines
- Attachment B – What Should and Should not be Included in Personnel Files
- Regulations: Title XXI, Chapter 149, Section 52C

Employment Records Retention

Below are summary retention guidelines which take into consideration the combination of federal laws and the documents needed to be retained. Check your state guidelines to determine if state statutes are greater.

Specific Documents and Minimum Retention Requirements:

Type of Record	Relevant Law	Years to be Kept	Records Covered
Selection, Hiring & Employment Records	Age Discrimination in Employment Act Americans with Disabilities Act Civil Rights Act of 1964 Rehabilitation Act of 1973 Vietnam Era Veterans Readjustment Assistance Act	1 year after the hiring/no hire decision (2 years for federal contractors)	<ul style="list-style-type: none"> • Job applications • Resumes • Job ads • Screening tools • Interview notes • Records related to promotions, demotions, transfers • Performance appraisals, terminations • Reasonable accommodations requests • Training records • Incentive plans • Merit systems • Seniority systems
Payroll Records, Time Sheets/Cards	Age Discrimination in Employment Act Fair Labor Standards Act Equal Pay Act Lilly Ledbetter Act Family Medical Leave Act	3 years	<ul style="list-style-type: none"> • Employee data • Compensation records • Benefits and pension payments • Fringe benefits paid
Form I-9	Immigration Reform and Control Act	3 years after date of hire or 1 year after termination, whichever is later	
Employment Benefits	Employee Retirement Income Security Act	6 years	<ul style="list-style-type: none"> • Summary plan Descriptions • Annual reports • Plan amendments
Tax Records	Federal Insurance Contribution Act Federal Unemployment Tax Act Federal Income Tax Withholding	4 years from date tax is due or paid	<ul style="list-style-type: none"> • Amounts of wages subject to withholdings • Agreements to withhold • Actual taxes withheld • Reason for any difference between actual and agreements • Withholding forms
Safety Data	Occupational Health & Safety Act	5 years	<ul style="list-style-type: none"> • Log of occupational injuries and illness • Records of injuries and illnesses • Summary of injuries and illness • Records of exposure to toxic substances for each employee
Family Medical Leave Records	Family Medical Leave Act	3 years	<ul style="list-style-type: none"> • Employee data • Dates of leave • For intermittent leave, hours taken • Copies of employee notices and docs describing benefit and practices • Records of premium payments of benefits • Records of dispute regarding leave
Health Care Continuation	Consolidated Omnibus Budget Reconciliation Act (COBRA)	No Requirements, however recommend 6 years to be compliance with ERISA	<ul style="list-style-type: none"> • List of employees covered by group health plan • Records related to qualifying event • Records of COBRA payments • Records of denied coverage • Records of notices informing employees of their rights to continue coverage and evidence that notices were sent and received by employee and their covered beneficiaries

Source – BLR and Society of Human Resources Management

Attachment B: What Should, and Should not be Included in the Personnel File

Type of Record	Location
Recruiting and screening documents such as applications, resumes and educational transcripts	Personnel file
Reference/background check results	Confidential file
Drug test results	Confidential file
Job descriptions	Personnel file
Equal employment opportunity (EEO) self-identification of gender and race/ethnicity	Confidential file
Affirmative action self-identification of race, gender and veteran status	Confidential file
Affirmative action self-identification of disability	Affirmative action confidential file
Immigration (I-9) forms	I-9 file
Records relating to job offers, promotion, demotion, transfer and layoffs	Personnel file
Pay and compensation information	Personnel file
Education and training records	Personnel file
Handbook and policy acknowledgments	Personnel file
Employment agreements (noncompete, confidentiality agreements)	Personnel file
Letters of recognition and awards	Personnel file
Warnings, counseling and disciplinary notices	Personnel file
Performance evaluations and goal-setting records	Personnel file

Termination notice and documentation	Personnel file
Medical records (medical questionnaires, benefit claims, doctor's notes, accommodation requests, medical leave records, workers' compensation claims)	Medical file
Child support/garnishments	Confidential file
Litigation documents	Confidential file
Workplace investigation records (although relevant disciplinary action, counseling or other direct communications are placed in the employee's personnel file)	Confidential file
Requests for employment/payroll verification	Confidential file
Benefit enrollment forms	Benefits file
Beneficiary designations	Benefits file

Source: Society of Human Resources Management