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Schedule No. **24**

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**County  
Human Resources  
Records Schedule**

**Adopted by the  
Local Government Records Committee  
November 2013**

# MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

## DEPARTMENT: COUNTY HUMAN RESOURCES RECORDS

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
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1.	<p>AFFIRMATIVE ACTION RECORDS. Records that document agency compliance with the statues and regulatory requirements of the U.S. Equal Employment Opportunity Commission (EEO). May include plans, updates, policy statement, reports and supporting information.</p> <p>a. Plans, updates, and policy statement</p>	a. 15 years after superseded	
2.	<p>APTITUDE AND SKILLS TEST RECORDS : Records pertaining to aptitude or skill tests required of job applicants or current personnel to qualify for promotion or transfer</p> <p>a. Validation studies b. Tests c. Test papers of persons taking test d. Records relating to the planning and administration of tests.</p>	a. Life of test + 2 years b. 2 years after superseded c. 2 years after date taken d. 3 years	
3.	AWARDS AND COMMENDATIONS see Personnel File		
4.	BACKGROUND INVESTIGATIONS	5 years	
5.	<p>COLLECTIVE BARGAINING RECORDS: Records that document negotiations between the agency and employee representatives. May include contracts, reports, negotiation notes, arbitration findings, cost analyses, minutes, tape recordings, and related significant records.</p> <p>a. Contracts b. Minutes c. Other records</p>	a. 8 years after expiration b. Permanent c. 6 years after contract expires.	
6.	<p>COMPARABLE WORTH STUDY/PAY RESOLUTIONS: Records documenting the analysis, study, and resolution of pay equity, alleged job discrimination, and related issues involving the agency and its employees. May include job content questionnaire summaries, position allocation reports, personnel reclassification studies, job category listings, study outlines, graphs, tables, and significant related records.</p> <p>a. Final study or report b. Other significant c. Pay Resolutions</p>	a. 5 years b. 5 years c. Permanent	

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7.	CONFLICT OF INTEREST STATEMENTS/AFFIDAVITS: Required to be filed by elected or appointed county officials to disclose an actual or potential conflict of interest. May include: date, employees name and address, name and address of person or business entity being assisted, or in which appointed or elected official has a serious substantial conflict. And a brief description of the transaction as to which service is rendered or is to be rendered and the nature of service performed or to be performed.	5 years after potential conflict resolved, employee separation or until superseded.	
8.	COUNSELING PROGRAM FILES a. Records relating to the planning and contract implementation of an employee counseling program. b. Reports of interviews, analyses and similar records relating to the counseling of an employee for personal, work-related, or substance abuse problems.	a. 8 years after contract termination b. 3 years after termination of counseling.	MCA 39-2-304; 49 CFR 40.23
9.	COURT ORDERED COMMUNITY SERVICE FILES: contain documentation of participation in court ordered community service projects. Shows number of hours of community service ordered to perform, by which date, and any expectations. A copy of the court order, time sheets showing hours completed.	1 year after completion of community service.	The court having jurisdiction of the case retains the records.
10.	DEFERRED COMPENSATION PLANS	Until Superseded+7	Not Employee Specific. Clerk and Recorder holds official copy.
11.	DISCIPLINARY /ADVERSE ACTION RECORDS: Records created in considering an adverse action against an employee (probation, demotion, suspension, leave without pay, and termination). Including employee and witness statements, or any reports of findings, decisions, and judgments.  a. If no formal action taken  b. If formal action is taken	a. 3 years after last action/use. b. 10 years after termination or as bargaining unit contract dictates	29 CFR 1602.31; 29 CFR 1602.40; 20 CFR 1602.49
12.	DRUG AND ALCOHOL TESTING: a. Records documenting procedures for compliance with the Workplace Drug and Alcohol Testing Act as defined 1989 Substance Free Workplace Act b. Test results positive c. Test results	a. Superseded +10 years  b. 10years after termination c. 10 years	
13.	EEO STATISTICS FILES: records that contain employment statistics and statistical reports relating to race and gender.	10 years	

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14.	<p><b>EMPLOYEE MEDICAL AND EXPOSURE REPORTS:</b></p> <ul style="list-style-type: none"> <li>a. Health or physical examination results of all job applicants if physical condition is a factor for hiring, promotion, transfer or training decisions.</li> <li>b. Health or physical examination reports of employees whose periodic monitoring of health or fitness is required.</li> <li>c. Employees exposed in the course of their work to blood borne pathogens, toxic substances, and harmful physical agents. All other employees.</li> <li>d. Biological, environmental, and material safety monitoring reports pertaining to harmful physical agents and toxic substances in the work place, and analyses derived from such reports.</li> </ul>	<p>Date of separation + 30 years or 3 years if not hired (see item 47).</p>	<p>29 CFR 1602.31, 1602.40, 1602.49</p> <p>29 CFR 1910.20(d)(1)(i) and 1910-1930 (h)(1)(iv)</p> <p>29 CFR 1910.20(d)(1)(ii)</p>
15.	<p><b>EMPLOYEE PENSION AND BENEFITS RECORDS.</b> Employee benefit plans, such as pension, health, life, disability insurance; seniority and merit systems; deferred compensation plans. Includes amendments to each.</p> <ul style="list-style-type: none"> <li>a. Enrollment forms showing: option selections, beneficiary information, and personal identifying information.</li> <li>b. If the official record is maintained by the retirement system of which the local government is a member or by the service provider.</li> <li>c. If the official record is maintained by the local government. <ul style="list-style-type: none"> <li>i.. Pension and Deferred Compensation</li> <li>ii.. Insurance, Life, health and disability</li> </ul> </li> <li>d. Annual reports from a pension system or fund</li> </ul>	<ul style="list-style-type: none"> <li>a. Termination + 10 years</li> <li>b. until no longer needed or 8 years after reported</li> <li>c. i . Permanent ii. Termination + 10 years</li> <li>d. Permanent</li> </ul>	<p>29 CFR 1627.3(b)(2)</p>
16.	<p><b>EMPLOYEE RECOGNITION PROGRAM RECORDS:</b> Award committee reports, selection criteria, nominations, and similar administrative records of employee award or incentive programs.</p>	<p>3 years</p>	
17.	<p><b>EMPLOYEE SECURITY RECORDS:</b> Records created to control and monitor the issuance of keys, identification cards, passes, or similar instruments of access and identification. Also includes records pertaining to the issuance of parking.</p>	<p>3 years after termination</p>	



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22.	<p><b>HAZARD COMMUNICATION PROGRAM: EMPLOYEE EXPOSURE RECORDS</b> An employee exposure record is a record containing any of the following kinds of information: environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent; biological monitoring results; material safety data sheets indicating that the material may pose a hazard to human health; or, in the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity of a toxic substance or harmful physical agent.</p> <ul style="list-style-type: none"> <li>a. Background data to environmental (workplace) monitoring or measuring, such as laboratory reports and worksheets.</li> <li>b. Material safety data sheets</li> <li>c. Chemical inventory (or any other record which reveals where and when used and the identity of a toxic substance or harmful physical agent)</li> <li>d. Biological monitoring results designated as exposure records by specific occupational safety and health standards</li> </ul>	<p>Retain at least 30 years; destroy</p> <ul style="list-style-type: none"> <li>a. Retain 1 year, as long as the sampling results, the collection methodology (sampling plan), a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results obtained, are retained for at least 30 years; destroy</li> <li>b. Need not be retained for any specified period <i>as long as</i> some record of the identity of the substance or agent, where it was used, and when it was used is retained for at least 30 years; destroy</li> <li>c. Need not be retained for any specified period <i>as long as</i> some record of the identity of the substance or agent, where it was used, and when it was used is retained for at least 30 years; destroy</li> <li>d. Retain as required by the specific standard.</li> </ul>	<p>29 CFR 1910.1020 (d) [formerly 1910.20], as adopted by the Montana Dept. of labor and Industry The form, manner, or process by which an employer preserves a record is not mandated <i>as long as</i> the information contained in the record is preserved and retrievable, except that chest X-ray films shall be preserved in their original state.</p>
23.	<p><b>HAZARD COMMUNICATION PROGRAM: EMPLOYEE INFORMATION/TRAINING RECORDS</b></p> <ul style="list-style-type: none"> <li>a. Information: Employees shall be informed of: the requirements of this section; any operations in their work area where hazardous chemicals are present; and the location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and material safety data sheets.</li> <li>b. Training: Employee training shall include at least: methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area; the physical and health hazards of the chemicals in the work area; the measures employees can take to protect themselves from these hazards; and the details of the hazard communication program developed by the employer; the employer shall keep a record of the dates of training sessions given to employees and the names of the employees attending.</li> </ul>	<ul style="list-style-type: none"> <li>a. Retain until superseded; destroy</li> <li>b. Employee training records shall be placed in the employee's personnel file. Work years +10.</li> </ul>	<p>29 CFR 1910.1200 (h) and 50-78-204 &amp; 305,M.C.A.</p>



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26.	<p><b>HAZARD COMMUNICATION PROGRAM: MATERIAL SAFETY DATA SHEETS (MSDS)</b>  Employers shall have a material safety data sheet in the workplace for each hazardous chemical which they use. It shall contain at least the following information: the identity used on the label; physical and chemical characteristics, the physical hazards, and the health hazards of the hazardous chemical; the primary route(s) of entry; any exposure limits; whether the hazardous chemical is a carcinogen or potential carcinogen; any generally applicable precautions and control measures; emergency and first aid procedures; date of preparation or update of the MSDS; and the name, address, and telephone number of the responsible party who can provide additional information.  Each employer shall maintain a copy of any correspondence sent or received by the employer in an effort to obtain a material safety data sheet when none was provided by the chemical manufacturer or distributor.</p>	<p>Current sheets must be readily accessible; when no longer current the sheets themselves need not be retained for any specified period <i>as long as</i> some record of the identity of the substance or agent, where it was used, and when it was used is retained for at least 30 years; destroy; (the correspondence, once the material safety data sheets are provided, may be retained per the Correspondence series)</p>	<p>29 CFR 1910.1200 (g) and 29 CFR 1910,1020 (d) [formerly 1910.20], and 50- 78-203, M.C.A.  May be kept in electronic form, microfiche, or other alternatives as long as no barriers to immediate employee access are created by such options.</p>
27.	<p><b>HAZARD COMMUNICATION PROGRAM: WORKPLACE CHEMICAL LIST</b>  Each employer shall compile and maintain a workplace chemical list which must contain the chemical name of each hazardous chemical in the workplace, cross-referenced to any generally used common name; the chemical abstracts service registry number, if available, must accompany all chemical names on the list; and the list must indicate the work area in which each hazardous chemical is normally stored or used.</p>	<p>Must be updated as necessary but not less than annually; destroy when superseded</p>	<p>50-78-202, M.C.A.</p>
28.	<p><b>HAZARD COMMUNICATION PROGRAM: WRITTEN HAZARD COMMUNICATION PROGRAM</b>  Employers shall develop, implement, and maintain at each workplace, a written hazard communication program which at least describes how the criteria for labels and other forms of warning, material safety data sheets, and employee information and training will be met; includes a list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate material safety data sheet; includes the methods the employer will use to inform employees of the hazards of non-routine tasks and the hazards associated with chemicals contained in unlabeled pipes in their work areas.</p>	<p>Retain until superseded; destroy</p>	<p>29 CFR 1910.1200 (e)</p>
29.	<p><b>INSURANCE ENROLLMENT FORMS:</b> This includes all employee insurance enrollment forms, such as, but not limited to COBRA, FLEX, LIFE, SUPPLEMENTAL, and HEALTH insurance.</p>	<p>10 years after termination</p>	





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38.	PENSION AND RETIREMENT- INDIVIDUAL EMPLOYEE RECORDS: Records that document the status of individual employees participating in pension, retirement, and disability plans. Often included are enrollment cards, contribution and deductions summaries, personal data records, authorizations, beneficiary information, and other related records.	50 years after original date of hire	
39.	PERFORMANCE APPRAISALS	3 years after last use or corrective action OR 10 years after termination if filed within personnel file.	
40.	PERSONNEL ACTION NOTICES: Records used by the personnel office to create or change information in the personnel files of an employee regarding hiring, termination, transfer, pay grade, position or job title, leave of absence, name change and other personnel actions not noted in this schedule.	Work years +10	
41.	PERSONNEL / EMPLOYEE FILES	Work Years + 10	
42.	EMPLOYEE HISTORY CARDS/INFORMATION: a. Employee History card/record of each employee. Must include the minimum information: name; sex; date of birth; social security number; positions held with dates of: hire, promotion, transfer, or demotion; dates of interruptions in service that affect computation of length of service; wage and salary rate for each position held, including step or merit increases within grades, and date of separation.  b. May include awards, commendations and employee recognition records. Background checks if required.	a. Permanent  b. 10 years after termination.	
43.	PERSONNEL POLICIES/ PLANS	Until Superseded	Clerk and Recorder holds official copy.
44.	PERSONNEL STUDIES AND SURVEYS: Statistical reports, studies, surveys, cost analyses, projections and similar records, except those noted elsewhere in this schedule.	3 years	Review for historical significance.
45.	PRE-EMPLOYMENT HEALTH RECORDS- Records that provide baseline health data on county employees who qualify for a specific position, such as in the sheriff's office or fire department. Used to limit liability in deployment of workers, to establish the health status of potential workers, and to limit the effect of occupational related diseases and conditions that might limit an employee's ability to perform assigned duties. May include chest and back x-rays, hypertension screenings, blood series, and medical histories.	30 years	

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46.	RECRUITMENT/SELECTION FILES	3 years after selection	
47.	SUMMER YOUTH PROGRAM FILES. The summer youth program provides employment with government agencies for youth between the ages of fourteen and eighteen years of age. Records include time cards, copies of office of labor training/modification form, employment applications, and related correspondence.	3 years after termination	
48.	TRAINING ANNOUNCEMENTS	4 years	
49.	<p>TRAINING CERTIFICATES AND LICENSES: Certificates of completion, test scores, transcripts, etc., documenting the training, testing, or continuing education achievements of an employee when required for the position held or that could affect career advancement.</p> <p>a. Required of employees to qualify or remain eligible to hold a position.</p> <p>b. If required of all applicants for a position, keep those of applicants not hired.</p>	<p>a. 10 years after separation of employee Termination + 10 years.</p> <p>b. 3 years</p>	
50.	TUITION REFUND TO EMPLOYEE RECORDS	Audit + 7 years	
51.	UNEMPLOYMENT COMPENSATION CLAIM RECORDS: Records documenting unemployment compensation cases.	Work years +2	
52.	<p>VOLUNTEER PROGRAM RECORDS: Records that document the activities and administration of volunteer programs and volunteers in the agency. May include volunteer hour statistics, volunteer program publicity records, insurance requirement information, inactive volunteer files, and related records. May include individual volunteer records such as agreements, applications, skills test results, and training documentation.</p> <p>a. Volunteer program records.</p> <p>b. Individual volunteer records</p>	<p>a. 5 years</p> <p>b. 2 years after separation</p>	
53.	WORK SCHEDULES: Work, shift, crew, or case schedules or rosters.	2 years after superseded	
54.	WORKERS COMPENSATION CLAIMS: Documentation of claims by employees for job related illness or accidents (First Reports, Return To Work).	5 years	