

PERSONNEL FILE CONTENTS CHECKLIST

Employee's Name _____ Position _____

- ___ Employee's original dated employment application
(Including veracity of information and age statements)
- ___ Resume (if applicable)
- ___ Employment interview notes and test results (if any)
- ___ Verification of Education (degrees, transcripts, licenses)
- ___ Verification of Prior Work Experience & Reference Checks (unless part of Background Check)
- ___ Copy of Signed Job Description
(Including title, FLSA Classification, Job Duties, Lines of Supervision)
- ___ W-4 Form
- ___ DMV Printout or Insurance Company Clearance to Drive Vehicles (if applicable)
- ___ Proof of Valid Automobile Liability Insurance (if driving own vehicle on business)
- ___ Original Signed Form acknowledging receipt of Personnel Policies/Handbook
- ___ Original Signed Performance Evaluations
- ___ Original Signed Disciplinary/Counseling Forms and Actions
- ___ Training Documentation
- ___ Emergency Notification Information
- ___ Changes to Personal Information (address, phone, etc)
- ___ Salary Schedule/Payroll Change Authorizations/Status Changes/Payroll Deduction Authorizations/Direct Deposit Authorization
- ___ Time Sheets, Compensation Records, (unless filed in Payroll or Accounting Office)
- ___ Requests for Absences (vacation, sick leave, personal, etc.)
- ___ Commendations, Awards, etc
- ___ Original letter of resignation or discharge
- ___ Termination Check List

WHAT SHOULD NOT BE IN A PERSONNEL FILE

- **Medical Records** (Separate File)
 - Health Screening/Physical Exam/TB Test Results
 - Drug Screening Records
 - Physicians Note Regarding Illness
 - Workers Compensation Claim Records and Information

- **Investigation Records** (Confidential File)
 - Legal Case Information
 - Accusations of legal violations
 - Discrimination Complaint Investigation Information

- **Security Clearance Investigation Records** (Confidential File)
 - Background investigation information
 - Personal credit history
 - Personal criminal conviction history
 - Arrest records

- **Insupportable Opinions** (Confidential File)
 - Marginal Notes on any document indicating bias of any kind or discrimination (such as: "overweight", "too old/young", "over-qualified", etc.)

- **I-9 Information** (Separate File)
 - These should be kept in a separate I-9 file in the Personnel Department; one file for current employees, one file for separated employees.

REQUIRED NOTICES AND PAMPHLETS

State and Federal laws require that California employers distribute notices and informational pamphlets to their employees. Some notices are distributed at the time of hiring or separation, and other notices are required when certain events begin such as disability leave. Here is a list of the **minimum** that employers may be required to distribute:

- *For Your Benefit* (DE 2320), California Unemployment Insurance and Disability Insurance programs (available from EDD)
 - at discharge or layoff
 - at start of a leave of absence

- *State Disability Insurance Provisions* (DE 2515), California Disability Insurance program rights (available from EDD)
 - at hire date
 - again when hospitalized, or pregnancy, childbirth or related condition

- *Paid Family Leave* (DE 2511), California Paid Family Leave program (available from EDD)
 - at hire date
 - again when leaving work to care for seriously ill family member or to bond with new child beginning July 1, 2004

- *Workers' Compensation Pamphlet*, informing of employee rights and obligations regarding workers' compensation (available from WC carrier)
 - at hire date
 - when injured on the job

- *Sexual Harassment Information Sheets*, together with copy of employer's policy (available from CA Dept. Of Fair Employment & Housing [DFEH])
 - at hire date

- *COBRA Notice*, regarding continuation of medical insurance coverage under certain conditions, available from insurance carrier (20+ employees)
 - at separation

- *Health Insurance Premium Payment (HIPP) Program Notice*, information of availability of continued health insurance coverage at State's expense under certain conditions (in addition to COBRA notice), available from your insurance carrier, or CA Dept. Of Health Services (20+ employees)
 - at separation

IRS 20 QUESTIONS TEST FOR INDEPENDENT CONTRACTORS

As the use of independent contractors grown, the IRS is cracking down on employers who misclassify full-time workers as contractors. The agency has a list of 20 criteria it uses to establish whether a worker has been incorrectly classified. Although you can answer "yes" to some of the questions below, the more you can answer with a "no," the easier it is to prove that the worker exerted control over the way work was done, making him or her a bona fide contractor.

- _____ Do you establish work hours for the worker?
- _____ Does the worker provide services on a full-time basis for your company?
- _____ Do you give the worker instructions on where, when and how the work is to be performed?
- _____ Are the services the worker provides essential to running the company?
- _____ Does the worker provide services at your company's facility?
- _____ Did you train the worker to perform services for you?
- _____ Do you pay the worker by the week, month or hour?
- _____ Do you provide equipment, tools or other supplies to the worker?
- _____ Do you pay for the worker's business expenses?
- _____ Have you purchased equipment, tools, or other supplies for the worker?
- _____ Is the worker responsible for completing reports to your company?
- _____ Is the worker protected from losing money as a result of providing services to your company?
- _____ Is the worker prohibited from hiring assistants?
- _____ Is the worker prohibited from delegating work to others?
- _____ Is the worker prohibited from providing services to the public at large?
- _____ Does the worker provide services just for your company?
- _____ Is your company able to fire the worker at will?
- _____ Can the worker terminate the relationship with your company without penalty?
- _____ Does the worker provide services to your company on an on-going basis?
- _____ Does your company control the order and way in which the work is done by the worker?