

Employee Record Retention Procedures

Category: Legislated
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Purpose

The purpose of this Policy is to ensure that the City of Cornwall's (the 'City') legal and operational record keeping obligations for retention of employee records and files are identified and met in accordance with all applicable legislation. The City is responsible for establishing a framework for the retention and disposal of employee records. This policy provides a guideline for the period of time for retaining documents as well as its disposal.

Scope

These procedures are relevant for records relating to all employees, including full-time, part-time, temporary, and contract employees at the City of Cornwall.

Legislation and Applicable Regulations

This Policy will be governed by and interpreted in accordance with all applicable legislation, including (but not limited to) Ontario's Employment Standards Act, 2000 (the "ESA") and Municipal Freedom of Information and Protection of Privacy Act.

More information on the ESA requirements can be found at: [Employee Files Retention](#)

Definitions

Record: Any company documents that are stored for future reference.

Record retention: The method for securing and overseeing records.

Retention period: The length of time a record is to be kept in the company's files and storage, physically or electronically.

Active Employee: An Individual who works for the City on a regular basis and gets paid for it.

Inactive Employees: An Individual whose employment with the City has ended due to reasons including but not limited to resignation, termination, death, or retirement

Employee Records

Based on the applicable legislation, all employee records including their personal information should be kept and maintained by the Human Resources Department only. No personal information should be accessed or retained in other departments.

Record Maintenance and Retention

As per the ESA, the City is required to maintain written records for all employees including their personal information, employment history and details and payroll records.

Below is a list of employee records, information, and the department responsible for retaining that information:

Document/Record	Information to be retained	Retention Period	Accessed and Maintained by
Employee's Personal Information	<ul style="list-style-type: none"> • Full name • Address • Start date of employment 	<p>Active Employees: Throughout the tenure of employment</p> <p>Inactive Employees: Three years after the employee stopped working for the employer</p>	Human Resources Department
Date of Birth – if employee is less than 18 years old	Date of Birth	<p>Earliest of: Three years after the employee's 18th birthday or Three years after the employee stopped working for the employer</p>	Human Resources Department
Dates, Time, and Hours worked by each employee for hourly employees	<ul style="list-style-type: none"> • Date on which employee worked. • Start and End time of the employee's shift and break time. • Total Hours worked by the employee in a day/week 	Active and Inactive Employees: Three years after the day or week of work to which the information relates	Payroll Department
Fixed Pay for salaried employees who are exempt from Overtime Pay provisions	Date, Time and hours worked do not need to be recorded for employees with fixed salary	Active and Inactive Employees: Three years after the day or week since work was performed	Payroll Department
The regular rate for each hour of overtime worked, where the employee has two or more regular rates of pay	<ul style="list-style-type: none"> • Date on which employee worked overtime. • Start and End time of the employee's overtime shift and break time. • Regular pay rate for the work for which employee worked overtime 	Active and Inactive Employees: Three years after the day or week where performed work for the employer has exceeded the overtime threshold	Payroll Department and Human Resources Department
Document/Record	Information to be retained	Retention Period	Accessed and Maintained by

Written agreements to work excess hours or average overtime pay	<ul style="list-style-type: none"> • Agreement made with an employee to: <ul style="list-style-type: none"> - Work excess hours. - Average overtime pays 	Active and Inactive Employees: For three years after the last day on which work was performed under the agreement.	Payroll Department and Human Resources Department
Information contained in an employee's wage statement	Employee's wage statements	Active and Inactive Employees: For three years after the information was given to the employee	Payroll Department
Vacation time records	<ul style="list-style-type: none"> • Vacation time earned since the date of hire but not taken before the start of entitlement year. • Vacation time earned during the entitlement year. • Vacation time taken during the entitlement year. • Vacation time earned but unused as of the end of the entitlement year 	Active and Inactive Employees: For five years after the record of vacation time was made	Human Resources Department
Vacation pay records	<ul style="list-style-type: none"> • Vacation pays earned and paid to the employee during the entitlement year. • How that vacation pay was calculated. 	Active and Inactive Employees: For five years after the record of vacation pay was made	Payroll Department and Human Resources Departments
Substituted day off for public holiday	<ul style="list-style-type: none"> • the public holiday which is being substituted • the date of the substituted day • the date on which the statement is provided to the employee 	Active and Inactive Employees: For three years from when the public holiday was substituted	Human Resources Department
Information related to statutory Leaves of Absence	All notices, certificates, correspondence, and other documents provided by the employee, or produced by the employer	Active and Inactive Employees: For three years after the day on which the leave expired.	Human Resources Department

Document/Record	Information to be retained	Retention Period	Accessed and Maintained by
End date of employment	Last date worked by the employee	Inactive Employees: For three years from date of termination	Human Resources Department
Severance Pay	Amount of severance pay paid to the employee (if applicable)	Inactive Employees: For three years from date of termination	Payroll Department
Grievance Files	All documents related to grievances including disciplinary letters, Union and management's response, settlement notes etc.	Active Employees: Throughout the employment Terminated Employees: For three years from date of termination	Human Resources Department
Arbitration Files	All documents related to grievances including disciplinary letters, Union and management's response, settlement notes etc.	Active Employees: Throughout the employment Terminated Employees: For three years from date of termination	Human Resources Department
Employment Agreements and Termination Agreements	<ul style="list-style-type: none"> Offers of Employment or Contracts issued at start of employment and additional contracts issued during employment. Letters of resignation, Termination Letters, Release Letters 	Active Employees: Throughout the employment Terminated Employees: For three years from date of termination.	Human Resources Department

Record Disposal

The above-mentioned records will become eligible for disposal at the end of their retention period. The custodian of the records will annually sort the data to be disposed of after the completion of the retention period and prepare it for secured disposal. Any electronic data will be deleted permanently from all systems and software in a secure manner.

Privacy

Access to employee documents, data, and information under the custody and control of the City of Cornwall, is limited to managers and directors who are responsible to manage and maintain the data. The City is committed to maintain the privacy of its employees and store all personal information relating to employees in a confidential manner.

Right to Information

An employee may request access to their employment files by contacting Human Resources. Such a request will not be reasonably withheld. A request under this clause is limited to an Employee's own data and information. Such requests must be in accordance with an employee's applicable Collective Agreement.

Related Policies

This Policy is intended to outline the procedures for retention and disposal of employee data and should be read in conjunction with the City's other applicable policies, procedures and guidelines including but not limited to:

- Record Keeping and management.
- Privacy Policy

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