

October 23, 2006

TO: HR Directors/Designees
Affirmative Action Officers
ADA Coordinators
Safety Directors

FROM: Laurie Hansen, Manager
HR Management Division



PHONE: (651) 259-3620

RE: Statewide HR Records Retention Schedule

Enclosed is a revised statewide human resource records retention schedule that has recently been approved. The new schedule, 06-137, supersedes schedules 88-35 and 90-43. This schedule was developed to meet the needs of most agencies and covers many records in the categories of general HR, Safety, Affirmative Action and ADA. It is intended to be used by agencies that do not have a current, agency-specific schedule. If you have been using the older statewide schedules, please disregard those schedules and begin using the new schedule. If you have been using a current agency-specific schedule, please continue to follow that schedule.

If your agency has human resource records that are not included in this general schedule, an agency specific schedule should be developed. If you believe, however, that the record is one that most agency HR offices would have, please let me know. A list will be compiled and updates will be made to the general statewide schedule.

Also note that the Department of Finance has an updated records retention schedule on their web site. The information can be found at:

http://www.finance.state.mn.us/agencyapps/maps/opsman/reports/records_retention_schedule.pdf. This schedule includes a page titled "Agency Use Forms Records Retention Schedule." This page includes retention information for travel authorization, W-4's, payroll direct deposit authorizations and other "payroll" type information that may be stored in the agency HR office. If you have any questions regarding the Finance schedule, please do not hesitate to contact Mary Muellner, Director of Payroll Services at Mary.Muellner@state.mn.us.

If you have any questions regarding the updated human resources schedule, please do not hesitate to contact me.

Equal Opportunity Employer

Minnesota Department of Employee Relations

1. Schedule Number 06-137	Date 5/31/06	2. New Revision of 88-35 & 90-43	MINNESOTA RECORDS RETENTION SCHEDULE
3. Agency Employee Relations/Agency		4. Division/Section	6. Page 1 of 11
5. Address 200 Centennial Office Building 658 Cedar Street 55155 St. Paul, MN			See attached page(s) for records description
7. For Use By Records Panel Only Transfer item numbers 7 and 46 to the State Archives for selection and disposition. Director, Minnesota Historical Society			
		Notice: This retention schedule has been reviewed by the State Records Disposition Panel in accordance with Minnesota Statutes 138.17. The records listed on this schedule have been reviewed for their historical, fiscal, and legal value.	
8. Agency Records Management Officer (signature) Laurie Hansen /s/		Date 5/19/06	11. Minnesota Historical Society, Director Charles Rodgers /s/
9. Type Name / Phone Laurie Hansen / (651) 259-3620		12. Legislative or State Auditor Jim Riebe /s/	Date 8/28/06
10. Agency Head or Designee (signature) Cal R. Ludeman /s/		Date 5/23/06	13. Attorney General Patricia Nolte /s/
		Date 9/1/06	

Original-State Records Disposition Panel

Copy 1-Agency (after approval)

1. Schedule No. 06-137	3. Agency Employee Relations/Agency	4. Division/Section:	6. Page 2 of 11
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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
2	Employment Eligibility Verification Form (I-9) and any photocopies of accompanying identification or documents	Retain 3 years after date of hire or 1 year after employee's employment is terminated, whichever is later.	P/E	8 U.S.C. §1324(a) (Immigration and Nationality Act) Private - MS. 13.43 subd. 2	No	
3	Recruitment and selection material, such as requisitions, job announcements, ads, job postings and bids, resumes, cover letters, applications, test scores, interview records, reference checks, et al.	Retain 4 years from the date of the personnel action to which the record relates.	P/E	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Private/Public - M.S. 13.03 Subd. 1 (data not on individuals) & M.S. 13.43 subd 3 (applicant data)	No	
3a	Selection assessments and answer keys (Master Copy)	Retain 2 years or until superseded, whichever is later.	P/E	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Non-Public - 13.34	No	
4	Employee grievances and/or complaints filed under a labor agreement (resolved up to and including the third step)	Retain active grievances indefinitely. For grievances that have been withdrawn, settled or arbitrated: if the grievance is related to discipline, retain for 7 years. If the grievance is related to language, retain permanently. Law requires 2 years. These timeframes are recommended by DOER's Labor Relations Bureau.	P/E	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Private/Public - M.S. 13.43, Subd. 2	No	

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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
6	Job audit documentation for agencies without delegation and for positions moving into 216 or 217.	Retain 4 years	P/E/M	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Public/Private - M.S. 13.03, Subd.1 (vacant positions) & M.S. 13.43, Subd. 2 (occupied positions)	No	
6a	Job audit documentation for agencies with delegation.	Retain 4 years	P/E/M	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Public/Private - M.S. 13.03, Subd.1 (vacant positions) & M.S. 13.43, Subd. 2 (occupied positions)	No	
6b	Job class study documentation for agencies without delegation.	Retain 4 years	P/E/M	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Public/Private - M.S. 13.03, Subd.1 (vacant positions) & M.S. 13.43, Subd. 2 (occupied positions)	No	

* SM = Storage Medium

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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
6c	Job class study documentation for agencies with delegation.	Retain 4 years	P/E/M	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Public/Private - M.S. 13.03, Subd.1 (vacant positions) & M.S. 13.43, Subd. 2 (occupied positions)	No	
7	State Employee Employment History (Payroll Cards)	Retain indefinitely. Transfer onto microfilm and store at MN State Archives for selection and disposition when no longer needed.	P/E/M	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Public/Private - M.S. 13.43 Subd. 2	Yes	
7a	State Employee Employment History (Payroll Cards)	1 Year after Termination (remains as stated in original schedule)	P/E/M	Public/Private - M.S. 13.43 Subd. 2	Yes	
9	Employee Performance Reviews	Retain for a minimum of 4 years	P/E/M	Administrative Procedure 20 Private - M.S 13.43	No	

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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
10	Personnel File. This file may include but is not limited to the following: Above minimum hiring documentation; achievement award documentation; applications/resume; conflict of interest requests; correspondence with employee or about employee; disciplinary actions; Individual Development Plan; interagency request for state employee services; layoff documentation; leave of absence documentation; overtime requests/authorization; awards and any related documentation; resignation letters; promotional rating form; reallocation documentation; retirement incentive records; telecommuting approval form. Pre-SEMA4 Transaction Forms. This file may include but is not limited to the following: Employee Action Form; Personnel Appointment Form; Personnel Leave or Separation Sheet; Personnel Status and Data Change Sheet; Provisional or Temporary Extension; Reallocation back pay forms and Special Payment Request forms.	Retain 4 years after separation date. OLA requires 4 years from separation date (law requires 3 years from separation date). Copies of disciplinary letters are only sent to DOER to support personnel transactions Agency only: Upon employee's written request, a written reprimand or a written record of a suspension may be removed from the employee's personnel record. Refer to the appropriate bargaining agreement for specific language.	P/E/M	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Private/Public - M.S. 13.43, Subd. 2	No	
12	Position Description	Retain current form until superseded	P/E/M	Administrative Procedure 20 Public - M.S. 13.43 Subd. 2	No	

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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
13	Training Records--Right to know. Records of training provided to employees concerning hazardous substances, harmful physical agents, and infectious agents.	Retain 3 years	P/E	MN Rules 5206.0700	No	
14	Affirmative Action Quarterly Report Information	Retain quarterly report for current affirmative action plan year and time period covering prior affirmative action year plan. These timeframes are recommended by DOER's Office of Diversity and Equal Opportunity (ODEO).	P/E	MN Rules 3905.0700 Public - M.S. 13.05 Subd 7	No	
15	Affirmative Action Plan	Retain current plan and prior year plan. These timeframes are recommended by DOER's Office of Diversity and Equal Opportunity (ODEO).	P/E	M.S. 43A.191 Public - M.S. 13.05 Subd 7	No	
16	EEO4 Report for State and Local Government to the EEOC	Retain 3 years	P/E	42 USC and 29 CFR (Title VII of the Civil Rights Act of 1964) Public - M.S. 13.05 Subd 7	No	
17	Reasonable Accommodation Documentation	Retain for employee's tenure or 2 years from the making of the record or the personnel action involved, which ever occurs later. This timeframe is recommended by DOER's Office of Diversity and Equal Opportunity (ODEO). Law requires 2 years from making of the record or the personnel action involved, whichever occurs later.	P/E	29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Private - M.S 13.43	No	

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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
18	Human Rights Complaints	Retain 4 years from date of final disposition of the complaint.	P	29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Public/Private - M.S. 13.43	No	
19	EEOC Charges	Retain 2 years from date of final disposition of the charge.	P	29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Public/Private - M.S. 13.43	No	
20	ADA Annual Report	Retain 3 years. This timeframe is recommended by DOER's Office of Diversity and Equal Opportunity (ODEO).	P/E	Executive Order 96-9 Public - M.S. 13.05 Subd 7	No	
21	Vacation donation program application and supporting documentation	Retain 4 years after separation date. OLA requires 4 years from separation date (law requires 3 years from separation date).	P	29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA and 29 C.F.R. § 825.500 (Family and Medical Leave Act of 1993) Private/Public - M.S. 13.43, Subd. 2	No	
22	Request for SEMA4 Security Access Form	Retain active, updated and suspended clearance forms for 4 years after clearance has been deleted.	P	None Private/Public - M.S. 13.43, Subd. 2	No	
23	Seniority Rosters	Retain current roster until superseded	P/E	None Public - M.S. 13.43	Yes	
24	Medical Statements, Medical documentation and Information	Retain 4 years	P/E	29 U.S.C. § 2601; 29 C.F.R. § 825.500(Family and Medical Leave Act of 1993) Private - M.S. 13.43	No	

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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
25	FMLA Documentation	Retain 4 years	P/E	29 U.S.C. § 2601; 29 C.F.R. § 825.500 (Family and Medical Leave Act of 1993) Private/Public - M.S. 13.43, Subd. 2	No	
26	Pre-Employment Physical Exams	1 year from the date of the personnel action to which the record relates	P/E	29 U.S.C. § 626; 29 C.F.R. § 1627.3 (Age Discrimination in Employment Act) Private - M.S. 13.43	No	
27	\$500 Death Benefit form for separated employees	Retain 4 years	P	None Private/Public - M.S. 13.43, Subd. 2	No	
28	General Harassment Complaint Files	4 years from separation date. This timeframe is recommended by DOER's Labor Relations Bureau. Law requires 2 years.	P	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R. § 1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Private/Public - M.S. 13.43, Subd. 2	No	
29	Lawsuit Files	1 year from conclusion of action/last date to appeal, or 6 years from separation date whichever is later. These timeframes are recommended by DOER's Labor Relations Bureau.	P	None Private/Public - M.S. 13.39 & M.S. 13.43	No	

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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
30	Employee Investigations	Retain active investigation files indefinitely. For investigations that have reached final disposition, retain for 6 years from the date the action took place. Recommendation made by DOER's Labor Relations Bureau.	P/E	29 U.S.C. § 626 and 29 C.F.R. § 1627.3 (ADEA) and 29 C.F.R §1602.31 (Title VII of the Civil Rights Act of 1964) and ADA Private/Public - M.S. 13.43, Subd. 2	No	
31	Training Records--Safety and Health	Retain for duration of employment	P/E	Recommendation	No	
32	Training Records--Asbestos	Retain for the duration of employment plus 1 year	P/E	29 C.F.R. § 1910.1001(m)(4)	No	
33	Training Records--Bloodborne Pathogens	Retain for 3 years	P/E	29 C. F.R. § 1910.1030(h)(2)	No	
34	Material Safety Data Sheet	Retain copies for chemicals currently in use	P/E	29 C. F. R. § 1910.1200	No	
35	OSHA 200 and 300 Logs	Retain for 5 years following the end of the calendar year that the records cover	P/E	29 C. F. R. § 1904.33	No	

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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
36	Employee exposure records and medical records. Exposure records means a record containing any of the following kinds of information: Environmental monitoring or measuring 1910.1020 (c)(5)(i) biological monitoring results 1910.1020(c)(5)(ii) material safety data sheets 1910.1020 (c)(5)(iii) or any chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common, or trade name) of a toxic substance or harmful physical agent 1910.1020(c)(5)(iii). Medical record 1910.1020(c)(6)(i) means a record concerning the health status of an employee which is made. See specific statutory references for a full explanation of records.	Medical Records--The duration of employment plus 30 years. Exposure records--30 years	P/E	29 C. F. R. § 1910.1020	No	
37	Hearing Conservation – Noise Exposure	Retain 2 years	P/E	29 C.F.R. § 1910.95(m)(3)	No	
38	Hearing Conservation – Audiometric tests	Retain for duration of employment	P/E	29 C.F.R. § 1910.95(m)(3)	No	
39	Respirators-Medical Evaluations	Duration of Employment plus 30 years	P/E	29 C.F.R. § 1910.134(m)	No	
40	Respirators-Fit Tests	Retain until the next fit test is administered	P/E	29 C.F.R. § 1910.134(m)	No	
41	Permit Required Confined Spaces	Entry Permits-Retain 1 year	P/E	29 C.F.R. § 1910.146(e)(6)	No	
42	Lead--Monitoring and medical surveillance	Exposure and Medical Records--40 years or the duration of employment plus 20 years; whichever is longer	P/E	29 C.F.R. § 1910.1025(n)(1&2)	No	

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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. SM*	18. Statute/Data Privacy	19. Vital? (Yes/no)	20. Archival? (Yes/no)
43	Lead--Medical removal from job due to elevated blood levels	Medical removal from job record-duration of employment	P/E	29 C.F.R. § 1910.1025(n)(3)	No	
44	Commercial Driver Drug & Alcohol Testing	Positive Driver Drug or Alcohol Test Results--Retain 5 years. Controlled Substance Collection Process Records--Retain 2 years. Negative Driver Drug or Alcohol Test Results--Retain 1 year	P/E	49 C.F.R. § 382.401(b)	No	
45	Payroll Documentation. Requests for Leave and Overtime Sheets. Time Sheet Data	Retain for current fiscal year and 3 additional fiscal years, and/or until any audits in process are completed that started during the 3 fiscal years.	P/E	Private/Public - M.S. 13.43, Subd. 2	No	
46	Affirmative Action Biennial Report	Retain indefinitely for historical purposes and transfer to the state archives when the information is no longer needed. This timeframe is recommended by DOER's Office of Diversity and Equal Opportunity (ODEO).	P/E	Public - M.S. 43A.191, Subd. 3b	No	

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DATE: July 10, 2009

TO: State Archives
Minnesota Historical Society

FROM: Stephanie Andrews, Deputy Commissioner 
Minnesota Management & Budget

SUBJECT: Records Retention Schedules

Under Laws of 2007, Chapter 148, the Workers' Compensation Division of the Department of Employee Relations was transferred to the Department of Administration and the Health Care Purchasing Center was transferred from Employee Relations to the Department of Health. The remainder of the Department of Employee Relations was transferred to the Department of Finance to create Minnesota Management and Budget. As a result, the agency responsible for a number of records retention schedules has been modified. These changes are listed below.

Former Department of Finance schedules now part of Minnesota Management and Budget:

79-402	81-390	82-125	85-48	91-146	02-162	06-047
81-205	81-392	83-39	87-32	02-019	02-164	06-076
81-207	81-393	83-190	87-246	02-136	02-165	
81-292	81-575	84-246	87-324	02-137	02-166	
81-388	82-117	84-328	89-67	02-160	02-167	
81-389	82-124	84-344	91-12	02-161	03-245	

Former Department of Employee Relations schedules now part of Minnesota Management and Budget:

79-401	81-471	84-230	85-166	98-142	
80-241	81-616	84-393	85-169	06-137	except as noted below
80-678	84-11	84-440	87-304		

Items 31 - 43 on schedule 06-137 relate to the Workers' Compensation Division and are now part of the Department of Administration. In addition, former Department of Employee Relations schedule 90-108 relates solely to the Workers' Compensation Division and is now part of the Department of Administration.

Laws of 2009, Chapter 101, transferred the Management Analysis Division from the Department of Administration to Minnesota Management and Budget. The former Department of Administration schedule 97-141 regarding Management Analysis Division records is now part of Minnesota Management and Budget.