**Title:** Spotlight on New Jersey Employers: Are Your Personnel Files Up To Date?

**Subtitle:** The start of the New Year is a great time to review your employees’ personnel files or create a new system altogether. While most of us dread sorting through paperwork, proper record keeping can be a significant asset for New Jersey employers.

**Meta Description:** The start of the New Year is a great time for New Jersey Employers to review personnel files or create a new system altogether.

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**Author:** Ramon E. Rivera

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Most importantly, it may even assist in shielding you from liability in the event of an employee lawsuit or government audit.

So if your resolution to go to the gym more often is already on shaky ground, maybe it is time to focus on some business resolutions.

The goal of a personnel file audit is to make sure that the contents are up to date and comply with all state and federal laws. For instance, you should make sure that the file contains documents reflecting any recent promotions, raises, or performance reviews, but does not contain protected medical records and other sensitive personal information.

In essence, a personnel file should detail the employment history of the particular employee and contain only unbiased, factual documentation. This includes:

As most employers should be aware, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires employers to protect medical records as confidential and keep them apart from other business records. As a result, medical information cannot be kept in a personnel file.

In addition, the following types of documents should be removed from the primary personnel file and kept in a secondary file to protect employee confidentiality:

Of course, this post provides only a general overview of what should and should not be in your personnel files. For more information about conducting an employee record audit, it is advisable to consult with one of our experienced employment attorneys.

**Raw Content:** <!-- wp:heading -->
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<!-- wp:heading {"level":3} -->
<h3><strong>What Should a Personnel File Contain?</strong></h3>
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<p>In essence, a personnel file should detail the employment history of the particular employee and contain only unbiased, factual documentation. This includes:</p>
<!-- /wp:paragraph -->
<!-- wp:list -->
<ul><li>Employment records, such as applications, resumes, offer letters, and emergency contact information</li><li>Employee handbook acknowledgement forms</li><li>Employment contracts, such as confidentiality and non-compete agreements</li><li>Performance evaluations and self-assessments</li><li>Written disciplinary warnings and performance improvement plans</li><li>Vacation/attendance records</li><li>Training/safety certifications</li></ul>
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<p>In addition, the following types of documents should be removed from the primary personnel file and kept in a secondary file to protect employee confidentiality:</p>
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<ul><li>I-9 forms and any copies of identification</li><li>Payroll records containing social security numbers or other protected information, including W-4s and garnishments</li><li>Background check reports and drug test results</li><li>Investigation documents, including interview notes, records, and legal recommendations</li><li>Opinions, notes, commentary, and other non-factual information, particularly indicating management bias or discrimination</li></ul>
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<p>Of course, this post provides only a general overview of what should and should not be in your personnel files. For more information about conducting an employee record audit, it is advisable to consult with one of our <a href="/attorneys/">experienced employment attorney</a>s.</p>
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