



STATE OF DELAWARE

EMPLOYEE FILE GUIDELINES

FILE MAINTENANCE

- All documents are filed in chronological order with the most recent documents on top.
- HR Offices may continue to use their current procedures to handle and store information relating to direct and casual/seasonal hires.
- Per Merit Rule 16.2, upon request, HR shall schedule an appointment for an employee to review her/his Personnel file (including Medical or Administrative) under the supervision of HR staff.
- HR staff who are not responsible for benefits administration typically should not have access to an employee's HIPAA file without the employee's written authorization.
- Recruitment packets – The employee's application is placed in the personnel file. Other applications and reference checks of unsuccessful applicants, interview notes and the referral list should be returned to the designated recruitment/applicant services section in each agency for storage/reference. Appropriate documents for referral lists issued by HRM, will be returned to the assigned HRM analyst.
- Grievance information is kept in a separate file.

HR Offices are expected to maintain and transfer employee files in the following format:

Personnel File (Blue) –

- **Section 1** Data Changes
Personnel Action Requests
Anything to do with PHRST transactions (excluding benefits enrollment)
- **Section 2** Payroll information/Employee File Summaries
W-4/W-2 Processing
P-1 Pension Actuarial Information

- Union Dues info
 - Direct Deposit info
- **Section 3** Performance Review/Plan
Disciplinary Letters/Suspensions
Commendation Letters
- **Section 4** Timecards
VS1 CS1
Annual Leave Audit
- **Section 5** Emergency Contact Info
Miscellaneous Documents – i.e. request by employee to review file
Employment/Wage Verification
- **Section 6** Sign-Up Information/Checklists
Policy Statements
Oath of Office
Application/Resume
Professional License/Other Certifications
Authorized Driver Designation
Confidentiality Statement
Training Related Materials – certificates, class attendance
documentation
Education reimbursements
DD214 – military discharge
(Other Internal Agency Approval Forms)

2. Medical File

A. Non-HIPAA (Purple) - The purple medical file should contain non-HIPAA regulated documents and materials including, but not limited to, eligibility information, enrollment forms, claim and appeals information relating to the following programs:

- FMLA requests
- Sick Leave requests/justifications
- ADA records
- Workers' Compensation records
- OSHA reports
- Short Term Disability (STD) records
- Long Term Disability (LTD) records
- Life and Accidental Death & Dismemberment (AD&D) records
- Return-To-Work information
- Drug and alcohol workplace screening results
- Fitness for Duty Exams
- Disability pension applications
- Life insurance enrollment and beneficiary designations (if applicable)
- Line of Duty Death Benefits documentation (if applicable)

B. HIPAA (Red File within Purple File) -

HIPAA documents are those that contain Protected Health Information (PHI) or individually identifiable PHI which is information that identifies an employee or with reasonable basis to believe that an employee can be identified using the information. Health information includes genetic information that is recorded in any form or medium that relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provisions of health care to an individual.

The HIPAA file should contain HIPAA regulated documents and materials including, but not limited to, eligibility information, enrollment forms, Explanation of Benefit statements (EOB's), COB confirmations, claim and appeals information relating to the following programs:

- Group Health Plans
- Dental plans
- Employee Assistance Programs (EAP)
- Vision and Hearing programs
- Pharmacy benefit managers (such as Express Scripts)
- Flexible Spending Accounts (FSAs)
- Health Reimbursement Arrangements (HRA's)
- COBRA
- Wellness programs (such as DelaWELL)
- Employee's Written Authorization for access to HIPAA file

3. **Administrative File (Yellow)**

- References
- Criminal background check
- Drug test results
- Disciplinary letters over two years old
- I-9 Employment Eligibility Verification
- Copy of Driver's License
- Garnishment/Wage Attachments

FILE TRANSFER PROCEDURES

- **All files should be appropriately sealed and clearly marked as confidential.**
- For employee transfers within an agency, all files are sent to the receiving HR Office. No copies are maintained at the previous HR Office.

- For employee transfer within State government, but outside of the agency, all files are sent to the receiving HR Office; however, the Administrative portion of the file is to be appropriately purged by HR staff prior to sending to the receiving agency. A copy of the VS1 is retained in the HR Office.
- HIPAA and other medical related information should be forwarded separately from the master file.
- Criminal Background Check results should be forwarded separately from the master file. Receiving agencies should use discretion in the sharing or utilization of any criminal history data received in the file.
- For employees leaving state employment, all files are to be stored with other separated employee files and archived in accordance with the State's retention guidelines.