

## **PERSONNEL RECORDS**

### **Chancery and Parish**

State law requires employers to keep personnel records during employment, and for at least three years after termination of employment. A file is established for each employee at the time of hire and is kept on record in the Human Resources Department for Chancery and in an appropriately designated, secure place as designated by Pastor/Parochial Administrator/Parish Life Director at Parish sites.

The following items will ordinarily be kept in personnel files: Completed application forms, resumes, references, report forms, letter of agreement, copy of valid I-9, Criminal Records Verification, Safe Environment Training certificate, signed Child Abuse Reporting form for those working with children, copy of driver's license and valid automobile insurance form for those using their cars for diocesan business, salary adjustment statements, emergency information forms, performance appraisals, professional growth certificates, safe environment training completion certificates, commendations, and disciplinary action statements (samples of some of these forms are in Appendix D). Employees' written responses to performance appraisals, commendations on their request, or disciplinary personnel action statements will be included in their personnel files.

The Diocese and its institutions maintain the confidentiality of the personnel records of employees. In the parishes, these files should be kept in a locked file and only the supervisor or his or her designee should have access to the file. At the Chancery, these records are maintained by the HR department; the supervisor or his or her designee may maintain a separate file for departmental use.

### **Chancery/Parish Personnel Files**

Every chancery and parish employee must have a personnel file. This file is kept with the Human Resources Department in the Chancery or Pastor/Parochial Administrator/Parish Life Director or parish staff person responsible for personnel. The personnel files should be reviewed at least annually to insure that proper information is updated as appropriate.

Files should include the following:

- Full Name of employee
- Emergency form [updated yearly]
- Position held
- Yearly record of vacation and sick leave accrual
- Application/resume on file
- Insurance/retirement enrollment forms<sup>1</sup>
- Copies of degrees [as appropriate]
- Criminal records verification
- Position / Job description

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<sup>1</sup> For those working 25 hours per week or more

- Child Abuse reporting form<sup>2</sup>
- Signed Letter of Agreement
- Signed Confidentiality Agreement
- Signed Chancery/Personnel Policy Acknowledgement
- I-9 form on file and updated as needed
- Performance Appraisals (done yearly after 6 month probationary appraisal)
- Safe Environment signed Policy of Expectations
- Signed Safe Environment training certificate
- If you drive for this site an expect reimbursement for mileage – a valid California driver’s license and valid proof of insurance

CDL and proof of insurance if you drive for this site and expect reimbursement for mileage

The Department of Human Resources in their capacity as stewards, will visit parishes when a new Pastor/Parochial Administrator/Parish Life Director is appointed to review files with the Pastor/Administrator or parish staff person responsible for personnel. Parishes will be notified prior to visits, usually with at least a month’s notice of the visit. This visitation is mandatory.

Access to employee personnel files is limited to the Division/Department Directors and the staff of the Human Resources Department at the Chancery and Pastor/Parochial Administrator/Parish Life Director and the employee’s immediate Supervisor at the Parish sites. Employees or former employees who make a written request are entitled to review their personnel file within 30 calendar days after the (Director of Human Resources at the Chancery or the Pastor/Parochial Administrator/Parish Life Director at the Parish site) receives the written request. The review may be monitored by a Human Resources Department staff person at the Chancery or the Pastor/Parochial Administrator/Parish Life Director, or his/her designee, at the Parish sites. Employees who disagree with materials contained in their personnel files are encouraged to provide a written statement reflecting their view of the situation, which will be placed in the file.

### **I-9 Forms**

The Federal Immigration Reform and Control Act (IRCA) requires employers to verify that employees are eligible to work. Therefore for every new employee, employers must:

- have the employee fill out section 1 of Form I-9 (August 7, 2009)
- require the employee to provide identification and authorization documents
- fill out section 2 of Form I-9

These forms must be filled out within 3 days of beginning work. If the employee is to be employed for less than 3 days the form must be filled out at the time the employee begins work.

The I-9 form is to be updated using the August 7, 2009 form each time an employee’s form of verification changes or expires.

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<sup>2</sup> For those who work with minors [under 18 years of age] and/or who are mandated reporters

Original I-9 forms are to be kept in a separate binder and be available should they be requested by The Department of Homeland Security. The Department of Homeland Security should not have access to Personnel files of employees.

### **Social Security Number Privacy for Pay Stubs**

This law became effective on January 1, 2008, and prohibits the use of more than four digits of social security numbers on pay stubs.

### **Subpoenaed Employee Records Protection**

This law, which became effective January 1, 2008, provided for a procedure for employees to obtain a protective order to prevent the disclosure of their employment records in a civil lawsuit.

The law requires parties in civil litigation seeking to subpoena an employee's personnel records to certify that the employee was previously notified about the subpoena or else provide the employee's written authorization to release the personnel records. The law also provides a procedure for employees to object to the subpoena and to obtain a protective order from the court preventing the employer from complying with the subpoena and disclosing the records.

The employee should contact his/her own legal counsel in this matter.

The employer should contact Human Resources for advice in following this legal order.

### **Immigration – Related Regulations**

In March, 2013, the Department of Homeland Security issued a revision of the mandatory I-9 form necessary to verify employment eligibility of all new hires. This new form is the only valid form for current use and has a revision date of "3/08/13 N" in the lower left hand corner. Please check the USCIS website for the most recent version (<http://www.uscis.gov/files/form/i-9.pdf>).

### **Medical related files**

Personnel files should not contain medical information regarding an employee. Medical information should be maintained in a separate file labeled: *Name of Person – Medical* – In this file is kept any medical information such as medical diagnosis, absence, return to work slips from doctors which contain medical information or diagnoses, and EDD or private disability records. Co-mingling of information in a personnel file violates federal regulations intended to keep medical information out of Personnel Files.