

College Procedure: 404.3 - Employee Records
Policy Reference: 404 - Employment Relationship
Responsible Department: Human Resources
Approval Authority: Cabinet
Procedure Owner: Vice President, Human Resources
Effective Date: 9/30/2013

Version Number: 3
Legal Counsel Reviewed (yes/no): No
Legal Reference(s):
Scope: College-wide

Reason for Procedure

This procedure provides guidance to employees regarding their privileges and obligations with respect to personnel records. The procedure will also serve as the basis for how long Kirkwood Community College must maintain electronic or hard copy records that are human resources related. The College adheres to state and federal laws pertaining to personnel files.

The Procedure

Human Resources maintains the official personnel files of Kirkwood employees. Information contained in the files is confidential. As required by law, records pertaining to medical issues, internal investigations and judicial proceedings are maintained in separate files. Only Human Resources staff has access to confidential medical, internal investigation and judicial proceeding files.

Information maintained in an employee's official personnel file is related to job status, job performance or other job related documents. This may include employment applications, resumes, transcripts, performance evaluations, disciplinary documentation, certifications, contracts and payroll information.

Representatives of government or law enforcement agencies, in the course of their business, may be allowed to access file information. This decision will be made at the discretion of Human Resources in response to the request, a legal subpoena or court order.

Certain information maintained in personnel files has been deemed public information according to Iowa Open Records Act and may be released upon written request. This information includes:

- The name and compensation of the individual, including any written agreement establishing compensation or any other terms of employment, except for information that is otherwise protected. Compensation includes the value of benefits conferred including, but not limited to: casualty, disability, life or health insurance, other health or wellness benefits, vacation, holiday and sick leave, severance payments, retirement benefits and deferred compensation;

- The dates the individual is/was employed;
- The positions the individual holds or has held;
- The educational institutions attended by the individual, including any diplomas and degrees earned and the names of individual's previous employers, positions previously held and dates of previous employment;
- The fact that the individual was discharged as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal and statutory remedies; and
- Personal information in confidential personnel records of government bodies relating to student employees shall only be pursuant to the Family Educational Privacy Rights Act (FERPA).

The following information is considered confidential and may not be released to the public:

- Home address, gender and date of birth;
- Information pertaining to the discipline of an employee, except as provided above concerning the discharge of an employee;
- Job performance or job evaluations;
- Individual civil service examination scores;
- Reasons for utilization of sick leave;
- Medical or mental health records;
- Social Security number;
- Financial institution information;
- Payroll deductions, voluntary or mandated; and
- Taxable wages (gross wages and other compensation are not confidential).

An employee, former employee or authorized representative of an employee has the right to view certain documents maintained in the employee's official personnel file. Exceptions include confidential letters of recommendation or any document that would violate the confidentiality of another employee.

The request to view personnel file contents must be made in writing by submitting the [Request to Access Personnel File](#) form. The employee, upon presenting proper identification if their identity is unknown, will be allowed access to documents maintained within their personnel file. The employee must arrange a time that is mutually agreed upon with a Human Resources staff member. The Human Resources staff member must be present.

Kirkwood maintains employee files in electronic format only. By providing adequate notice, documents may be printed by a Human Resources staff member at a cost of 25 cents per page.

Information submitted to an employee's personnel file may not be removed except for good cause shown and with the approval of the Vice President, Human Resources. The employee with a memorandum of explanation or disagreement that will be added to the file may note information contained in an employee's official personnel file with which the employee disagrees.

The College has established the following retention periods for both electronic and paper-based records:

- Hiring Records: 2 years after hiring decision
- I-9 forms: Not more than 3 years after termination

- FMLA records 3 years
 - Medical/benefits: 6 years after plan year *
 - Personnel: 7 years after termination
 - Safety 5 years*
- (* an exception would be to maintain employee exposure records for at least 30 years, under the requirements of [29 CFR 1910.1020](#)).

A legal hold suspends all document destruction procedures with respect to those matters that are the subject of the hold. The purpose of a legal hold is to preserve and protect appropriate records under special circumstances, such as litigation or government investigation. Relevant employees will be notified when a legal hold is required and will be provided specific instructions for compliance. Failure to preserve documents after having received a preservation notice/legal hold can have extremely serious consequences. Accordingly, a failure to comply with a legal hold will subject employees to discipline, up to and including termination.

Human Resources will create a destruction log and destroy the records per the retention guidelines.

References

Iowa Code Chapter 22

Definitions

Term	Definition
Term 1	
Term 2	
Term 3	
Term 4	

Revision Log

Version Number	Date Approved	Approved by	Brief Description of Change
1	9/30/2013	Jim Choate, Vice President, Finance	

2		Mick Starcevich, President	New template 5/9/2017
3		Cabinet	Procedure template 7/23/2019