

Welcome to MASBO 2017

Building Personnel Files & New Hire Information

Presenter:

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Hinds County School District



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Round 1

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Personnel Files 35

Terminated Files 5

Medical Files 28

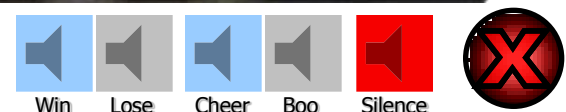
Payroll Files 20

I-9 Files 12



SHOW
QUESTION

HIDE
QUESTION



Human Resources should maintain at least four to five separate filing systems.

Complying with various federal and state laws, keeping good, well-organized records can be very helpful in documenting and supporting a school district employment actions. Many of these documents contain sensitive information that should not be accessible to everyone working in the human resource office or supervisors.

5 Separate Filing Systems:

- ☐ **Personnel Files**
- ☐ **Medical Files**
- ☐ **Payroll Files**
- ☐ **I-9 Files**
- ☐ **Terminated Employee Files**

Personnel Files

Personnel files are commonly requested by supervisors or managers and they should only contain job related information. Items found in personnel files often include:

- **Employee Application**
- **New Hire Checklist (employee onboarding documents)**
- **Recommendation/Offer of employment**
- **Employee Contract/At-will Agreement/Supplements**
- **Job Descriptions (signed by the employee)**
- **Performance related documents (such as performance evaluations, write-ups, or commendations and awards)**
- **Certifications/Training and development documents, CEU's**
- **Rate of pay changes**
- **Job transfer requests and agreements**
- **Knowledge and agreements to work policies**
- **Records of attendance (but not medical reasons for absences or tardiness)**
- **Safety Violations (but not worker's compensation claims)**

It is imperative to ensure job descriptions in employee personnel files are updated and identify essential job functions.

Under the [Americans with Disabilities Act \(ADA\)](#), employers are required to make “reasonable accommodations” based on essential job related behaviors and competencies. If an applicant is denied employment due to a perceived job limiting disability, or if an existing employee is denied the opportunity to return to work for the same reason, an employer must be able to make the case the essential functions of the job cannot be performed with reasonable accommodations or that accommodations present an undue hardship on the employer. School districts operating without updated job descriptions can find themselves unable to defend themselves when legal situations arise.

Medical Files

These files may contain information relating to health benefits, employee related health leave, and pre-employment medical related documents.

Specific examples may include:

- Pre-employment drug screens (lab tests, physicians records of exams)
- Benefits documents (health, life, dental, vision, disability, etc...)
- Request for medical leave of absence
- Personal accident reports
- Workers compensation report of injury or illness
- FMLA related documents
- Medical related excuses for absenteeism or tardiness
- Medical job restrictions/accommodations
- Background check results (can be kept in separate file)

- Any other form that contains private medical information and is subject to the HIPAA act of 1996.

Due to the confidential nature of these documents, medical files must be kept separate from personnel files (which are typically accessible to supervisors). Only HR employees who have a “need to know” status and the employee for whom the files are maintained are allowed access to medical files. Supervisors are not allowed to view the contents of medical files.

You also may want to consider keeping a completely separate file for worker's compensation files. Under OSHA, federal law mandates that all workers compensation claims must be maintained for at least 5 years following the end of the calendar year in which the records for regular on the job injuries occurred. But employers must keep medical records for employees exposed to toxic substances or blood-borne pathogens for up to 30 years after the employee's termination date.

Payroll Files

Common items found in payroll files can include:

- ☐ W-4 forms (update yearly)
- ☐ State tax forms
- ☐ Time and attendance documents
- ☐ Pay adjustment documents
- ☐ Garnishment orders and records
- ☐ Forms that authorize the release of payroll information (for example when an employee is attempting to get a home loan and employment verification and salary information is requested)
- ☐ Benefit selection/Cafeteria Plan election forms
- ☐ PERS retirement plan information (enrollment/beneficiary forms)

I-9 Files

The Immigration Reform and Control Act of 1986 (IRCA) requires employers to verify that employees are authorized to work in the United States. Employers should maintain a completely separate file solely for I-9 forms and acceptable documents. The U.S. Citizenship and Immigration Services may request to audit your I-9s at any time. To ensure you are protecting employee confidentiality related to any other document, and to prevent exposing yourself to other liabilities related to the maintenance of employee records, simply keep all I-9 files separate from any other employee records.

Ensure you are collecting the proper acceptable documents for your I-9 forms and using updated forms. Poor I-9 record keeping or outdated forms could cost your school district up to \$1,000 per violation (ouch!).

I-9 Form, effective January 22, 2017



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services



USCIS
Form I-9
OMB No. 1615-0047
Expires 08/31/2019

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Last Names Used (if any)	
Address (Street Number and Name)			Apt. Number	City or Town		State ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number		Employee's E-mail Address		Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

- ☐ 1. A citizen of the United States
- ☐ 2. A noncitizen national of the United States (See Instructions)
- ☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____
- ☐ 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____
Some aliens may write "NIA" in the expiration date field. (See Instructions)

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number: _____
OR
2. Form I-94 Admission Number: _____
OR
3. Foreign Passport Number: _____
Country of Issuance: _____

QR Code - Section 1
Do Not Write In This Space

Signature of Employee _____ Today's Date (mm/dd/yyyy) _____

Preparer and/or Translator Certification (check one):

- ☐ I did not use a preparer or translator. ☐ A preparer(s) and/or translator(s) assisted the employee in completing Section 1.

(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator		Today's Date (mm/dd/yyyy)	
Last Name (Family Name)		First Name (Given Name)	
Address (Street Number and Name)		City or Town	State ZIP Code



Employer Completes Next Page



I-9 Acceptable Documents

Form I-9, Employment Eligibility Verification

The U.S. Department of Homeland Security's employment eligibility process requires that employees must present, to their employer, evidence of identity **and** employment eligibility within three business days of the date employment begins. If an employee is authorized to work, but is unable to present the required document(s) within three business days, they must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days.

LISTS OF ACCEPTABLE DOCUMENTS

You may provide a document from List A which establishes both identity and employment eligibility **or** you may provide a document from List B (establishing your identity) and a document from List C (establishing your employment eligibility).

LIST A Documents that Establish Both Identity and Employment Eligibility	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Eligibility
1. U.S. Passport (unexpired or expired)		1. Driver's license or ID card issued by a state or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address		1. U.S. Social card issued by the Social Security Administration (<i>other than a card stating it is not valid for employment</i>)
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address		2. Certification of Birth Abroad issued by the Department of State (<i>form FS-545 or Form DS-1350</i>)
3. An unexpired foreign passport with a temporary I-551 stamp		3. School ID card with a photograph		3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
4. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, I-688B)		4. Voter's registration card		4. Native American tribal document
		5. U.S. Military card or draft record		5. U.S. Citizen ID Card (<i>Form I-197</i>)
5. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, if that status authorizes the alien to work for the employer		6. Military dependent's ID card		6. ID Card for use of Resident Citizen in the United States (<i>Form I-179</i>)
		7. U.S. Coast Guard Merchant Mariner Card		7. Unexpired employment authorization document issued by DHS (<i>other than those listed under List A</i>)
		8. Native American tribal document		
		9. Driver's license issued by a Canadian government authority		
		For persons under age 18 who are unable to present a document listed above:		
		10. School record or report		
		11. Clinic, doctor, or hospital record		
		12. Daycare or nursery school record		



TO E-VERIFY!!!

E-Verify is an Internet-based system that allows businesses to determine the eligibility of their employees to work in the United States.

For more information, visit:
<https://www.uscis.gov/I-9>

Terminated Employee Files

When staff members leave the school district, their files must be retained for a period of time, but for how long? It can be difficult to remember how long to keep terminated employee documents once they are separate from the school district.

The straight answer is. . . . it depends. Different types of documents require different lengths of retention.

Visit: <https://www.dol.gov/whd/regs/compliance/whdfs21>

A good rule of thumb is to retain all records, with the exception of worker's compensation files, for at least seven years after the last day of employment. As stated above, some workers compensation files should be retained for 30 years after the last date of entry in the workers compensation file.

Keep in mind that any documents including medical information, SSNs, marital status, national origin, religious beliefs, age, criminal history, financial history, child support information, reference checks, investigations, interview notes, or employment test results should be filed separately from personnel files.

Security & Confidentiality

Security

- Maintain files in locked file cabinets
- Ensure access to file cabinet keys is managed securely

Confidentiality

- Only employees designated by the department head should be allowed access
- Ensure contents are not visible to others when reviewing the file

XXX



COMMERCIAL BREAK!!!



Round 2

XXX



Recommendation for Hire

24

License/Certification

11

**Application/
Job Description**

20

**Tax Forms
State & Federal**

7

**Background Check/
Child Abuse Registry**

17

**PERS Forms
Enrollment/Beneficiary**

5

I-9 Form/ID

14

**Benefits
Forms**

2

**SHOW
QUESTION**

**HIDE
QUESTION**



Win



Lose



Cheer



Boo



Silence



HCSD Human Resource Certified Personnel Checklist

Name _____ Location _____ Emp ID# _____

Position _____ Start Date _____ Salary \$ _____ # of days _____

Required Documents:

_____ Recommendation form from Administrator

_____ Certified application

_____ Background check, Date Completed: _____

_____ Child Abuse registry

_____ ID (SS card, BC, DL, Passport)

_____ Board Approved, Date: _____

_____ Job Description

_____ Teaching License, Certification (circle one): A AA AAA AAAA

_____ Transcript and Praxis Scores

_____ Recommendations (3 required)

_____ Verification of employment, # of years verified _____, 1st Year Teacher Yes No

_____ Munis Contact Sheet

_____ Health Insurance _____ Life Insurance _____ Dental Insurance _____ Vision Insurance

_____ W-4 Federal Tax

_____ State Tax

_____ PERS Enrollment Form _____ PERS Beneficiary Form

_____ I-9 Form

_____ Direct Deposit Form/Voided Check

_____ Drug Policy

_____ Code of Conduct

_____ Dress Code

_____ Ethics Policy

_____ Healthcare Marketplace Information Form

_____ Forms to sign

Reviewed by: _____ Date: _____

HR Office use only: _____ HR Start Order _____ Contract Signed _____ Munis

MS New Hire _____ MSIS _____ Printer Set-up _____ Kelly Services

HCSD Human Resource Classified Personnel Checklist

Name _____ Location _____ Emp ID# _____

Position _____ Start Date _____ Salary \$ _____ # of days _____

Required Documents:

_____ Recommendation form from Administrator

_____ Classified application

_____ Background check ; Date completed _____

_____ Child Abuse registry

_____ ID (SS card, BC, DL, Passport)

_____ Board Approved, Date: _____

_____ Job Description

_____ Proof of 48 hrs college (degree, transcript, ACT workkeys test)

_____ Verification of employment, # of years verified _____

_____ Munis Contact Sheet

_____ Health Insurance _____ Life Insurance _____ Dental Insurance _____ Vision Insurance

_____ W-4 Federal Tax

_____ State Tax

_____ PERS Form Enrollment _____ PERS Beneficiary Form

_____ I-9 Form

_____ Direct Deposit Form/Voided Check

_____ Drug Policy

_____ Code of Conduct

_____ Dress Code

_____ Ethics Policy

_____ Healthcare Marketplace Information Form

_____ Forms to sign

Reviewed by: _____ Date: _____

HR Office use only: _____ HR Start Order _____ At-will Signed _____ Munis

MS New Hire _____ MSIS _____ Printer Set-up _____ Kelly Services

MS NEW HIRE REPORTING

Federal and State law requires employers to report newly hired and re-hired employees in Mississippi to the Mississippi State Directory of New Hires. Please use the below site for more information about reporting new hires including reporting online and other reporting options!

<https://ms-newhire.com>

QUESTION TIME

CONTACT: Sharon Harris, HR Director
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shharris@hinds.k13.ms.us

THE END

