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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 40 – LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES

**PART 15 – MUNICIPAL HUMAN RESOURCES AND PERSONNEL DEPARTMENT
RECORDS (LG15)**

15.1 Purpose, Authority, Severability, and Destruction

15.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

15.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

15.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

15.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

LG15.1 Employee Administrative Services

LG15.1.1 Personnel Files – Official Copy

Official documentation of the employment history of municipal employees maintained by the Personnel/Human Resources Office/Division/Department of the municipality. Includes any personnel file that is the official record and not maintained by the municipal Human Resources office such as police and firefighters. Also includes any municipal agency that performs personnel functions independently of the municipal personnel office or any municipal agency that is the delegated authority for human resource/personnel functions. Includes part-time employees. Files may include but are not limited to: various personnel action forms that document employee vital information (e.g. hire date, salary and position history, separation, pension reports and summaries), accrued hours reports and summaries, attendance records, tax withholding forms, W-4s, summary of payroll checks issued, and beneficiary of designation forms, employment applications, employment history including resumes and CV, individual employee agreements/contracts, copies of certificates of courses completed, transcripts, residency waivers, testing records, summary of testing results, credit reports, training records, professional certifications, awards, copies of deduction authorization forms, direct deposit authorization agreements and notices, notices of wage withholding for loan re-payment, copies of garnishment orders or summary data, insurance applications/waivers, FMLA and COBRA notices, authorizations to contribute to the sick bank, health benefit election forms (options/changes in medical coverage), documentation of work performance/evaluations, disciplinary actions and termination records.

Note: Disciplinary records may be retained for shorter periods as stipulated in? the applicable bargaining unit contract and/or agreement.

See Also: For personnel files that are not the official record held by the delegated or designated authority, see GRS9.1 (Employee Medical Records (Non-Work Related)).

LG15.1.1A Vital Information Such as Hire and Separation Date, Salary, and Position History, Accrued Hours Reports, And Summaries, Pension Contributions/Returned Contribution Summaries/Reports

Retention: Retain fifty (50) years after separation.

LG15.1.1B All Other Records

Retention: Retain ten (10) years after separation.

LG15.1.1C Per Diem Employees

Retention: Retain seven (7) years after separation.

LG15.1.2 Employment Eligibility Verification Forms

Federal Reporting Form (presently the I-9 form) completed by all employees verifying eligibility to work in the United States. (8 C.F.R. § 274a.2)

Retention: Retain three (3) years after the date of hire or one (1) year after the date employment ends whichever is later.

Note: I-9 forms should be kept separate from the employee personnel file.

LG15.1.3 Wage Verification

Signed releases authorizing verification of employment by employee. Contain SSN data and includes copies of requests for employment verification. May include copies of subpoenas; wage summary report; correspondence; doctors' notes; and copies of checks for payment of injury, Division of Worker's Compensation Report of Earnings, Employee's Certificate of Dependency Status, and Employer's First Report of Injury.

Retention: Retain three (3) years.

Note: Copies may be filed in the personnel file.

LG15.1.4 Quarterly Tax and Wage Reports

Quarterly reports submitted to the Rhode Island Department of Labor and Training.

Retention: Retain data or copies of reports three (3) years.

Note: These records may be processed and held by the Municipal Finance Department.

LG15.1.5 Calculation Worksheets

Worksheets for calculating rate and time of employees including sick time, sick time bonuses, vacation time and compensation time. May include attached memoranda, correspondence, or reports.

Retention: Retain three (3) years.

LG15.2 Employee Benefits

LG15.2.1 Employee Benefit Plans

Records documenting various benefit plans and programs offered to employees by the municipality. Includes insurance plans (life, medical), and programs relating to deferred compensation plans and safety and wellness and any other benefit plans offered to municipal employees. Includes plan description and/or summary. May include enrollment forms, add/change forms, and termination of coverage forms.

Retention: Retain six (6) years after termination or enrollment or termination of plan.

See Also: For insurance policies, see LG2.5.1 (Insurance Policies and Records). Copies of enrollment, add/change, and termination of coverage forms may be filed in the personnel file.

LG15.2.2 COBRA Records

COBRA allows employees who are losing their medical coverage to purchase health coverage from their former employers, at full cost, for up to thirty-six (36) months. Includes all forms and records associated with benefit payments and other transactions including vouchers that document bill paying and direct remittance.

Retention: Retain seven (7) years.

See Also: LG2.5.6 (Insurance and Billing records).

LG15.2.3 Family Medical Leave Act Files

This law allows employees to take unpaid leave for medical issues involving immediate family members. The files may include, but are not limited to, applications for leave, written statements concerning the medical conditions of the family member in question, communications from doctors and any other associated correspondence. (29 C.F.R. § 825.500)

Retention: Retain three (3) years.

Note: These records are subject to the same confidentiality requirements as other medical records.

LG15.2.4 Savings Bond Authorization Records

Records that document the administration of the savings bond program available to municipal employees. The records concerning these savings bonds may include, but are not limited to, savings bond authorization cards, signature cards, savings bond refund vouchers, savings bond purchase vouchers. They also include several types of computer-generated savings bond reports (such as 1042, 1030, and 1037 reports) that reflect the transactions.

Retention: Retain three (3) years or until termination of savings bond deduction, whichever is sooner.

Note: Records may be processed and held by the Municipal Finance Director.

LG15.2.5 Waiver of Insurance Benefits

Lists, forms, and worksheets of employees that waive life/health/dental insurance coverage. May include copies of records indicating acceptance of/participating in a cash incentive program for voluntarily opting out of the municipal insurance plan/s.

Retention: Retain three (3) years or until updated or superseded or obsolete, whichever is longer.

Note: Copies may be filed in the personnel folder. Fiscal records indicating payment for cash incentive/buybacks should be held by the municipal finance office.

LG15.2.6 Employee Award Program

Records that document career awards and special employee recognition. May include monthly or periodic lists/reports of employees that receive awards/recognition, copies of requisitions/purchase orders for certificates/gifts, copies of citations and correspondence.

Retention: Retain three (3) years after presentation of award.

LG15.3 Examination and Testing Records

LG15.3.1 Examination Materials

Records used to develop civil service lists. The records may include, but are not limited to, civil service applications, answer sheets, worksheets, appeals of results, and job availability listings.

Retention: Retain three (3) years.

LG15.3.2 Exam Records/Lists

Records which rank candidates for open positions and/or promotions. The records include but are not limited to lists of candidates with notations indicating acceptance or rejection, item analyses, room lists, Education and Experience (E&E) worksheets, answer keys, promotional interviews, video and audio recordings and testing results.

Retention: Retain three (3) years.

Note: Summaries of test results may reside in personnel folders. Certain exam records may be retained for shorter periods as stipulated in the applicable bargaining unit contract and/or agreement.

LG15.3.3 Exam Booklets

Examination booklets used for testing candidates. Files may include, but are not limited to, exam booklets, exam histories, and answer keys.

Retention: Retain until superseded (retain one (1) copy permanently).

LG15.4 Classification

LG15.4.1 Classification Records

Records that document classification and re-classification of positions in municipal government. Records may include, but are not limited to, classification questionnaires, desk audits, requests for new position or salary adjustments and classification to salary crosswalk documents.

Retention: Retain five (5) years.

LG15.4.2 Job Specifications

Records that document descriptions of job specifications based on the functions of the position, educational levels and experience required for the position.

Retention: Retain five (5) years after updated, superseded, or obsolete.

LG15.5 EEO/ADA

LG15.5.1 Affirmative Action Plans and EEO Reports

Affirmative Action plans are required by Federal Law (29 C.F.R. § 1602.14). The files may include, but are not limited to, Affirmative Action plans, Affirmative Action policies, Civil Service (CS378-EEO) cards,

reports, and worksheets. Includes affirmative action plans of municipal police and fire departments and school departments/districts and any other district that does not file their plan with the municipal human resources authority.

LG15.5.1A Plans, Policies, Annual and Semi-Annual Reports

Retention: Permanent.

LG15.5.1B EEO Reports

Retention: Retain three (3) years.

LG15.5.1C All Other Records

Retention: Retain three (3) years.

LG15.5.2 ADA Accommodation Records

Employee requests for reasonable accommodations made under Title VII (42 U.S.C. 2000e) and the ADA. (29 C.F.R. § 1602.31)

Retention: Retain three (3) years from the date of making the record or personnel action involved. In cases of termination, retain three (3) years from date of termination.

See Also: For retention of discrimination case files, see GRS2.1C (Discrimination Cases (Cases Regarding Accusations of Discrimination)).

LG15.6 Training and Education Records

LG15.6.1 Employee Training Records

Files that document incentive/non-incentive/training courses taken by municipal employees during their career. Each file may include, but is not limited to, the employees name, personal information, the identification number for each course taken, the name of each course, and the amount of credit received.

Retention: Retain until employee separates. Maintain summary information in personnel folder.

LG15.7 Recruitment and Hiring

LG15.7.1 Employment Application Files

Records of the process for filling open positions, including job fairs. Includes copy of vacancy notice, resumes and CV's, cover letters, employment applications and letters of recommendations. May include grade transcripts, testing records, physical examinations, background checks and any records pertaining to the failure or refusal to hire any individual. For unsuccessful applicants, they should be maintained by position applied for.

LG15.7.1A Unsuccessful Applications

Retention: Retain four (4) years after hiring of successful applicant for position in question or four (4) years after search concluded is position is left unfilled.

LG15.7.1B Unsolicited Applications and Resumes Not in Connection with Posted Job Openings

Retention: Retain four (4) years.

LG15.7.1C Applications/Referrals of Individuals Recruited from Protected Classes

(Uniform Guidelines on Employee Selection Procedures and Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e))

Retention: Retain four (4) years or until individual is hired or is no longer seeking employment with the agency, whichever is longer.

LG15.7.1D Confirmation Receipt for New Hire Reporting [SUPERSEDED]

State and local agencies are required by federal and state law to register all new hires and rehires with RI New Hire Reporting administered by the Department of Human Services – Office of Child Support Services. Confirmation receipts are forwarded to the agency upon receipt of new hire information filed as stipulated in R.I. Gen. Laws Chapter 15-24. (Pub. Laws 97-170 § 16)

See Also: For associated retention, see LG15.1.1 (Personnel Files – Official Copy).

LG15.7.2 Vacancy Notices and Lists

Notices and compiled lists of employment vacancies occurring in the municipal workforce. Includes position descriptions, qualifications, and application deadlines.

Retention: Retain until resolution of all grievances (if any) and then until of no further administrative value (minimum three (3) years).

LG15.8 Compensation Records and TDI Records

LG15.8.1 Workers Compensation Employee Claim Files

Claims management files that document employee claims for Workers' Compensation. The files may include, but are not limited to, regulatory forms (initial reports of claims/First Report of Injury), legal documents (pretrial orders, decrees of the court), medical documentation, attorney work products, depositions, investigative reports, attorney notes, and physical therapy records.

Note: Police officers and fire fighters' claims under R.I. Gen. Laws § 45-19-1 shall follow the retention periods listed (LG15.8.1A through LG15.8.1C). Workers' compensation records are kept separate from the employee personnel file.

See Also: For retention of invoices and vouchers, see LG2.1.5 (Claim Vouchers and Invoices).

LG15.8.1A Investigative Reports, Attorney Notes, and Physical Therapy Records

Retention: Retain until of no further administrative value but no less than three (3) years from the date of incident or major impairment.

LG15.8.1B First Report of Injury/Incident or Accident Report That Does Not Result in Workers Compensation Claims

Retention: Retain three (3) years from date of incident/accident.

LG15.8.1C All Other Records

Retention: Retain thirty (30) years.

LG15.8.2 Unemployment Compensation Claim Files

Records that document unemployment claims against the municipality. Files may include, but are not limited to, applications for unemployment compensation, rulings, and correspondence.

Retention: Retain three (3) years or until all litigation (if any) has been resolved, whichever is later.

LG15.8.3 Temporary Disability Records (TDI)

Records that document employees' application for disability insurance claims with the state's TDI program. Records include requests from the TDI program to the municipality for wage and employment information of claimants as well as correspondence.

Retention: Retain three (3) years after employee applies for benefits under the program.

Note: Department of Labor and Training – Temporary Disability Insurance Program retains claim files (DLT3.1 (Temporary Disability Insurance Claim Files System)).

LG15.9 Medical Records and Occupational Safety

LG15.9.1 Occupational Safety

Files relating to the safety of employees and workers on municipal property. May include correspondence from/to Department of Labor, Division of Occupation Safety, about violations, compliance orders and agreements.

LG15.9.1A Employee Exposure Records

(29 C.F.R. § 1910.1020(d)(1)(ii))

Retention: Retain thirty (30) years or until all litigation is resolved, whichever is later.

LG15.9.1B Summary Log of Occupational Injury and Illness, Annual Summary, and Supplemental Records

(29 C.F.R. §§ 1904.33 and 1904.11)

Retention: Retain five (5) years following the end of the year to which they relate.

Note: These records may also be held by the Municipal Public Works Department or Municipal Fire Department/District.

LG15.9.2 OSHA Compliance Orders and Reports

Copies of compliance orders from Department of Labor and Training, Division of Occupational Safety. May include health or safety citations, work orders, follow-up inspection reports, and letters of full compliance. (R.I. Gen. Laws Chapter 28-20)

Retention: Retain seven (7) years after final action relating to an inspection or violation.

LG15.9.3 Employee Medical Files

Employee medical status records made or maintained by a physician, nurse, or other health care professional and may include the following: medical and employment questionnaires or histories; medical examination results and laboratory tests; medical opinions, diagnoses, progress notes and recommendations; first aid records, disability documentation, employee ADA documentation, descriptions of treatments and prescriptions and medical complaints. (29 C.F.R. § 1910.1020(d)(1)(ii))

Retention: Retain for duration of employment plus thirty (30) years.

Note: Medical files shall be kept separate and maintained as a confidential record. (29 C.F.R. § 1630.14) Medical files of employees who have worked for less than one (1) year for the employer need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment. (29 C.F.R. § 1910.1020(d)(1)(i)(C))

LG15.10 Retirement

Some series enumerated below may be held by the Municipal Finance Director or Business Manager.

LG15.10.1 Retiree Files/Disability Retiree Files

Files of active retirees drawing funds from the approved pension plans of the city/town. Includes pension application form, correspondence, beneficiary designation form, retirement calculation worksheet, detail report of employee monthly contributions to fund, copy of death record, acceptance letter, survivors' benefit records and signed affidavits. May include files on disabled retirees that contain copies of medical records, annual physical exams, records on employment status, and signed affidavits.

Retention: Retain until retiree no longer draws funds from the plan due to death and lack of beneficiary.

Note: Retiree files/records may be kept with or filed in the personnel file.

LG15.10.2 Beneficiary Designation

Forms that indicate beneficiary designations of all active employees in the pension system. Copies may also reside in the personnel file.

Retention: Retain current copy. Transfer to LG15.10.1 (Retiree Files) or LG15.10.3 (Return of Contributions Files) upon separation or retirement.

LG15.10.3 Return of Contribution Files [SUPERSEDED]

Files of separated employees that have chosen to receive a full return or lump sum of their contributions. Includes report/summary of individual contributions to plan by month and year. May include notices of termination or withdrawal from plan, notice of termination of employment and contribution rollover documents.

See Also: Transfer to LG15.1.1 (Personnel Files).

LG15.10.4 Qualified Domestic Relations Orders [SUPERSEDED]

Court orders of alternate payee's right to pension benefits of active employees. File may include copy of divorce decree (final judgment), correspondence, and copies of retirement benefit plan information form.

See Also: Transfer to LG15.11.1 (Retiree Files) or LG15.11.3 (Return of Contributions Files) upon separation or retirement.

LG15.10.5 Pension Distribution Tax Reports

Federal reporting forms for distributions from pensions, annuities, profit-sharing (1099R), lump-sum reports or any other reporting forms. May include correspondence from plan administrator regarding review and corrections. (26 C.F.R. § 31.6001-1(2))

Retention: Retain four (4) years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later.

See Also: LG2.6.6 (Wage and Tax Statements).

LG15.10.6 Municipal Pension Plan

Record of the municipal pension plan, defined benefit plan, defined contribution plans, 401K plan or any other plan that funds employees' retirement benefits. May include amendments to the approved plan.

Retention: Permanent.

Note: Record or official copy of municipal pension plan may be held by the municipal clerk.

LG15.10.7 Transaction Registers

Monthly or quarterly transaction registers from plan administrator. Information includes asset summary, asset detail, assets acquired, assets disposed, transaction detail and transaction summary.

Retention: Retain six (6) years after termination of plan.

LG15.10.8 Trade Confirmation Reports

Monthly statement/report from retirement fund accounts showing value of fund(s). Information includes monthly activity and asset portfolio.

Retention: Retain six (6) years after termination of plan.

LG15.10.9 Pension Participant Payout Reports

Monthly report from fund administrator showing detail pension payout to retirees. May include participant SSN.

Retention: Retain three (3) years.

LG15.10.10 Actuarial Reports

Annual/bi-annual report submitted by actuary or actuarial company on the activity and actuarial valuation of the pension fund. Report includes valuation summary for municipal pension plans and retiree information. May include management's recommendations for assuring future payments equal to the annual pension cost as required per R.I. Gen. Laws § 45-10-15 and fiscal notes.

Retention: Retain one (1) copy permanently.

LG15.10.11 Employment Verification Forms

Employees' Retirement System of Rhode Island forms filed with ERSRI by the municipality for purposes of salary verification, leave verification,

termination, day count verification or any other form as required by ERSRI relative to verification of benefits.

Retention: Retain one (1) year.

Note: Official copy is filed with ERSRI and maintained as part of the MERS retiree's documentation. Copies may also be filed in the employee's personnel file.

LG15.11 Administration

LG15.11.1 Meeting Minutes

Meeting minutes and records of the municipal pension board.

Retention: Permanent.

See Also: LG4 (Municipal Board, Commission, Committee, and Council Meeting Records).

LG15.11.2 Reports

Internally generated reports not covered in other record series, including reports and returns to municipal departments and state agencies.

LG15.11.2A Daily and Weekly Reports

Retention: Retain one (1) year.

Note: Reports required in audit must be retained one (1) year after audit is completed.

LG15.11.2B Monthly, Quarterly, and Periodic Reports

Retention: Retain three (3) years.

LG15.11.2C Annual and Special Reports and Studies

Retention: Permanent.

Note: Official or record copy of annual reports generated by departments of municipal government should be held by the agency that created the report.

LG15.11.3 Personnel Lists

Lists of personnel at all locations. May include telephone extensions, email addresses and department codes.

Retention: Retain three (3) years.

LG15.11.4 Rate and Time Records

Copies of records that record time/hours worked, hourly rate or salary, overtime hours, compensation time, leave time, or adjustments to rate or wage. Includes time sheets, timecards, and sign-in logs or sheets. Copies may also be held by other municipal departments.

Retention: Retain four (4) years.

See Also: LG2.6.3 (Rate and Time Records).

LG15.11.5 Sick Bank Records

Records that document the activities of a sick bank committee. Includes correspondence/letter of notification to employees relating to the approval or denial of use of sick time from the sick bank/pool. May include minutes of meetings of the sick bank committee where decisions are recorded relative to the use of hours in the sick bank. May also include but is not limited to letters of applicants (requests to use time), copies of attendance records, doctors' notes and records documenting time donated by participating employees (affidavits). Copies of decisions may reside in personnel folders.

LG15.11.5A Meeting Minutes

Retention: Retain three (3) years.

LG15.11.5B Employee Requests and Donation Records

Retention: Retain three (3) years after separation of employee.

LG15.11.5C All Other Records

Retention: Retain three (3) years.

LG15.11.6 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certification of Records Destruction forms signed by authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).

LG15.11.7 Work Schedules

Daily/weekly/monthly roster/schedule for work shifts. Includes employee names. May include but is not limited to duties assigned, locations of work, and time of shifts.

Retention: Retain three (3) years.