

Maintaining Employee Personnel Files

Maintaining employee personnel files is a necessary task that can also be extremely beneficial to a physician practice. The legal requirements as to what must be maintained and for what length of time can vary between jurisdictions. There are some rules of thumb about managing these types of files that should be considered. For instance, the practice should keep personnel files for their employees in a secure and confidential manner. Employee files should be kept in locked cabinets, where access is limited to authorized individuals, and such that contents are not viewable by those without a proper reason.

Generally, the personnel file contains objective information in relation to the hiring, promotion, compensation and discipline of an employee. This may include an employee's application, resume, performance reviews, acknowledgment of receipt of handbooks or other employer practices and policies as well as employee obligations and attendance records. Documentation of this type can support employment decisions and protect the practice in the event of a lawsuit.

Physician practices have responsibility to ensure their employees are properly trained and credentialed. Maintaining documentation of office training and orientation as well as in-services and continuing education certification is appropriate and helps to insulate the employer from liability. If the office provides an educational refresher course on its own policies—including patient confidentiality policies and the like—consider issuing a certificate of attendance to employees for inclusion in the file. In the event of an inquiry, the practice that maintains this information will be able to respond quickly and efficiently.

Federal laws, including the ADA and HIPAA, comment on the employer's obligation to maintain the confidentiality of certain employee information. To comply, it is wise to maintain employee medical information, requests for leaves of absence for medical reasons, workers' compensation claims, requests for accommodation, and the like segregated from other employee information. By segregating this sensitive information, the employer can better safeguard itself from inadvertent breaches and reduce the risk of liability exposure.

It is wise to periodically conduct internal audits of personnel files for completeness and accuracy. A well-trained human resources professional can play an important role in collecting and maintaining the appropriate information required in your jurisdiction and most useful to your practice.

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