

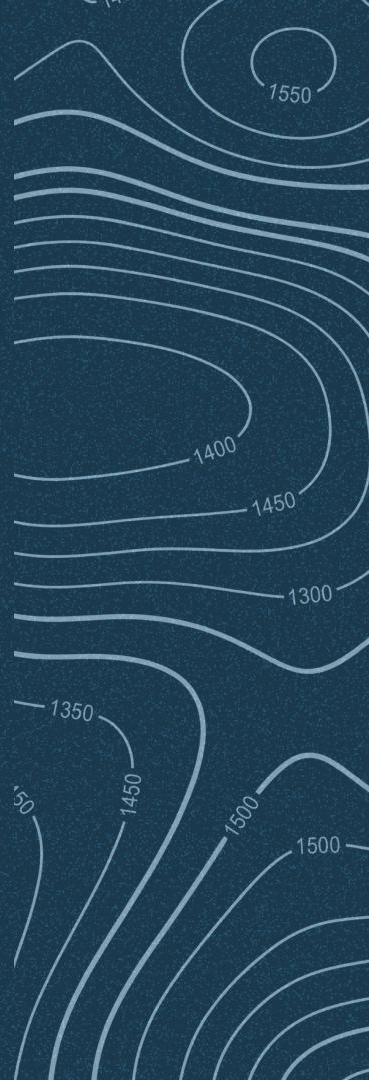


COMPLIANCE CAMP

Documenting the Employee Journey



Recordkeeping Rules & Best Practices



MEET THE SPEAKERS



ZOE SPARER

Senior HR Business Partner
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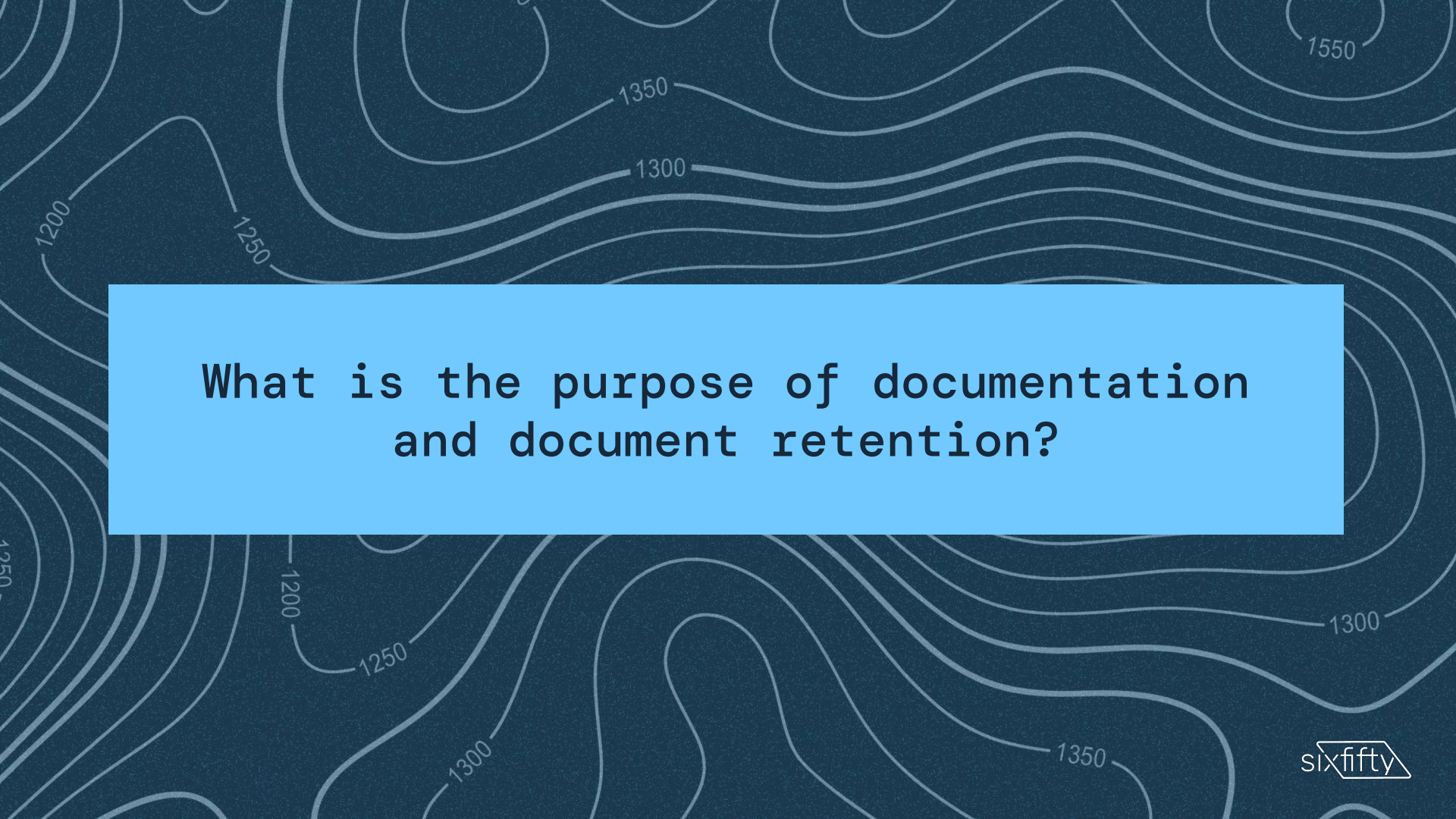
**CONNOR
CHRISTENSEN**

Legal Product Counsel
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RYAN PARKER

Chief Legal Officer
SixFifty



What is the purpose of documentation
and document retention?

AGENDA FOR TODAY

1 Documentation During Hiring and Orientation

2 Recordkeeping During the Employment Relationship

3 Critical Documentation at Separation

4 Q&A

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DOCUMENTING THE EMPLOYEE JOURNEY

Hiring and Orientation



Job posting requirements

Most postings must include:

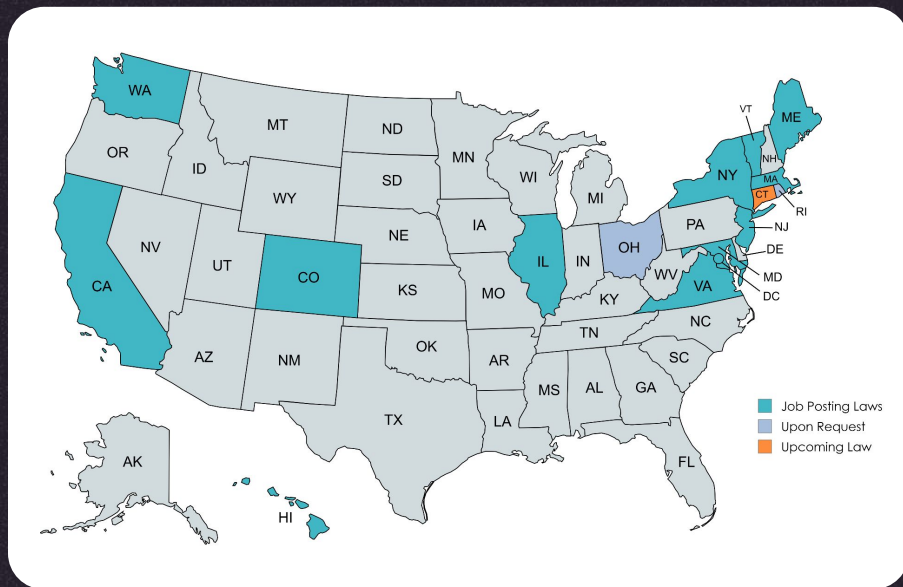
- Wage or salary range (good-faith)
- General description of benefits
- Other pay: Bonuses, commissions, equity

Where it applies:

- Only required at the state and local levels (~15 states and D.C. plus 5 localities)
- Thresholds vary: 1–50+ employees (some count in-state employees only)

Penalties:

- Per-posting fines: Ranges from \$100–\$10K (up to \$20K for repeated violations in D.C.)



Business benefits of pay transparency

Saves time and reduces waste during recruiting

When a salary range is posted upfront, candidates can decide early whether an opportunity aligns with their expectations.

Forces your organization to be disciplined about determining pay

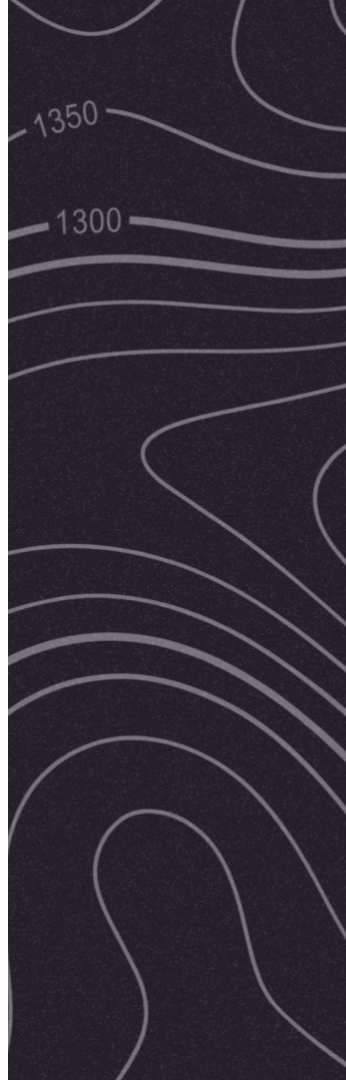
A published range pushes companies toward consistent, criteria-based decisions around experience, skills, responsibilities, etc.

Builds trust with both candidates *and* current employees

When people don't have information, they fill the gaps themselves.

Provides a recruiting advantage

Being upfront signals you're willing to have the pay conversation early, rather than asking for a significant time investment first.



Personnel files

What to keep:

- Payroll data: Hours, pay rate, wages, deductions
- Employment dates, tax forms, Form I-9
- Applications, offer letters, agreements

Required by:

- FLSA, and state wage/hour and unemployment laws
- Nearly all employers covered

Keep separate and limit access to:

Medical and other confidential records—stored apart from the personnel file

Anti-discrimination

Document the decision:

- Keep records behind hiring, pay, promotion, discipline and firing
- Applications, résumés, interview notes, evaluations
- Selection criteria and test results

Required by:

- Title VII, ADA, GINA, PWFA: 15+ employees
- ADEA: 20+; many state laws reach smaller employers

How long:

At least 1-3 years after termination; if a charge is filed, keep until resolved

Good recordkeeping in practice

1. It tells the story of how decisions were made

Notes and evaluations should connection back to the hiring qualifications and criteria.

2. It's consistent

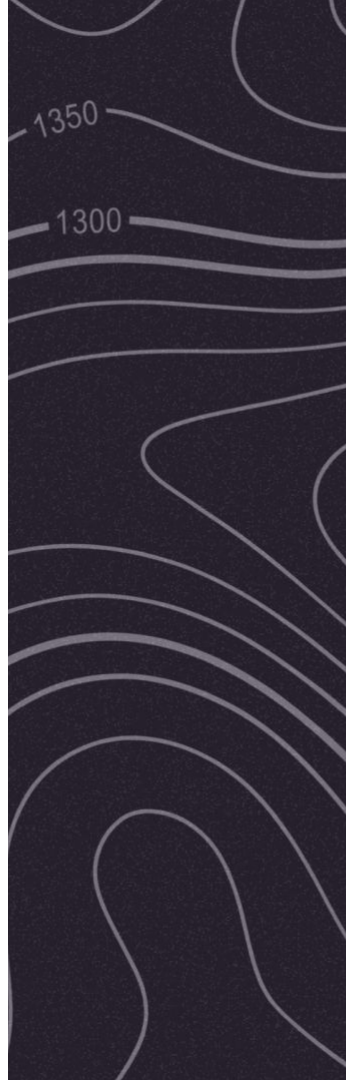
Using the same core questions and evaluation criteria give managers a clear framework for comparing candidates.

3. It documents objective observations, not subjective impressions

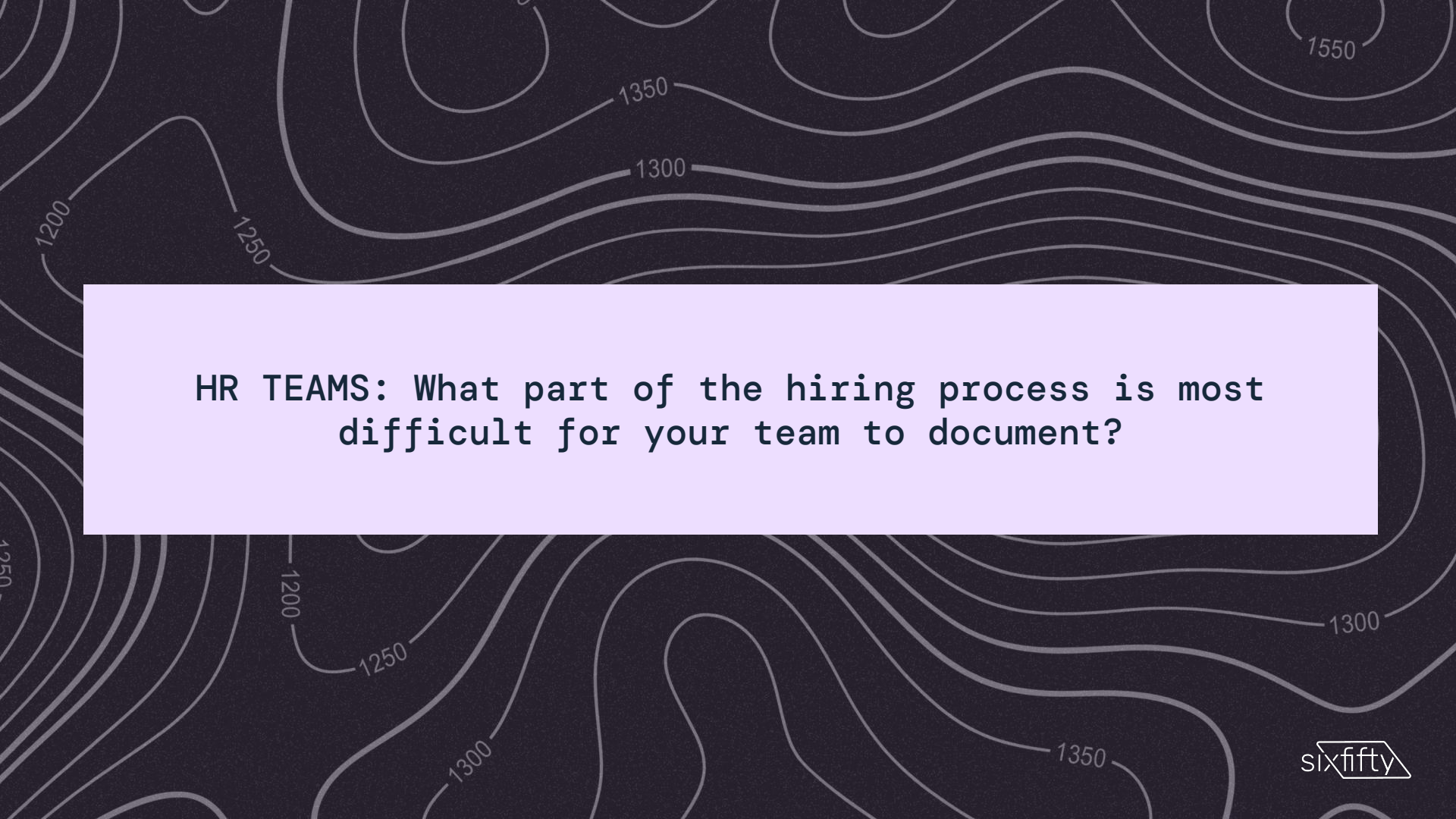
“Not a good fit” or “I didn’t connect with them” doesn’t tell you much.

4. Document as you go

Don’t wait until there’s a complaint or audit to retroactively recreate the hiring process from memory.

A decorative graphic on the right side of the slide featuring a dark blue background with white contour lines. The lines are wavy and irregular, resembling a topographic map. Two specific contour lines are labeled with the numbers '1350' and '1300' in white. The '1350' label is positioned above the '1300' label, and both are oriented horizontally.

1350
1300

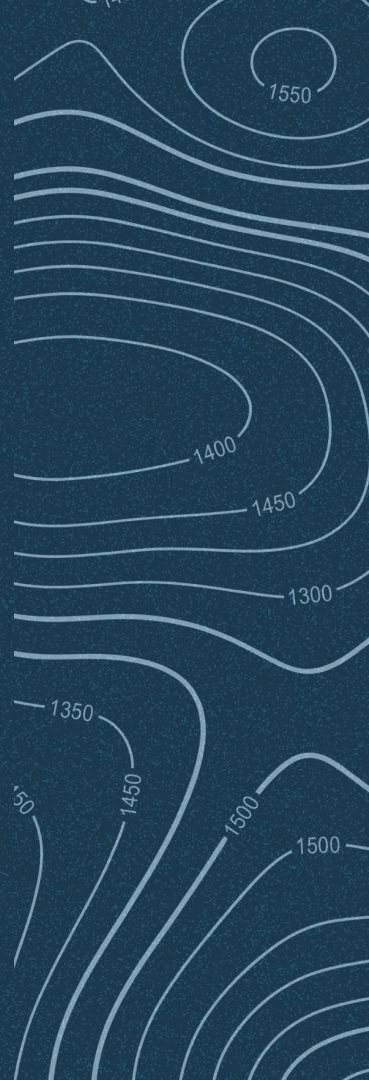


HR TEAMS: What part of the hiring process is most difficult for your team to document?



DOCUMENTING THE EMPLOYEE JOURNEY

Managing Employees



Leave recordkeeping

Federal FMLA (employers with 50+ employees)

- Keep for 3 years: Leave dates, hours taken, and your notices & designations
- States also have their own paid and unpaid family and medical leave laws
- Medical certifications stay confidential, in a separate file

State leave (Sick Leave, Safe Leave, Protected Time Off, Paid Leave)

- Track hours worked, leave accrued/frontloaded, and leave used per employee
- Some states require the balance to appear on the pay stub
- Retain records about 2–3 years (varies by state)
- Keep health and safe-leave information confidential

Penalties: Inadequate leave records can create a presumption that the employer violated the law.

Required policies

Some states and cities require specific policies in writing—and included in your handbook, if you have one.

- **Family and Medical Leave:** FMLA (fed); CA Family Rights Act; DC unpaid FMLA; IL pregnancy leave; SF paid parental
- **Accommodations:** Lactation (CA, MD, NY, UT); Disability (IL, VA); Pregnancy (MD, UT, VA); Religious (IL)
- **Anti-harassment and EEO:** Sexual harassment (IL, Chicago); Anti-harassment (MA); EEO (IL)
- **Wage protections:** Minimum wage rights (MN); Wage disclosure protection (MN); Wage theft notice (Philadelphia)
- **Privacy and monitoring:** SSN privacy (MI); Electronic monitoring notice (NY); NY HERO airborne plan (NY)
- **Sick and paid leave:** Chicago, Minnesota, New York City, and Philadelphia

**This is not a comprehensive list*

What good file management looks like day-to-day

Why it matters

Practical habit

Personnel file

Tells the story of “why” an employment decision was made

Train managers on how to document facts and observations, not assumptions

Payroll records

Protects against wage-and-hour disputes

Audit regularly and create a retention calendar

Leave & Medical

Protects employee confidentiality under ADA and GINA

Separate, secure, limited access, and document only what you actually need

Injury file

Health and injury reports that happen at work

It's okay to start this file only if an employee suffers an injury on the job. May be used as a “critical incident file.”

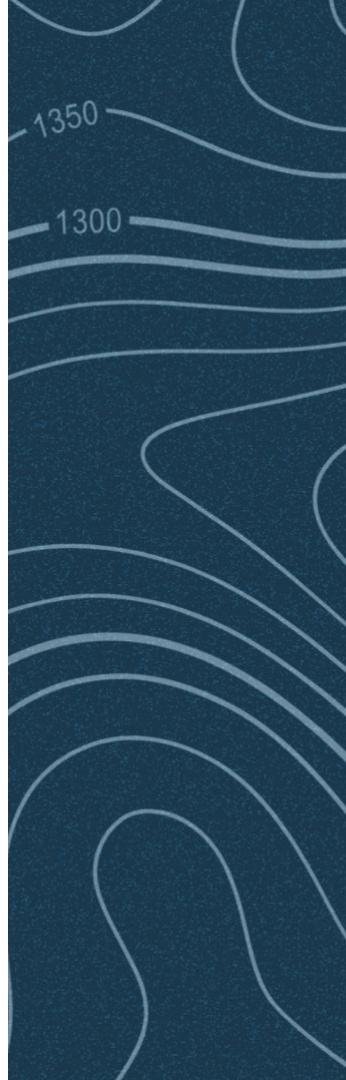
I-9 file

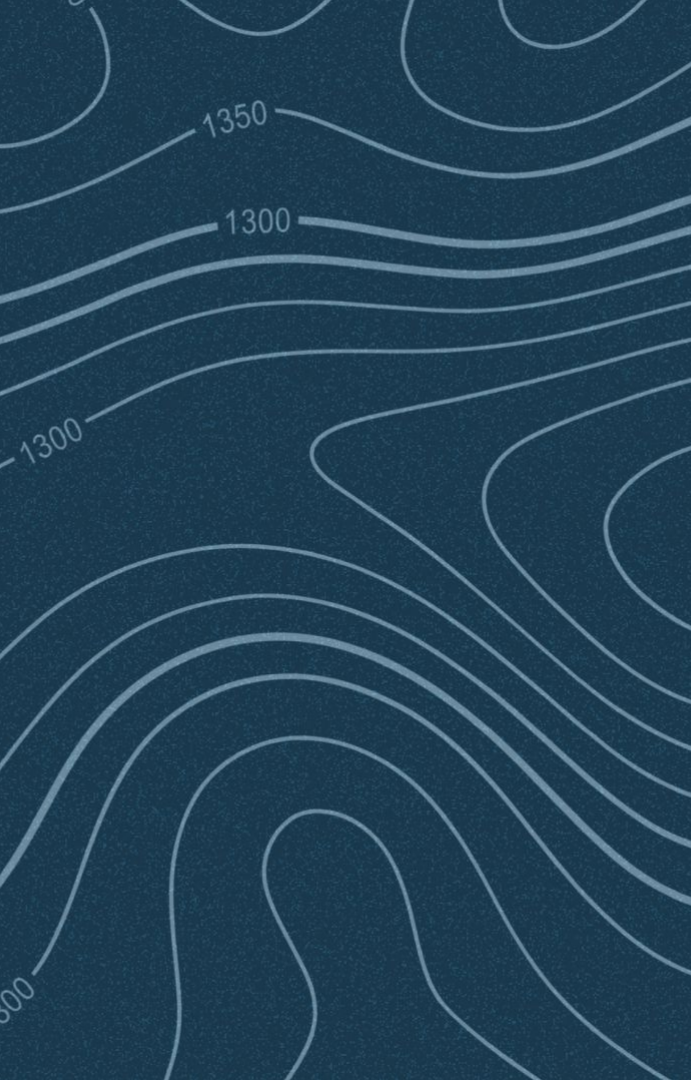
Protect private data

Limit who has access, and be ready for an “audit.”
Know when to purge.

The basics of internal audits

- Prepare and scope the audit
- Audit form I-9s
- Review general personnel files
- Review payroll and tax records
- Assess storage and security
- Document and correct findings





Discussion

- What are the biggest risks of poor employee documentation?
- What should employers keep in mind when collecting and storing sensitive employee information?
- What are some best practices when documenting employee performance?

Real-world scenario

A long-term remote employee has historically been a solid performer with no performance concerns. Over the past several months, the employee has struggled to keep up with recent company changes and has fallen short of several key responsibilities.

The manager wants to place the employee on a PIP, with termination as a potential consequence if performance doesn't improve. However, the manager has not previously documented the performance concerns or formally communicated them to the employee.

Before moving forward with a PIP or termination, what should HR and the manager consider? What documentation should they gather? And are they actually ready to take disciplinary action?



DOCUMENTING THE EMPLOYEE JOURNEY

Separating from Employees



Separation notices

Unemployment Insurance (UI) notice: Required by most states

- Written notice that UI benefits may be available and how to file—usually at separation, often on a state form
- Usually given regardless of separation reason; a few states exempt voluntary quitting or absences of 7+ days

Health coverage continuation

- Federal COBRA (20+ employees): Election notice within 14 days of the qualifying event
- State mini-COBRA (generally <20): in many states the insurer must send it

State-specific additions

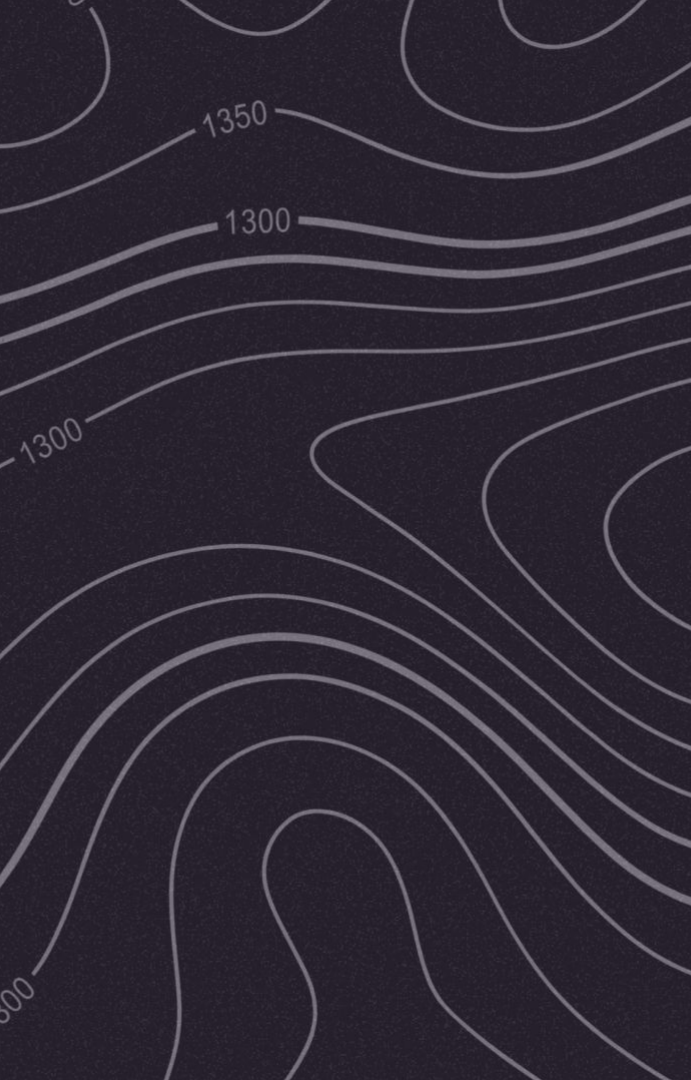
- Dedicated forms (GA, LA, MO, TN)
- New York termination-detail notice
- Arkansas W-2 at termination
- Oregon non-compete copy

Retention periods post-employment

Federal minimums—most clocks run from “last entry” or separation

Record type	Federal minimum
Payroll records (FLSA)	3 years from creation
Time cards & wage-computation (FLSA)	2 years from creation
Personnel & termination records (Title VII / ADA / GINA / PWFA)	1 year after involuntary termination
Payroll records (ADEA)	3 years from creation
Benefit plans / seniority systems (ADEA)	Life of plan + 1 yr
FMLA records	3 years from creation
Form I-9	Later of 3 yrs/hire or 1 yr after termination
ERISA plan records	6 years from filing due date
OSHA 300 injury logs	5 years from the end of the calendar year the records cover
OSHA medical records	30 years from separation

Rule of thumb: The longest applicable clock governs, and a pending claim (litigation hold) overrides every schedule.



Discussion

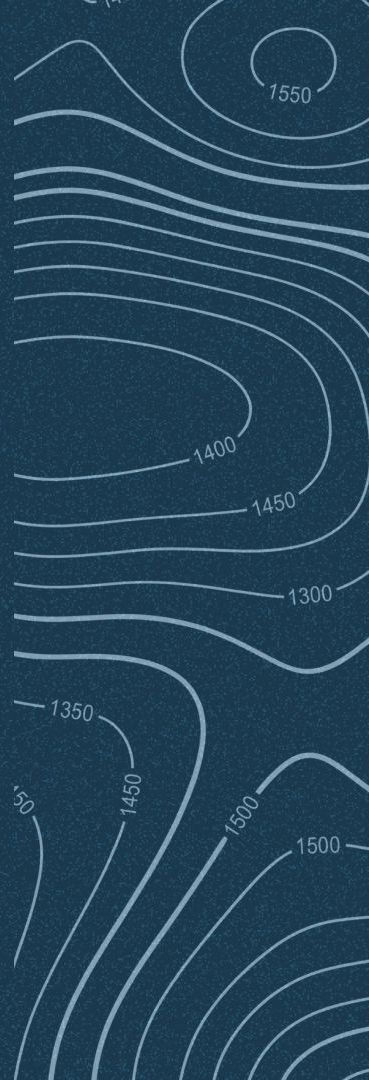
- What documentation issues should employers be thinking about when separating from an employee?
- What types of issues do you see organizations struggle with when it comes to documenting separation?
- Do you think there is value in conducting exit interviews?



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AUGUST

27

**Leave Policy Design: Compliance
Obstacles to Navigate When
Combining PTO**

SEPTEMBER

01

**Getting HR and Non-HR Teams
Aligned on Compliance**

An aerial photograph showing a dark, calm lake on the left side of the frame. A dense, green forest covers the right side. A thin, light-colored dirt road or path winds through the forest, starting from the top right and curving towards the bottom right. The word "sixfifty" is overlaid in the center of the image, with the "x" and "f" partially enclosed by a white geometric shape resembling a parallelogram or a stylized 'X'.

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