
PERSONNEL RECORDKEEPING

1. Introduction

The Municipality must have a personal file for each personnel member. The employee personal file should be used to store personal and emergency information and documents relating to significant events during the relevant employee's employment with the municipality. It will also contain records of discussions a supervisor had with the employee regarding her/his performance, details of recognition of and rewards for performance, training and conduct.

Ensuring that the relevant documents are available and completed is a supervisor's responsibility and should not be assigned to human resources or clerical personnel. Ensuring that these documents are appropriately filed and the files safely stored are the human resources practitioner's responsibility.

2. Right to privacy

A personal employee file is sure to contain private information of an employee. An employee has the right to privacy. The municipality therefore needs to ensure that personal employee files are stored securely to prevent access thereto by unauthorised persons

An employee has the right to see and initial notes concerning performance or conduct and may review the contents of her/his personal file upon request.

3. Rules relating to records management

Municipalities usually have a records manager which is responsible for records management at corporate level. The municipality's file plan or archives protocols should include directives regarding the opening, keeping, storage and access to personal employee files. For example, every personnel member should have a main personal file which is supplemented with one or more sub-files. There usually is a sub-file for leave applications, as this sub-file is likely to increase in thickness fairly quickly and must be available for auditing purposes. Many municipalities also have a sub-file for each employee that contains documents medical records related to an employee, such as medical reports, hospital releases, medical aid information, injury reports and IOD claims.

4. General guidelines

The employee personal main file is an "all-purpose" file that should contain all human resources information about an employee (except medical and health insurance files) including: applications or resumes, performance reviews, employee comments or responses if appropriate, disciplinary actions, salary history, deductions, bonuses, special payments (e.g. bursaries), pay rate changes, promotions, demotions, apprenticeships, job training, courses or degrees taken during the job period and attendance (vacation days, sick days, personal days, family leave days, days absent without permission).

5. Family/dependent records

Any family history, whether medical or otherwise, must be kept in a separate sub-file and in a separate place, in a file cabinet or locked computer file. If the employee's health insurance covers the employee's dependents, these records may be kept with the employee's other family records, but must be separate from the employee's personal file.

6. Medical records

Medical examinations and reports, medical history and any other documentation relating to an employee's health must be stored separately. Access to these records must be regulated on a strict "need to know" basis. Evidence of HIV status is particularly sensitive, and should not be kept on an employee's personnel file.

7. Payroll records

Generally, these are maintained for all employees by pay period, and are not kept in the individual employee's personal file. They record the work period, straight and overtime hours worked, pay rate, deductions/additions, wages paid. However, notices of salary increases and changes in salary and allowances are kept on the employee's main personal file.

8. Records relating to former employees

In terms of the Basic Conditions of Employment Act, municipalities must keep a record containing at least the following information for a period of three years after an employee's employment was terminated -

- the employee's name and occupation;
- the time worked by each employee;
- the remuneration paid to each employee;
- the date of birth of any employee under 18 years of age; and
- any other prescribed information.

9. Access to employee files by labour inspectors

In order to monitor and enforce compliance with an employment law, a labour inspector may, without warrant or notice, at any reasonable time, enter any workplace or any other place that is not a home, where an employer carries on business or keeps employment records.

If it is practical to do so, the employer and a trade union representative must be notified that the labour inspector is present at a workplace and of the reason for the inspection.

A labour inspector may further -

- require a person to disclose information, either orally or in writing, and either alone or in the presence of witnesses, on any matter to which an employment law relates, and require that the disclosure be made under oath or affirmation;
- inspect, and question a person about, any record or document to which an employment law relates;
- copy any record or document or remove these to make copies or extracts;
- require a person to produce or deliver to a place specified by the labour inspector any record or document for inspection.

10. Checklist

The following is a list of records which should be maintained in an employee's personal file.

Personal File Content	Document on file?	
Section 1 Application details	Yes	No
• Application for employment form		
• Employee CV		
• Employee I.D. document or permanent residency (Copy)		
• Employee driver's license (Copy)		
• Interviewing notes		
• Interview correspondence		
• Offer of employment		
• Employee acceptance		
• Employee orientation checklist		
• Employee contact numbers, address and next of kin		
Section 2 Salary details	Yes	No
• Employee salary advice		
• IRP5 forms		
• IRP2 forms		
• UIF Card		
• Complaints of indebtedness (Garnishee orders)		
• Stop order and other salary deduction authorisation forms		
• Retirement fund and medical aid membership forms		
• Beneficiary forms		
Section 3 Leave record	Yes	No
• Leave schedules		
• Annual		
• Compassionate		
• Sick		
• Study		
• Family responsibility		
• Shop steward leave		
• Other		
Section 4 Performance and development	Yes	No
• Position descriptions		
• Training records, including formal training plans		

Personal File Content	Document on file?	
<ul style="list-style-type: none"> Performance plans 		
<ul style="list-style-type: none"> Performance ratings 		
Section 5 Disciplinary procedures	Yes	No
<p>Disciplinary File Documentation Checklist Objective: To provide a clear audit trail of all actions taken and leading up to a formal disciplinary action.</p> <p>1. Copies of notice of proposed action</p> <ul style="list-style-type: none"> Employee response (or notation that no written response were made) Summary of response when made orally (including employee's or representative's signature as to accuracy of memorandum) Notice of decision and reasoning behind decision Supporting documentation such as: <ol style="list-style-type: none"> witness statements affidavits documents investigative reports or extracts of them pertinent regulations personnel actions reports on personal interviews/group meetings Evidence of delivery of notice letters Completed case sheets, with all items filled in 		
Section 6 Grievance Procedures	Yes	No
<p>Objective: To provide a clear audit trail on all actions taken and leading up to a final decision on each grievance.</p> <ul style="list-style-type: none"> Written grievance. Designation of representative. Witness statements. Memos on discussions with grievant/supervisor/rep/witnesses. All Grievance forms and Notices. Chairperson (all levels) report of findings and recommendations. Union letter invoking dispute to CCMA or Bargaining Council. Request for arbitration or application to Labour Court (Memos regarding meetings with union to select arbitrator/schedule arbitration, etc.) Arbitrator's or Labour Court decision. Record of implementation of arbitrator's decision. Other supporting documentation such as: <ul style="list-style-type: none"> Applicable regulations Documentation regarding requests for and approval of extensions/waivers of any steps in the process. 		
Personal Medical Information	Yes	No
<p>NOTE: Medical documentation, including injury compensation forms, suitability and/or security information should not be maintained in this folder. Other official folders must be established for this purpose.</p>		

11. Recommendations for employee recordkeeping

- ✓ Review applicable laws with regard to required records.
- ✓ Review employment application forms, evaluation forms and other similar documents to be sure they are non-discriminatory.
- ✓ Review with supervisors the kind of disciplinary documentation which should be maintained in employee files.
- ✓ Know to what extent laws mandate employee access to personal files and establish a system for controlling such access.
- ✓ Do not disclose information on employees except to those who have a legitimate need to know the information.
- ✓ Do not discuss charges or complaints against individual employees with more people than absolutely necessary.
- ✓ Get consent before disclosure where possible.
- ✓ Have one person responsible for all disclosures to ensure consistency of treatment.
- ✓ Maintain adequate security over all employment records.