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January 26, 2016

Mayor Betsy Hodges, City Council Members, Chief Human Resources Officer Patience Ferguson and Minneapolis Park and Recreation Board

Attached is the City of Minneapolis Internal Audit Department's Human Resources Personnel File Maintenance and Retention audit report. The objective of this audit was to collect evidence on how well employee personnel and medical files are maintained by City Departments, and the understanding of the Form I-9 process by the City's Form I-9 Representatives. The results should help provide Human Resources (HR) with an understanding of the current decentralized practices and determine what actions, if any, are necessary to ensure that employee personnel and medical file maintenance practices and Form I-9 processes are adequate and appropriate.

The City's decentralized employee personnel and medical file process is generally effective. However, Internal Audit identified several potential areas for improvement.

We noted a trend in increasing electronic documents that replaced hard copies. As this trend continues HR should consider how the employee personnel and medical files should be maintained, and what components can exist outside of the personnel file and be just as accessible to whomever is maintaining and using them. HR should also ensure that the retention of the electronic personnel and medical records that aren't saved within the personnel and medical files themselves are aligned with the respective retention schedules.

One finding and recommendation in this report concerns a physical access issue. The results of our testing in this case suggest that a comprehensive assessment of physical access to City assets should be done. We recommend departments coordinate with building services to identify what access is currently granted to assets and offices and determine whether that access aligns with business needs. Departments should also institute a process to update property services access records when employees leave the city or change roles.

Internal Audit also conducted a similar scope review of the Minneapolis Park and Recreation Board employee personnel and medical file maintenance practices, and Form I-9 process. These audit results are summarized in Appendix B of the report.

Sincerely,

A handwritten signature in black ink that reads "Will Tetsell". The signature is written in a cursive, flowing style.

Will Tetsell, City Auditor



Human Resources Personnel File Maintenance and Retention Audit

City of Minneapolis – Internal Audit Department
January 26, 2016



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Date: January 26, 2016

To: Mayor Betsy Hodges, City Council Members, Chief Human Resources Officer Patience Ferguson and Minneapolis Park and Recreation Board

Re: Human Resources Personnel File Maintenance and Retention Audit

Background

Personnel Files and Medical Files

The City of Minneapolis (City) went through a transition in the personnel and medical file management process in 2009. Due to budget cuts, personnel and medical files were decentralized, moving certain responsibilities for files from the Human Resources Department (HR) to City Departments, who were responsible for the ongoing maintenance of their employee personnel and medical files.

At the time of hire HR would collect relevant documents, compile both a personnel file and a medical file, and send those files to the respective department. The department was then responsible for maintaining the files in a safe and orderly way. Generally, personnel files were divided into six sections: employment history, employee training, commendations/awards/letters, disciplinary actions, performance evaluations and benefits/payroll. The medical file had one section and should contain any necessary medical information such as accident reports, injury reports, requests for leave, etc.

The Data Practices Act classifies certain government records as other than public, and the Health Insurance Portability and Accountability Act (HIPAA) addresses restrictions on access to medical records. As a result, personnel files and medical files should be kept separately to prevent unauthorized access. All departments that were reviewed maintained clearly designated medical records, and used locked cabinets and other procedures to ensure appropriate access.

Terminated employee records were maintained by departments for three years after termination, and then sent to archives. HR maintains these archives in on-site and off-site storage. HR followed an approved Records Retention Schedule for these files.

Form I-9

The City also employed a decentralized process for Form I-9 completion. The Form I-9 is the Federal Government's Employment Eligibility Verification Form, and requires compliance with several regulations.

Form I-9 responsibilities are delegated to I-9 Representatives (Reps), who are designated employees within the City. Reps are responsible for ensuring that each employee completes the required Form I-9 sections and presents genuine and complete identification documents. There were 50 Reps at the City.

Objective, Scope and Approach

This audit, which was requested by HR, was conducted as part of the Internal Audit Department's Fiscal Year 2015 Annual Audit Plan, as presented to the Audit Committee.

Objective

The objective of the audit was to evaluate the effectiveness of departmental personnel and medical file maintenance.

Scope

The audit scope included a review of:

- The existence of both a medical file and a personnel file.
- The contents of personnel files, specifically:
 - An application, hire form and signed offer letter in Section 1.
 - Formal disciplinary actions or a marked section for actions in Section 4.
 - Performance evaluations in Section 5.
 - A Healthcare Marketplace Notice in Section 6.
- The physical location and accessibility of files.
- The I-9 Representative's knowledge of their responsibility and the associated risks for the City.

Approach

Internal Audit conducted a review of the operation and management of the personnel file and medical file maintenance processes, and the Form I-9 processes, in the City. Internal Audit met with Patience Ferguson, Chief Human Resources Officer and members of her team, and reviewed relevant statutes and regulations, such as HIPAA Regulations and the Data Practices Act, as well as documents on best practices, including the League of Minnesota Cities Best Practices.

The personnel file and medical file testing focused on guidance included in each file created by HR, and on guidance from HR on which documents were most critical. Departments were selected for testing based on turnover rates and employee count, and samples were picked from active and terminated employee lists. Sampled employee files were reviewed for inclusion of select documents and sections.

The Form I-9 testing consisted of brief interviews with a sample of the Reps at the City. Each interview was composed of the same questions aimed at gaining an understanding of each Rep's knowledge of their responsibility and the associated risks for the City, the time that they spend on Form I-9 related work and the challenges they face.

Audit Results and Recommendations

Finding 1: Existence and Completeness of Personnel Files and Medical Files

Personnel files did not consistently contain the documents identified by HR as necessary to be included in each file, and some personnel files and medical files could not be located. Departments tested had different processes for handling and organizing employee records; and forms, required information or organizational style of files depended on employee status and hire date as described in the testing results. These variations in filing processes made it difficult to know whether an employee personnel file is complete.

Testing Results

Internal Audit reviewed six departments: 311, Convention Center, Finance and Property Services, Human Resources, Police and Public Works. A sample of active and terminated employees from those departments was selected based on information from PeopleSoft.

Based on employee status, departments stated that personnel files were not expected to contain certain data, and that employees may not have a medical file. Stagehands, Interns, Temporary Employees and Outside Trade employees generally did not need to have medical files or the six identified necessary documents. Based on PeopleSoft data alone, it was difficult to identify how many documents should have been in the files. Additionally, some recently-hired employees did not yet have files maintained by the departments, and some older files were established before tested for documents, like signed offer letters, were commonly used. Archived terminated employee files were not tested. The selected employee sample split across these categories and the results of the testing are included in Appendix A.

Terminated employee records were maintained by departments for three years after separation, and then sent to archives. Internal Audit reviewed whether any files were held that should have been archived, or were archived early, based on employee start and end dates and found no exceptions.

Testing notes and other observations

- There were two cases where neither personnel files nor medical files were found, and nine cases where either a personnel file or a medical file could not be found.
- There were three cases when files were initially identified to Internal Audit as archived, but were later found to not actually be with archives.
- Healthcare Marketplace Notifications – Recent documents in effect from October 2013; only two were noted in the sample.
- Performance Evaluations – Some recent evaluations were done electronically, and were not typically printed and added to files.
- Files located in off-site archives were not catalogued; the only way to verify whether a file was located in off-site storage would be to request boxes organized by termination year and last name.
- Formal Disciplinary Sections – Police formal disciplinary actions were not reviewed because they were retained in separate files by Internal Affairs.

Internal Audit identified several best practices among the departments

- Stamping received transfer documents with the source and receipt data.
- Conducting a review for completeness and correctness of files prior to submitting to archives.
- Clearly labeling both personnel and medical files for employees with duplicate names.
- Clearly labeling both personnel and medical files affected by legal holds.

Existence and Completeness of Personnel Files and Medical Files Recommendations

- HR should clearly define the expectations of decentralized personnel and medical file management, including required documents, electronic documents and archiving guidance

that promote uniform organization and structure to files, including training of file compilers and guidance on exceptions to the policy for certain employee classes.

- HR should develop a process for periodic reviews of department personnel files to ensure they are organized in line with HR policies or expectations.

Existence and Completeness of Personnel Files and Medical Files Response: Human Resources

Human Resources agrees with the findings. The following actions will be implemented by Human Resources to ensure employee personnel and medical file maintenance practices and Form I-9 processes are strengthened and maintained:

- Clarify expectations, standards, roles, responsibilities and processes to foster consistency and accuracy in the creation and on-going maintenance of personnel and medical files.
- Execute orientation and training process for human resource generalists, supervisors and personnel/medical representatives to foster compliance to local, state and federal employment laws and government data practices.
- Establish a Human Resource review process to ensure standards and processes are maintained.

Finding 2: Accessibility of Archived Personnel Files and Medical Files

Archived files stored on-site were maintained in a locked storage room with inadequate access controls, which could result in unauthorized access to personnel files and medical files.

Testing Results

Internal Audit reviewed the likelihood of unauthorized access to personnel files and medical files. At the Department level, while departments followed different procedures, no access issues were noted. However, an issue was noted during the review of files stored in on-site archives.

Departments followed different processes to restrict access to medical files. The only preferred or recommended practice identified was to maintain personnel files and medical files in separate folders, and in separate locked cabinets. Differing practices noted were:

- All departments maintained clearly designated medical records, and personnel files and medical files were kept in physically separate folders, though two departments kept both types of folders in the same cabinets.
- Several departments placed terminated employees' files in one folder to make the storage and archiving processing easier.
- All departments maintained locked cabinets with restricted access to keys. Those departments with any intermingled personnel and medical files had access controls - when responding to a file request, individuals with appropriate access would pull the file and provide just the portions that were requested.
- The Police Department maintained confidential performance evaluations in a separate section of the medical files. Both sets of records were confidential, and this simplified controls and helped address space constraint problems maintaining a third set of files would have caused. To ensure appropriate access, an authorized individual would physically remove either the performance evaluations or medical records from the joint file before responding to a request for data.

Three years after termination, employee files are sent by departments to HR archives. HR had a reasonable process for securely receiving files. After receipt, records were maintained in a locked storage room until they were sent to off-site archives. A review showed that keys to the storage room were available to individuals that should not have access to personnel files or medical files.

- Records show 225 keys existed for the storage room.
 - 36 keys (16%) were assigned to a current HR employee or the HR department.
 - 8 keys (4%) were master or fire box keys.
 - 136 keys (60%) were assigned outside of current HR staff or outside of the HR Department.
 - 31 keys (14%) were in key rooms.
 - 14 keys (6%) were lost or had a non-specific location.
- The potential impact of this issue is greatly increased because the last time files were sent off-site was in 2009. All files received by HR for archiving after 2009 have been accumulating in this storage room.

Accessibility and Separation of Personnel Files and Medical Files Recommendations

- The City should improve security of the on-site storage location for archived files, or identify a different secure storage location, to ensure archived personnel files and medical files are only accessible to appropriate individuals.
- HR should develop and circulate to all departments procedures outlining the appropriate approach to separating and restricting access to personnel files and medical files to promote consistency and reduce the chances for non-compliance with statutes and regulations.

Accessibility and Separation of Personnel Files and Medical Files Response: Human Resources

Human Resources agrees with the findings. The following actions will be implemented by Human Resources to ensure employee personnel and medical file maintenance practices and Form I-9 processes are strengthened and maintained:

- Clarify expectations, standards, roles, responsibilities and processes to foster consistency and accuracy in the accessibility and separation of personnel files and medical files.
- Establish a Human Resource review process to ensure standards and processes are maintained.
- Work with Property Services to order locked filing cabinets for archived files and establish badge access point for HR storage room.
- Establish stronger protocol and controls for access to HR Storage Room. Monitor protocol to ensure controls and protocol are established and maintained.

Finding 3: I-9 Representative Awareness

Many Reps did not fully understand either their responsibilities or the risk resulting from not fulfilling those responsibilities. The gap in understanding is due to the infrequent and disorganized training requirements for Reps. This increases the City's risk for non-compliance with Form I-9 requirements, exposing it to potential penalties.

Testing Results

Interviews with a selected sample of Reps identified that the majority of sampled Reps did not have a clear understanding of their responsibilities regarding Form I-9. Internal Audit also found that the majority of sampled Reps did not have a clear understanding of the risks associated with Form I-9's either not being completed, or being completed inaccurately.

The results varied depending on the Department and the frequency with which the Reps went through the Form I-9 process. Those Reps that spent a larger proportion of their time working on Form I-9's showed greater knowledge of the process and of their responsibilities. There was a notable gap in knowledge with those Reps that only completed a few Form I-9's each year. In addition, although most Reps knew that the City would be at risk if the forms were not completed or were inaccurate, most did not know the specifics or the magnitude of the penalties that the City could face.

Representative Awareness Recommendations

- HR should implement a “continuing education” program for I-9 Representatives to increase awareness, in which the responsibilities and risks around this process are discussed in detail.

I-9 Representative Awareness Response: Human Resources

Human Resources agrees with the finding. The following actions will be implemented by Human Resources to ensure Form I-9 processes are strengthened and maintained:

- Clarify expectations, standards, roles, responsibilities and processes to foster compliance.
- Execute orientation and training process for human resource generalists, supervisors and Form I-9 representatives to foster compliance.
- Work with Form I-9 vendor to identify stronger controls for intervention purposes.
- Establish a Human Resource review process to ensure standards and processes are maintained.

Appendix A

Completeness of Personnel File and Medical File Testing Results

| Testing Sample | 311 | Convention Center | Finance | Human Resources | Police | Public Works |
|--------------------------------|----------|-------------------|-----------|-----------------|-----------|--------------|
| Testable | 3 | 21 | 25 | 9 | 28 | 21 |
| Archived/NA | 2 | 6 | 8 | 6 | 6 | 6 |
| New Employee | - | - | 1 | - | 1 | 3 |
| Intern/Temp/Outside Trades | - | 8 | 1 | 1 | - | 5 |
| Total Sampled Employees | 5 | 35 | 35 | 16 | 35 | 35 |

Results

This table illustrates the results of each department and category tested. Note: Because of City employees with long tenures, some items may have not been required to be included in the personnel files at points of time in the past. Additionally, some recent employee applications and performance evaluations are maintained electronically and not printed and added to paper files.

| Pass Rate - Contents of Employee Files Testable Sample | 311 | Convention Center | Finance | Human Resources | Police | Public Works |
|--|------|-------------------|---------|-----------------|--------|--------------|
| Both Personnel and Medical Files | 100% | 95% | 88% | 89% | 93% | 71% |
| Application | 67% | 76% | 60% | 22% | 79% | 71% |
| Hire Form | 100% | 71% | 56% | 78% | 86% | 86% |
| Offer Letter | 33% | 48% | 36% | 67% | 79% | 5% |
| Formal Disciplinary Section | 67% | 62% | 20% | 78% | n/a | 29% |
| Performance Evaluations | 33% | 90% | 76% | 89% | 89% | 19% |
| Healthcare Marketplace Notice | 0% | 0% | 0% | 0% | 4% | 0% |

Note: Police formal disciplinary actions were not reviewed because they were retained in separate files by Internal Affairs.

Appendix B

City of Minneapolis Human Resources Department Response



Human Resources
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TEL 612.673.2139
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Memorandum

To: Will Tetsell, City Auditor

cc: Kiril Vassiliev

From: Patience Ferguson, Chief Human Resources Officer

Date: January 12, 2016

Subject: City of Minneapolis Internal Audit Department
Response - Personnel and Medical File Maintenance Practices Audit Report

Thank you for the timely completion of the report. The audit, requested by Human Resources, evaluated the effectiveness of departmental personnel and medical record file maintenance. The Human Resources Department has reviewed the report and agree with the findings. Listed below is a summary of the findings, as well as actions that will be implemented by Human Resources to ensure employee personnel and medical file maintenance practices and Form I-9 processes are strengthened and maintained:

Finding 1: Existence and Completeness of Personnel Files and Medical Files

Action steps:

- Clarify expectations, standards, roles, responsibilities and processes to foster consistency and accuracy in the creation and on-going maintenance of personnel and medical files.
- Execute orientation and training process for human resource generalists, supervisors and personnel/medical representatives to foster compliance to local, state and federal employment laws and government data practices.
- Establish a Human Resource review process to ensure standards and processes are maintained.

Finding 2: Accessibility and Separation of Personnel Files and Medical Files

Action steps:

- Clarify expectations, standards, roles, responsibilities and processes to foster consistency and accuracy in the accessibility and separation of personnel files and medical files.
- Establish a Human Resource review process to ensure standards and processes are maintained.
- Work with Property Services to order locked filing cabinets for archived files and establish badge access point for HR storage room.
- Establish stronger protocol and controls for access to HR Storage Room. Monitor protocol to ensure controls and protocol are established and maintained.

Finding 3: I-9 Representative Awareness

Action steps:

- Clarify expectations, standards, roles, responsibilities and processes to foster compliance.
- Execute orientation and training process for human resource generalists, supervisors and Form I-9 representatives to foster compliance.
- Work with Form I-9 vendor to identify stronger controls for intervention purposes.
- Establish a Human Resource review process to ensure standards and processes are maintained.

Appendix C

Human Resources Personnel File Maintenance and Retention Audit of the Minneapolis Park and Recreation Board

Background

Personnel Files and Medical Files

The Minneapolis Park and Recreation Board's (MPRB) Human Resources Department (MPRB HR) handled and maintained all personnel and medical files for MPRB employees. At the time of hire, MPRB HR collected relevant documents and compiled the necessary folders and was then responsible for maintaining the files in a safe and orderly way. About one year ago, MPRB brought in an outside consultant to assist in the reorganization of personnel and medical files and to revise policies and procedures. MPRB HR had a filing procedures document to guide their work, and followed the best practices for management of personnel files issued by the League of Minnesota Cities.

All documents and files were kept in a locked room accessible by MPRB HR employees; all MPRB HR employees were cleared to view personal information such as medical records. Police files were kept in a separate cabinet. Documents were kept in the records room until the end of the five-year retention period, and were then destroyed. MPRB HR staff could recall only one instance in which folders and records left the storage area, when documents were temporarily sent to internal legal counsel.

Because medical files contain HIPAA data, access to them must be restricted. Additionally, personnel files and medical files need to be kept separately to prevent unauthorized access. MPRB HR kept medical files in a removable folder within the hanging file for each employee, per League of Minnesota Cities "Management of Personnel Files Memo".

Form I-9

MPRB created and maintained a Form I-9 for each MPRB employee. The Form I-9 is the Federal Government's Employment Eligibility Verification Form, and required MPRB to comply with several regulations.

Form I-9 responsibilities were delegated to hiring supervisors out in the field. Supervisors were responsible for ensuring that each employee completed the required Form I-9 sections and presented genuine and complete identification documents. There were over 120 supervisors responsible for creating and maintaining Form I-9's. MPRB recently established their own e-verify account, a Federal system used to verify employment eligibility, and were working to incorporate it into their processes.

Objective, Scope and Approach

The records maintenance audit was requested by HR, and was conducted as part of the Internal Audit Department's Fiscal Year 2015 Annual Audit Plan, as presented to the Audit Committee. MPRB was included at the request of Audit Committee Member Tabb.

Objective

The objective of the audit was to evaluate the effectiveness of departmental personnel and medical file maintenance.

Scope

The audit scope included:

- The existence of both a medical file and a personnel file.
- The contents of personnel files, specifically:
 - An application, a hire form, and a contract or offer letter in the personnel folder.
 - A performance evaluation in the performance folder.
 - A Healthcare Marketplace Notice.
- The physical location and accessibility of files.
- The I-9 Supervisors knowledge of their responsibility and the associated risks for MPRB.

Because the organization of files differed from City of Minneapolis files, a review for a formal disciplinary actions section was not part of this audit scope. Additionally MPRB HR maintained workers compensation documents in a separate group of group of files, which were not in the scope of our personnel file and medical file testing.

Approach

Internal Audit conducted a review of the processes for the operation and management of the personnel files and medical files, as well as the Form I-9 processes, for MPRB. Internal Audit met with Theresa Chaika, the head of MPRB HR, and Jennifer Swenson and Amy Radtke. Internal Audit also reviewed relevant statutes and regulations, including HIPAA Regulations and the Data Practices Act, as well as documents on best practices, including the League of Minnesota Cities Best Practices.

The personnel file and medical file testing focused on guidance on guidance from City of Minneapolis HR and MPRB HR on which documents were most critical. The sample of employees was selected in an effort to include employees of each employee type and employment status. Internal Audit tested active certified, seasonal, and temporary employees as well as terminated employees.

Form I-9 testing consisted of online questionnaires filled out by supervisors in MPRB who had responsibility for Form I-9 completion. Each interview was composed of the same questions aimed at gaining an understanding of each supervisor's knowledge of their responsibility and the associated risks for MPRB, the time that they spend on Form I-9 related work, and the challenges they face.

Audit Results and Recommendations

Personnel Files and Medical Files Maintenance Practices Review Results

Internal Audit identified a few issues with MPRB employee records that did not pose significant risks.

Testing Results

Internal Audit reviewed a sample of active and terminated employees selected from Comet/HRIS systems data based on employee hire, rehire and termination dates.

Temporary and seasonal employee personnel files were not expected to contain certain data, and these employees may not have a medical file. While MPRB had significantly more temporary and seasonal workers, the sample selected included more regular employees to permit better testing results. The retention period for terminated employee files was five years after termination.

| Testing Sample | MPRB |
|---------------------------|------|
| Testable | 19 |
| Temporary/Seasonal | 12 |
| Past Retention –Destroyed | 4 |
| Total Sampled Employees | 35 |

| Pass Rate - Contents of Employee Files Testable Sample | MPRB |
|--|------|
| Both Personnel and Medical Files | 100% |
| Application | 42% |
| Hire Form | 100% |
| Offer Letter or Contract | 58% |
| Formal Disciplinary Section | N/A |
| Performance Evaluations | 100% |
| Healthcare Marketplace Notice | 0% |

Testing notes and other observations

- No personnel files or medical files were missing.
- Applications – Only physical file contents were reviewed; more recent applications are created and maintained electronically.
- Formal Disciplinary Sections – The MPRB HR per its filing procedures maintained Formal Disciplinary files differently than the City of Minneapolis. As a result, the Formal Disciplinary Section test used in the review of City of Minneapolis files was not applicable to the MPRB.
- Healthcare Marketplace Notifications – MPRB HR stated that they recently started to work with Healthcare Marketplace Notices.
- Two employee records were retained past the retention period date, two months and fourteen months.

Finding 1: I-9 Representative Awareness

Most MPRB supervisors did not fully understand either their responsibilities or the risk resulting from not fulfilling those responsibilities. The gap in understanding is due to infrequent training requirements for supervisors on satisfying Form I-9 requirements. This increases MPRB’s risk for non-compliance with Form I-9 requirements, exposing it to potential penalties.

Testing Results

Survey results with a portion of MPRB supervisors identified that several did not have a clear understanding of their responsibilities regarding the Form I-9. Internal Audit also found that the majority of supervisors did not have a clear understanding of the risks associated with Form I-9’s either not being completed, or completed inaccurately. Only eleven percent of respondents noted that MPRB could be fined as a result, though most identified that an incomplete Form I-9 would delay or derail a hiring process.

There was great variation in the frequency with which supervisors completed a Form I-9, with five percent doing so weekly and fourteen percent less than once a year. The survey also showed a majority of supervisors would be interested in training on the Form I-9.

Representative Awareness Recommendations

- MPRB HR should implement a “continuing education” program for supervisors responsible for filing out the Form I-9 to increase awareness, in which the responsibilities and risks around this process are discussed in detail.
- MPRB HR should consider developing a process to concentrate Form I-9 responsibilities with fewer staff. This would improve the ease of training, and based on Internal Audit interviews with City of Minneapolis I-9 Representatives more frequent repetition promoted greater familiarity with requirements.

I-9 Representative Awareness Response: Minneapolis Park and Recreation Board Human Resources

Minneapolis Park and Recreation Board agrees with the findings and recommendations of the internal audit team for the HR Personnel and Medical Files Maintenance Practices Report.

- First recommendation response: In the 2016 budget the Park Board Commissioners approved a request to hire a trainer position. One of the first initiatives of the incumbent will be to work with HR staff and management on robust training for supervisors. This will include the responsibilities of the I-9 process.
- Second recommendation response: In 2016 the MPRB will expand its use e-verify. This will provide great clarity on who has I-9 responsibilities and allow for concentrated training.

Appendix D

Resources:

Laws Regarding Government Data –

<https://www.revisor.mn.gov/statutes/?id=13>

Best Practices for Personnel and Medical Files for MN Cities–

<http://www.lmc.org/media/document/1/managementofpersonnelfiles.pdf>

HIPAA Regulations – The Privacy Rule

<http://www.gpo.gov/fdsys/pkg/CFR-2014-title45-vol1/content-detail.html>

Federal Regulations – I-9 Forms

<http://www.ecfr.gov/cgi->

[bin/retrieveECFR?gp=&SID=584b7f304a5b08ccf5eb9ecb294484dd&mc=true&n=pt8.1.274a&r=PART&ty=HTML#sp8.1.274a.a](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=584b7f304a5b08ccf5eb9ecb294484dd&mc=true&n=pt8.1.274a&r=PART&ty=HTML#sp8.1.274a.a)