

PERSONNEL RECORDS

I. Procedure

A. Contents of Personnel Files

General personnel records shall contain, at a minimum, the following information:

1. The correct name and the current address and telephone number of the employee;
2. An accurate record of work experience of the employee;
3. Current data on education completed, including transcripts of academic work when applicable;
4. Current data on credentials and certification when applicable;
5. Records of assignment;
6. Evaluations of performance; and
7. Letters of commendation, reprimand, or omission of duty.

B. Maintenance of Personnel Files

The following employee information records are maintained in segregated personnel files and may be in paper or digital format:

1. General employee personnel record;
2. Pre-employment testing results and background check information;
3. I-9 forms; and
4. Employee medical records.

C. Access to Employee Personnel Record

1. Current employees may request access to their general personnel file. All requests for access must be provided in writing to the Human Resources Office. Upon receipt of an employee's written request, human resources will schedule an appointment with the employee during normal office hours. This appointment will take place within ten (10) business days of request receipt. General employee personnel records do not include any reference checks, medical records, or investigation files.
 - a. Employees are not permitted to remove any documents from the general personnel file but may provide a written response to any document in the personnel file. Written responses will be attached to the original document in the file.

- b. Employees may request copies of documents in their personnel file. Requests for copies must be provided in writing to the Human Resources Office and include a list of specific documents they wish to copy. A copy fee will be assessed on a per page basis.
2. Former employees must submit a subpoena to receive access to their personnel file.

D. Destruction of Employee and Applicant Records

1. All paper personnel documents and confidential employee data maintained by the Human Resources Office will be destroyed by shredding after retention dates have passed.
2. The Human Resources Office will work with the IT department to ensure all electronic personnel documents are properly purged.

E. Retention of Personnel Files

1. Western Dakota Technical College (WDTC) will follow all applicable state and federal laws regarding retention and destruction of personnel files. WDTC reserves the right to retain documents for periods longer than required by law while maintaining a reasonable timeframe for disposal of sensitive material.

Record Type	Retention Period	Relevant Law(s)/Guidelines
Employment application	4 years	ADEA
Background check results	1 year	EEOC
General personnel record	Termination + 7 years	EEOC
I-9 Form	3 years after hire; if employed longer than 3 years, termination + 1 year	IRCA
FMLA requests/ documentation	3 years	FMLA
Disability accommodations	2 years	ADAAA
Employment benefits	6 years	ERISA
Job-related injuries and illnesses	5 years	OSHA
Military leave records	Indefinite	USERRA

II. Definitions

- A. "ADAA" means Americans with Disabilities Act as Amended
- B. "ADEA" means Age Discrimination in Employment Act
- C. "EEOC" means Equal Employment Opportunity Commission
- D. "ERISA" means Employee Retirement Income Security Act

- E. “FMLA” means Family Medical Leave Act
- F. “IRCA” means Immigration Reform and Control Act
- G. “USERRA” means Uniform Services Employment and Reemployment Act

Legal References: None

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