

July 11, 2025: What Belongs in an Employee File?

The term “member” applies to those who attended the Roundtable and contributed by speaking or in the chat. Individual names and library names are not used to keep information anonymous.

To start the Roundtable, the forum co-managers started with a “quiz.” They gave the name of a form and forum members shared if they believed it did or did not belong in an Employee File.

Forms:

- I-9 – No, because if ICE ever comes to your location, they won’t have access to employee I-9s. ICE has the right to examine Employee Files which can contain a lot of confidential info. Keep I-9s in a separate binder/file.
- FMLA Leave Request Form – No, should be in a separate file that’s confidential along with corresponding medical, doctor’s note, doctor certification, ADA accommodation, release to return to work, etc.
- W4 – No, keep in payroll file and/or other confidential file as it contains confidential information.
- Reference Checks (onboarding) – No, confidential. Some members mentioned they combine it as part of their hiring notes rather than in anything the employee would have access to.
- Schedule changes, requests, and approvals/denials – Yes.

Examples of other file types members have besides the Employee File:

Each bullet point is the response of a member. For example, one member’s library keeps a Personnel File that employees can view as well as a Confidential File that employees are not allowed to see.

- Confidential File
- Medical File
- Personnel File, Company File, Benefits File, Confidential File
- Many file names but are marked as either *Personnel* (can be viewed by employee) or *Confidential* (cannot be viewed by employee)
- Personnel File, Medical Confidential File, General Confidential File

Electronic Files:

One member talked about how their library moved to keeping electronic files in 2020. This is through their HR platform, BambooHR. The pros/cons and other important information shared by this member about using electronic files are below.

- Controlled Access - ability to provide supervisor access only to specific files.
- You have to remember to scan and upload documents that you receive as hard copies.
- You have to remember to add documents to the correct folders, similar to filing hard copies.
- It's best to keep electronic files as comprehensive as possible.
- Storage – doesn't take up physical space in the library.
- Retention – you do have to remember to delete files that no longer need to be kept.
- Compliance – BambooHR uses E-Verify; forms literally cannot be submitted unless completed correctly

This member mentioned that they still have lots of old files (dating back to the 50's!). Their library kept everything is kept in separate files prior to moving to electronic file. They have a shredding event coming up soon so they've been going through the old files and it was interesting to see what was kept – *everything*!

Who at the library has - or should have - access to Employee Files?

One member's library allows supervisors to see past performance reviews of staff under their purview. The Director or HR may grab that out of the file or allow the supervisor to take the Employee File, which has no confidential information in any of the documents.

Documents with confidential information, such as SS numbers, should be kept in a separate file(s) rather than the Employee File.

From the Ask in Advance Form: *Are there some sort of rules you have regarding an employee going through their file? In my many, many years of working this position, I've never been asked. I am wondering what you all require of the employee (if anything) before handing it over. I cannot believe I have never been asked once in over 20 years.*

See next section and one member's verbiage from the Employee Handbook. Most members said their libraries don't have specific policies. They just make sure their following the law.

Illinois Personnel Record Review Act

As a reminder, ILA and the HRAF are NOT legal professionals and cannot provide legal advice.

Changes took affect this year (2025). An article, linked below, was shared in the chat that gives a good overview of what changed.

<https://www.lavellelaw.com/major-changes-coming-to-illinois-personnel-record-review-act-in-2025>

Highlights of some of the changes:

- Applies to employees terminated in the last 12 months as well
- Records can be requested and sent electronically
- Employees can now request to review their records up to 4 times annually (from 2)
- Must keep personnel records for a minimum of 5 years following an employee's separation

Note: Your library may have a retention policy that supersedes this Act.

One member shared what they added to their Employee Handbook regarding how employees can request to review their file.

Upon written request, each employee may examine their personnel record, excluding letters of reference and other legally confidential items. An employee may review their personnel records in the presence of the Library Director or Deputy Director, or a copy of the requested records may be emailed or mailed.

Retention: How long are you obligated to keep files?

A few members shared what their retention policies are.

- 60 years or until separated employee turns 78, whichever comes first.
 - If they pass away while employed, it's their "separation" date + 5 years.
- Recently received permission to get rid of records prior to 1966.

I-9's:

The form changed on Jan. 20th. Be sure you're always using the correct version and are filling it out correctly as the fines are hefty. You should see the "20" in the top-right corner.

Note: The previous form can still be used up to the expiration date. In theory, there are two I-9 forms in use at this time.

Does anyone still use paper I-9 forms?

Most libraries in the Roundtable are still using paper ones.

One member said they're using electronic I-9's and using E-Verify. There is a cost but it won't let you complete the form unless it's done correctly, which helps reduce errors.

E-Verify is also helpful with employees working with work visas as it provides reminders when the visa is getting close to expiring.

Another member mentioned their library also uses E-Verify and that it helps protect the library. They haven't had an I-9 audit but has had clients who've been audited by ICE and it's not fun. Using E-Verify helps this person feel secure about the process. Likes that it won't let you submit forms if they're incorrect.

Should you keep a copy of employee offer letter?

This question was asked as a member had a coworker request a copy (had been employed there for a bit) but a copy wasn't kept.

It can be beneficial to keep; not sure if this is legally required to be kept. This seems to be a more recent trend of individuals are wanting to keep a copy of their offer letter for themselves.