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EMPLOYEE PERSONNEL FILE BASICS PART II: STORAGE AND ACCESS By Diane Shepler; Integrity Services & Solutions



In the previous article, we reviewed the basics of employee personnel files - what should and should not be filed in the personnel files. Items such as W4's, performance appraisals, applications and resumes are all to be maintained within the employee personnel file. Any document of a medical nature should not be contained in the employee personnel file. Rather, a separate employee medical file should be created to hold items such as doctor certificates, disability related documentation, and completed Family Medical Leave forms.

Now that you have the personnel and medical files created, how should they be stored and who should be granted access to them? Personnel records are to be maintained in a locked filing cabinet. The key(s) to the file cabinet must be managed and secured. The locked filing cabinet containing the employee personnel files should be kept in the Human Resource Department. If your company does not have a Human Resource Department, then the file should be maintained in the area of the employee who serves as the Human Resource Representative.

Employee medical files should be kept confidential and separate from the personnel files in a locked drawer.

Pennsylvania's Personnel Files Inspection Act allows employees the right to inspect portions of their personnel file. The employer may require the employee to make a written request to access the personnel file. The employer may also require a company official be present while the file is being reviewed. The employee does not have the right to remove the file, or to be provided a copy of the file; however, the employee may make notes regarding the content of the file. The employer may require the inspection take place on the employee's free time.1

Medical records "may be revealed only to safety and first aid workers, if necessary to treat the employee or provide for evacuation procedures; to the employee's supervisor, if the employee's disability requires restricted duties or a reasonable accommodation; to government officials as required by law; and to insurance companies that require a medical exam."2

In summary, both personnel and medical files are to be treated with confidentiality and kept secure. Employees have certain rights to access and review their personnel files. Access to personnel files are generally limited to the HR Department, the employee's supervisor and the employee.

1 https://www.job-discrimination.com/pennsylvania-personnel-file-inspection-act.html

2 http://www.nolo.com/legal-encyclopedia/keeping-personnel-files-medical-records-confidential-29777.html



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