

PERSONNEL FILES	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
<b>Federal</b>	All employers	Applications, resumes, and other forms of employment inquiries, job advertisements, notices to the public or to employees regarding job openings, training programs and written training agreements, documents related to hiring, firing, transferring, assignment, demotions, promotions, and layoffs, payroll records, rates of pay or other terms of compensation, job descriptions, employment handbooks, notice of and criteria for selection for training or apprenticeship programs, employee evaluations, requests for reasonable accommodation, summaries of applicants' qualifications, lists of job criteria, interview records, identification of minority and female applicants, opportunities for OT. Records should be kept safe and accessible at the place or places of employment, or at an established central record-keeping office. Where records are not maintained at the place of employment, they must be made available upon 72 hours' notice.	4 years recommended	<ul style="list-style-type: none"> <li>• Title VII; 29 C.F.R. §§ 1602.7-1602.14, 1602.20-1602.21</li> <li>• Civil Rights Act of 1866 ; 42 U.S.C. § 1981</li> <li>• ADAAA ; 42 U.S.C. § 12117; 29 C.F.R. §§ 1602.7-1602.14</li> <li>• ADEA ; 29 U.S.C. § 626; 29 C.F.R. §§ 1627.2-1627.6, 1627.10-1627.11</li> <li>• EO 11246; 41 C.F.R. §§ 60-1.3, 60-1.7, 60-1.12</li> <li>• DBRA; 40 U.S.C. § 276a; 29 C.F.R. § 5.5(a)(3)</li> <li>• Rehabilitation Act of 1973 ; 29 U.S.C. § 793; 41 C.F.R. § 60-741.80</li> <li>• VEVRAA; 38 U.S.C. § 4212; 41 C.F.R. § 60-300.80</li> <li>• FLSA ; 29 U.S.C. § 211; 29 C.F.R. § 516</li> </ul>
<b>California</b>	All employers. Does not apply to employees who are covered by a valid collective bargaining agreement that specifies: wages, work hours and working conditions; procedures for reviewing and copying personnel records; premium wage rates for all OT hours worked; and a regular pay rate that is at least 30% higher than CA minimum wage.	Employers must keep a copy of employees' personnel records for at least 3 years after termination from employment. The personnel file provisions do not apply to criminal investigation records; letters of reference; or ratings and records obtained prior to employees' employment, prepared by specific examination committee members or obtained in connection with promotional examinations.	3 years	Cal. Lab. Code §§ 19.8, 79, 244, 1193.5, 1198.5
<b>Connecticut</b>	All employers	Employers that maintain personnel files must keep such files for at least 1 year after employees' termination. The personnel files provisions apply to documents, including e-mails, that employers use or have used to determine employment eligibility, promotions, compensation, transfers, terminations, discipline or other adverse actions. Employers that maintain employees' medical records must keep such records separate and retain the records for at least 3 years after employees' termination of employment.	1 year  3 years for medical records	Conn. Gen. Stat. §§ 31-1 to 31-2, 31-8, 31-69a, 31-128a to 31-128j
<b>Oregon</b>	All employers that pay remuneration for services that are provided under their direction. Employers that use temporary service providers aren't considered to be employers of temporary workers supplied by these providers.	Employers must keep employees' personnel records for at least 60 days after their employment is terminated. The personnel file provisions don't apply to records related to convictions, arrests or investigations for criminal misconduct; confidential reports from previous employers; or personnel records maintained in compliance with Oregon education law.	60 days	Coverage: Or. Rev. Stat. §§ 652.750, 656.005  Recordkeeping Requirements: Or. Rev. Stat. § 652.750

RECORDS RELATING TO EMPLOYMENT TESTS AND OPPORTUNITIES	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
<b>Federal</b>	All Employers	Personnel records relating to job orders submitted to employment agency or labor organization, test papers and documents related to employer-administered aptitude tests or other employment tests, physical examination results, interview notes, notices regarding openings, promotions, training programs, and opportunities for OT work.	4 years recommended; for compliance with the statutes listed, records must be retained for 1 year from date of personnel action to which record relates. Government contractors or subcontractors with fewer than 150 employees OR who do not have a government contract of at least \$150,000 must keep records for 1 year. All other covered contractors must keep records for 2 years.	<ul style="list-style-type: none"> <li>• ADEA; 29 C.F.R. § 1627.3(b)(1)</li> <li>• Rehabilitation Act; 41 C.F.R. § 60-741.80(a)</li> <li>• VEVRAA; 41 C.F.R. § 60-300.80(a)</li> <li>• EO 11246; 41 C.F.R. § 60-1.12(a)</li> </ul>

ONLINE/ INTERNET APPLICATION RECORDS	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
<b>Federal</b>	Employers with government contracts in excess of \$10,000.	<p>Any and all expressions of interest through the internet or related technologies as to which the employer or government contractor considered the individual for a particular position, such as on-line resumes or internal resume databases, records identifying applicants contacted about their interest in a particular position.</p> <p>If utilizing INTERNAL RESUME DATABASE, must maintain a record of each resume added to the database, the date added, the position for which each search of the database was made, and for each such search, the search criteria and date.</p> <p>If utilizing EXTERNAL RESUME DATABASE, must maintain a record of the position for which each search of the database was made, and for each search, the search criteria, the date of the search, and the resumes of the job seekers who met basic position qualifications.</p>	Government contractors or subcontractors with fewer than 150 employees OR who do not have a government contract of at least \$150,000 must keep records for 1 year. All other covered contractors must keep records for 2 years.	EO 11246; 41 C.F.R. §§ 60-1.3, 60-1.12

APPRENTICESHIP RECRUITMENT, HIRING, AND JOB PLACEMENT RECORDS	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
Federal	All employers	Applicant showing applicants' name, address date of application, sex, and minority status. Or a chronological list showing same test scores and interview. EEO-2 must also be filed.	4 years recommended; Under Title VII, 2 years after receipt or at the period of apprenticeship (whichever is longer).	29 C.F.R. §§ 1602.20-1602.21

APPRENTICESHIP PERSONNEL DATA	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
Federal	2 or more employees handling goods that moved in commerce	Apprenticeship agreements, certificates, names of employee covered by apprenticeship agreements, work records as apprentices, selection for apprenticeship, any record made exclusively for completing EEO-2 or similar report. EEO-2 must also be filed.	FLSA/EPA - 2 Years Title VII- 1 Year from date of record or employment action taken (whichever is later)	29 C.F.R. §§ 1602.20-1602.21

PAYROLL RECORDS	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
Federal	Employers covered under the enterprise coverage test or the individual employee coverage test. Some types of employers can be subject to enterprise coverage regardless of sales volume, including hospitals, nursing homes and public or private institutions that care for the sick, aged, mentally ill or disabled; preschools, elementary and secondary schools and institutions of higher education (both public or private), as well as schools for mentally or physically handicapped (or gifted or talented) children; and public agencies.	Employers must maintain records of each employee's name, address, DOB, sex and occupation, regular rate of pay, hours worked, wages paid, OT wages paid, any credits made against the minimum wage, any other documents kept in regular course of business relating to wages, wage rates, evaluations, job descriptions, merit systems, seniority systems, CBAs, description of practices which describe the basis for payment or any wage differential to employees of the opposite sex in the same establishment.  The FLSA requires employers to keep records of the beginning and ending hours and days of each employee's regular workweek; payments each received that were excluded from the employee's regular rate of pay; the wage rate basis used to determine straight-time earnings or wages for each pay period; deductions from each employee's wages; additions to wages; retroactive payments employees received because of government enforcements of back payment awards and the dates of each payment and the pay period covered by each payment.  The FLSA does not require a particular format for records or method of time keeping. The time-keeping system must be contained in aggregate in at least one location.	3 years	Coverage: FLSA, Title 29 U.S. Code § 205; 29 Code of Federal Regulations § 541 EPA; 29 C.F.R. § 1620.32  Recordkeeping Requirements: 29 CFR § 516

<b>Arizona</b>	<p>All employees are covered except those exempt from the AZ Minimum Wage Act, including any person employed performing babysitting services in the employer's home on a casual basis; any person employed by the state or federal government and any person employed in a small business grossing less than \$500,000 in annual revenue, if the small business is not covered by the FLSA.</p>	<p>Employers must keep records of employees' names/addresses; employees' identifying symbols or numbers if used on any time, work or payroll records; DOBs of employees younger than 19; employees' occupations; the time/day of the week on which the workweek begins; the regular hourly rate of pay for any workweek and an explanation of the basis of pay; the hours worked each day and total hours worked each week; total daily or weekly straight-time earnings or wages due for hours worked during the workday or week, exclusive of premium OT pay; total additions to or deductions from wages paid each pay period including employee purchase orders or wage assignments; total wages paid each pay period and date of payment and the pay period covered by that payment. Records also must be kept of the following: all time and earning cards; all wage rate tables or schedules that provide piece rates or other rates used in computing straight-time earnings, wages, commissions, salary or OT pay computations; records of additions to or deductions from wages paid and any written agreements relied on to calculate credits toward the minimum wage.</p> <p>Records must be kept at the place of employment or at one or more established central recordkeeping offices. The commission can waive the recordkeeping requirement for small employers that would be unreasonably burdened by the requirement. Small employers are defined as those that have less than \$500,000 in gross annual revenue.</p>	4 years	<p>Coverage: Ariz. Rev. Stat. § 23-362; Ariz. Admin. Code R20-5-1202; Ariz. H.B. 2579, L. 2016; Ariz. Secretary of State web site, 8/19/16</p> <p>Recordkeeping Requirements: Ariz. Rev. Stat. § 23-364; Ariz. Admin. Code R20-5-1209, R20-5-1210, R20-5-1220</p>
<b>Arkansas</b>	<p>All employees of employers with at least 4 workers are covered except those specifically exempt by statute.</p>	<p>Employers subject to the wage and hour laws must keep a record for 3 years of each employee's name, address, date of birth if under 19, gender and occupation, time of day/day of week on which the employee's workweek begins; rate of pay and of the amount paid the employee each pay period, total OT compensation total additions or deductions from wages paid; total wages paid each pay period and date of payment and the pay period covered by payment.</p>	3 years	<p>Coverage: Ark. Code Ann. § 11-4-203</p> <p>Recordkeeping Requirements: Ark. Code Ann. §§ 11-4-217, 11-4-218</p>
<b>California</b>	<p>All employees are covered, except those specifically exempt by wage order.</p> <p>Effective Jan. 1, 2016, professional cheerleaders performing more than once in a calendar year at the games and exhibitions of CA baseball, basketball, football, ice hockey or soccer minor or major league professional sports teams are to be classified as employees.</p>	<p>Employers are required to keep a copy of the statement and the record of deductions on file for at least 3 years at the place of employment or at a central location within the state of CA. The term copy includes a duplicate of the itemized statement provided to an employee or a computer-generated record that accurately shows all of the information that existing law requires to be included in the itemized statement.</p>	3 years	<p>Coverage: Cal. Code Regs. tit. 8, § 11010; Cal. Lab. Code §§ 226, 1198, 2810.5</p> <p>Recordkeeping Requirements: Cal. Lab. Code §§ 353, 1174, 1198, 2810.5</p>

<b>Colorado</b>	<p>All employees of employers with at least 4 workers are covered except those specifically exempt by statute. Among those exempt include babysitters and domestic service employees in private residences; students employed by sororities/fraternities; employees working in laundries of charitable institutions that pay no wages to workers and inmates; and bona fide volunteers.</p>	Employers must keep a record for at least 2 years of each employee's name, address, SSN, occupation, date of hire, DOB if the employee is younger than 18, daily hours worked, allowable credits and declared tips, regular rate of pay, gross wages, withholding and net pay.	2 years	<p>Coverage: 7 Colo. Code Regs. § 1103-1; Colo. Rev. Stat. § 8-4-101; Minimum Wage Order 32; Department of State news release, 8/11/2016</p> <p>Recordkeeping Requirements: 7 Colo. Code Regs. § 1103-1, 1103-7</p>
<b>Illinois</b>	<p>All employees 18 and older working for employers with at least 4 employees are covered except those specifically exempt by statute. Effective Jan. 1, 2017, domestic workers are considered employees.</p>	Employers must keep records for at least 3 years of the name, address, occupation, rate of pay, the amount paid each pay period, and the hours worked each day in each workweek by each employee. Day and temporary labor service agencies must keep and maintain for 3 years detailed records relating to every day laborer's work and such records must be open to inspection by the DOL during normal business hours. Records relating to an individual worker and any hours billed to third-party clients for the worker's labor must be available for review/copying by the worker within 5 days after a written request is made. Workers employed at the learner rate must be designated as such on the payroll records.	3 years	<p>Coverage: 820 Ill. Comp. Stat. 105/3, 105/4; Ill. H.B. 1288, L. 2016; Ill. H.B. 3554, L. 2016</p> <p>Recordkeeping Requirements: 820 Ill. Comp. Stat. 105/8, 175/12</p>
<b>Kansas</b>	<p>All employees are covered except those specifically exempt by statute; among those exempt include but are not limited to agricultural workers; and part-time workers 18 or younger and 60 or older.</p>	Employers must keep for 3 years a record of the name, occupation, the rate of pay, the amount paid each pay period, and the hours worked each day and each workweek by each employee. In lieu of the records required under state law, any employer who is covered under the provisions of the FLSA may keep and maintain the records required under the FLSA.	3 years	<p>Coverage: Kan. Stat. Ann. § 44-1202</p> <p>Recordkeeping Requirements: Kan. Stat. Ann. § 44-1209</p>
<b>Kentucky</b>	<p>All employees are covered except those specifically exempt by statute. Among those exempt include but are not limited to agricultural workers; employees of retail stores, hotels, motels, and restaurants with average annual sales of less than \$95,000 for the preceding 5 years; individuals employed by a third party or agency that provides in-home companionship services for a sick, convalescing or elderly person and certain emergency employees.</p>	Employers must keep a record of the amount paid each pay period and the hours worked each day and each week by each employee. These records must be kept for at least 1 year and be open to inspection and transcription by the Labor Department.	1 year	<p>Coverage: Ky. Rev. Stat. Ann. § 337.010</p> <p>Recordkeeping Requirements: Ky. Rev. Stat. Ann. § 337.320</p>

<b>Maryland</b>	<p>All employees are covered except those specifically exempt by statute. Among those exempt include but are not limited to certain agricultural employees, volunteers for educational, charitable, religious and nonprofit organizations, employees younger than 16 working fewer than 20 hours a week, employees enrolled as trainees as part of a public school special education program, nonadministrative employees of organized camps, certain establishments selling food and drink for consumption on the premises grossing less than \$400,000 annually, drive-in theaters and establishments engaged in the first canning, packing or freezing of fruits, vegetables, poultry or seafood.</p>	<p>Employers must keep records for 3 years of: the name, address, occupation, the rate of pay, the amount paid each pay period, and the hours that each employee works each day and each workweek. Labor department representatives may enter a place of employment to inspect and copy these records.</p>	3 years	<p>Coverage: Md. Code Ann., Lab. &amp; Empl. § 3-403</p> <p>Recordkeeping Requirements: Md. Code Ann., Lab. &amp; Empl. §§ 3-424, 3-425</p>
<b>Massachusetts</b>	<p>All employees are covered except those specifically exempt by statute. Among those exempt include but are not limited to agricultural workers and independent contractors.</p>	<p>Employers must keep records of all employees' names, addresses and occupations; the amounts paid each pay period; and the hours worked each day and each week. Records must be kept for at least 3 years and must be available for inspection and copying by authorized state officials.</p>	3 years	<p>Coverage: Mass. Gen. Laws ch. 151, § 2; ch. 149, § 148B</p> <p>Recordkeeping Requirements: Mass. Gen. Laws ch. 151, §§ 2, 15</p>
<b>Michigan</b>	<p>All employees 16 and older of employers with 2 or more employees within a year are covered except those specifically exempt by statute.</p> <p>Effective Feb. 23, 2016, the meaning of employer is amended to specify that a franchisee is considered to be the sole employer of workers for whom the franchisee provides a benefit plan or pays wages, except as otherwise specified in a franchise agreement.</p>	<p>Employers must maintain for 3 years records of each employee's name, address, birth date, classification, rate of pay, total hours worked in each pay period, total wages paid, total compensatory time earned and fringe benefits awarded.</p> <p>Employers must provide each employee with a statement of the hours worked by the employee and of the wages paid to the employee, listing deductions made each pay period.</p> <p>Employers must provide, upon demand, a sworn statement of the wage information.</p>	3 years	<p>Coverage: Mich. Comp. Laws §§ 408.411, 408.412, 408.413, 408.414; Mich. H.B. 5071, L. 2016; 3/1/16, contact with the office of the bill's sponsor, Rep. Pat Somerville.</p> <p>Recordkeeping Requirements: Mich. Comp. Laws §§ 408.417</p>

<b>Minnesota</b>	<p>All employees are covered except those specifically exempt by statute. Among those exempt include but are not limited to babysitters; seasonal workers in carnivals, circuses, fairs or ski facilities and seasonal workers in some organized resident or day camps; volunteers of nonprofit organizations; individuals younger than 18 working less than 20 hours per workweek for a municipality as part of a recreational program.</p>	<p>Employers must keep a record of the name, address and occupation of each employee; the rate of pay and the amount paid each pay period to each employee; and the hours worked each day and each workweek by each employee. The records must be kept for 3 years at or near the premises where employees work.</p>	3 years	<p>Coverage: Minn. Stat. § 177.23</p> <p>Recordkeeping Requirements: Minn. Stat. § 177.30</p>
<b>Missouri</b>	<p>All employees are covered except those specifically exempt by statute.</p> <p>Effective Aug. 28, 2016, a taxicab driver is not to be considered to be an employee of the company that leases the taxicab to the driver unless it is shown that the driver is an employee of that company by application of the IRS's 20-factor right-to-control test.</p>	<p>Employers must keep records of each employee's name, address, occupation and pay rate; the amount paid each employee each pay period; the hours worked each day and each workweek by each employee and any goods or services provided by the employer to employees. The records must be kept for at least 3 years and must be open for inspection by the Department of Labor and Industrial Relations by appointment.</p>	3 years	<p>Coverage: Mo. Rev. Stat. §§ 290.500, 290.507; Mo. S.B. 702, L. 2016</p> <p>Recordkeeping Requirements: Mo. Rev. Stat. § 290.520, Mo. Code Regs Ann. tit. 8, §30-4.060</p>
<b>New York</b>	<p>All employees are covered except those specifically excluded by statute.</p>	<p>Every employer must keep records for 6 years of the hours worked by and the wages paid to each employee. Employers must keep the records on an ongoing basis and may not make up the records after the fact or at the end of the week, month or year. Employers must keep the records open to inspection by the Labor Department and must permit the department to question any employee about wages paid to and the hours worked by the employee or other employees.</p> <p>For each week worked, payroll records must contain regular and OT hours worked, regular and OT pay rates, how the employee is paid, gross and net wages, itemized deductions and itemized allowances and credits claimed by the employer. Piece rate pay must show what rates apply and the number of pieces at each rate.</p>	6 years	<p>Recordkeeping Requirements: N.Y. Lab. Law § 195, 661, 663; N.Y. Gen. Bus. Law § 399-H; N.Y. Comp. Codes R. &amp; Regs. tit. 12, § 142-2.6</p>

<b>Oregon</b>	All employees are covered except those specifically exempt by statute.	Employers must maintain and preserve for at least 2 years payroll or other records containing the following information about each employee: name in full; address; DOB if younger than 19; occupation; time of day and day of week on which the employee's workweek begins; regular hourly rate of pay for any workweek in which OT is due, and an explanation of the basis of pay; hours worked each workday and hours worked each workweek; total daily or weekly straight-time earnings or wages due, exclusive of OT payments; total premium pay for OT hours; total additions to or deductions from wages paid each pay period, including wage assignments; total wages paid each pay period and date of payment and pay period covered.	2 years	Coverage: Or. Rev. Stat. §§ 651.060; 653.010; 653.020; 653.025; 653.040; O.A.R. 839-020-0004; Ore. H.B. 3059, L. 2015; Ore. S.B. 1532, L. 2016  Recordkeeping Requirements: Or. Rev. Stat. § 653.045; Or. Admin. Code § 839-020-0080
<b>Pennsylvania</b>	All employees are covered except those specifically exempt by statute; among those exempt include but are not limited to farm laborers (other than seasonal farm workers).	Every employer must keep a record for at least 3 years of the hours worked by each employee and the wages paid to each. The records must be open for inspection by the Department of Labor at any reasonable time.	3 years	Coverage: 43 Pa. Stat. § 333.105  Recordkeeping Requirements: 43 Pa. Stat. § 333.108
<b>Rhode Island</b>	All employees are covered except those specifically exempt by statute.	Employers must keep for 3 years a record of the name, address and occupation of all employees; the rate of pay and the amount paid each pay period to all employees; and the hours worked each day and each work week by all employees. The records must be open for inspection or transcription by the Department of Labor and Training at any reasonable time.	3 years	Coverage: R.I. Gen. Laws § 28-12-2  Recordkeeping Requirements: R.I. Gen. Laws § 28-12-12
<b>Utah</b>	All employees are covered except those specifically exempt by statute.  Effective May 10, 2016, a franchisor will not be considered to be an employer of a franchisee or a franchisee's employees unless the franchisor exercises a type or degree of control over the franchisee or its employees not customarily exercised by a franchisor.	Employers must keep payroll records of employees showing names, addresses, and dates of birth, as well as hours worked and wages paid. Records must be maintained for 3 years.	3 years	Coverage: Utah Code Ann. §§ 34-40-104, 34-20-14  Recordkeeping Requirements: Utah Code Ann. § 34-40-201
<b>Virginia</b>	All employees of employers with at least 4 workers (including the employer's spouse, parent, or child) are covered except those specifically exempt by statute.	Each employing unit must maintain and keep for 4 years employee records that include names; employee SSN; the state or states in which services are performed; DOH, rehire, or return to work after a temporary lay off; the date when work ceased and the reason for cessation; scheduled hours (except for workers without a fixed schedule); total wages paid each pay period and total wages payable for all pay periods in each quarter, showing separately money wages, including tips and dismissal or severance pay, and the cash value of other remuneration; any special payments for service such as annual bonuses, gifts, or prizes; amounts paid employees as advances, allowances, or reimbursements for traveling or other business expenses, dates of payment, and the amount of expenditures actually incurred and accounted for by employees; and the location in which services are performed.	4 years	Coverage: Va. Code Ann. § 40.1-28.9  Recordkeeping Requirements: 16 Va. Admin. Code § 5-32-10



<b>West Virginia</b>	All employees of employers with six or more workers in one location or establishment (unless 80 % of the workers are covered under the FLSA) are covered except those specifically exempt by statute.	Every employer must keep records for 5 years of: employee names and addresses, employee job title or classification, rates of pay, employee date of birth if younger than 18, documentation of employee legal status or authorization to work, hours of employment, payroll deductions and total amounts paid each employee each pay period.	5 years	Coverage: W.Va. Code § 21-5C-1; W.Va. Code St. R. § 42-8-8  Recordkeeping Requirements: W.Va. Code St. R. § 42-5-5
<b>Wisconsin</b>	All employees are covered with the exception of outside salespersons who are exempt from the state's minimum wage law.	Employers must keep permanent records for at least 3 years available for inspection and transcription by the Department of Workforce Development showing the names and addresses of all employees and their work hours and wages. Employers are exempt from the requirement to keep records of the number of hours worked by salaried employees who are not eligible to receive OT payments.	3 years	Wis. Stat. Ann. §§ 104.001 to 104.04  Recordkeeping Requirements: Wis. Admin. Code § 274.06
<b>Wyoming</b>	All employees are covered except those specifically exempt by statute.	Employers must keep for at least 2 years a record of the name, address and occupation; the rate of pay and the amount paid each pay period to each employee and the hours worked each day and each work week by each employee.	2 years	Coverage: Wyo. Stat. Ann. § 27-4-201  Recordkeeping Requirements: Wyo. Stat. Ann. § 27-4-203

<b>WAGE DIFFERENTIAL</b>	<b>Coverage</b>	<b>Recordkeeping Requirements</b>	<b>Retention Period</b>	<b>Reference Citations</b>
<b>Federal</b>	All employers	Records that explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment.	2 Years	29 C.F.R. § 1620.32; 29 C.F.R. § 516.6
<b>GENERAL BUSINESS RECORDS</b>	<b>Coverage</b>	<b>Recordkeeping Requirements</b>	<b>Retention Period</b>	<b>Reference Citations</b>
<b>Federal</b>	Employers subject to the FLSA	Records showing total dollar volume of sales or business, and total volume of goods purchased or received during such periods as maintained in the ordinary course of business.	3 Years	29 C.F.R. § 516.5 (c)
	Employers subject to the FLSA	Records of customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (not including individual sales slips, cash register tapes or the like) which the employer retains or makes in the usual course of business operations.	2 Years	29 C.F.R. § 516.6 (b)
<b>MINOR EMPLOYEES</b>	<b>Coverage</b>	<b>Recordkeeping Requirements</b>	<b>Retention Period</b>	<b>Reference Citations</b>
<b>Federal</b>	Employers subject to the FLSA	Certificates of age that include name, address, date of birth, place of birth, signature, and gender of minor, name and address of employer, industry of employer, occupation of minor, signature of issuing officer, date and place of issuance, and name and address of minor's parent or person standing in that position should be preserved.	3 years from termination of employment	FLSA; 29 C.F.R. §§ 516, 570.5

<b>Alabama</b>	The law covers employment of minors ages 14 to 18.	Employers must keep a completed employee information form, proof of age, electronic or photocopy of time records on the premises where minors are employed going back 60 days before the last day each minor employee worked showing the hours worked each day, starting and ending times, and break times.  These records must be kept either on the premises or at a central location for at least one year after the last day worked by minor employees.	60 days	Coverage: Ala. Code §§ 25-8-33, 25-8-35  Recordkeeping Requirements: Ala. Code §§ 25-8-38, 25-8-45
<b>Alaska</b>	The law covers employment of minors under age 18. Minors under age 14 can be employed in only certain jobs such as newspaper delivery and babysitting.	Employers must keep for at least 3 years records containing each employee's name, address, occupation, work hours (daily and weekly), and wage rates. Employers must also retain proof of age for all minor employees.	3 years	Coverage: Alaska Stat. § 23.10.335; Alaska Admin. Code, tit. 8, § 05.010  Recordkeeping Requirements: Alaska Stat. § 23.10.100; Alaska Admin. Code, tit. 8, § 05.280
<b>Arkansas</b>	The law covers employment of minors ages 14 to 18. Minors are prohibited from working in certain occupations.  Minors ages 16 to 18 are exempt from the child labor provisions if: they are graduates of high schools, vocational schools or technical schools, they are married or they are parents.	Employers must maintain records for workers younger than 18 that include their full name, address, date of birth, occupation, rate of payment, days and hours worked and copies of employment certificates or entertainment work permits. Records must be retained for 3 years. All records must be open for inspection or transcription by the Labor director during normal business hours at the place of employment.	3 years	Coverage: Ark. Code §§ 11-6-102, 11-6-104, 11-6-105, 11-12-104; Child Labor Administrative Regulations 2.101  Recordkeeping Requirements: Child Labor Administrative Regulations 2.600, 2.601, 2.602
<b>California</b>	The law covers employment of minors younger than 18 who are required to attend school and all minors younger than six.	Employers must keep records of all minor employees containing names, addresses, and dates of birth, as well as time and payroll records. When requested, employers must give this information to the Division of Labor Standards Enforcement. Employers that employ student-learners must keep copies of written agreements with the other employment records. Employers must keep on file all work permits and certificates.	3 years recommended	Coverage: Cal. Lab. Code § 1286  Recordkeeping Requirements: Cal. Lab. Code § 1174, 1175, 1295, 1299, 1174, 1175; Cal. Educ. Code §§ 49161, 49164, 49181
<b>Florida</b>	The law covers employment of minors younger than 18, unless they are or were married; their disability of nonage has been removed by a court; they are serving or have served in the United States Armed Forces, a court has found that it is in the minor's best interest to work or they have graduated from an accredited high school or hold a high school equivalency diploma.	Employers must keep for the duration of their employment proof of age for all minor employees. This requirement is satisfied by the following: a photocopy of the child's birth certificate, a photocopy of the child's driver's license, a photocopy of the child's identification card issued by the Florida Department of Highway Safety and Motor Vehicles, an age certificate issued by the district school board or a photocopy of a passport or visa.	Duration of employment	Coverage: Fla. Stat. §§450.012, 450.021, 562.13; Fla. Admin. Code Ann. r. 61L-2.002, -2.005, -2.006  Recordkeeping Requirements: Fla. Stat. § 450.045; Fla. Admin. Code Ann. r. 61L-2.003

<b>Georgia</b>	The law covers employment of minors under age 18. Minors under age 12 cannot be employed, except for certain industries such as agriculture or domestic service in private homes.	Employers must keep copies of employment certificates and letters.	For minors between 12 and 16, employers must return employment certificates to the issuing officer within 5 days of the date of termination. When employment of minors between ages 12 and 16 has not been terminated, but the minors have failed to appear for work for a period of 30 days, employers must return the employment certificate to the issuing officer within 5 days of the date of the expiration of the 30-day period.	Coverage: Ga. Code Ann. §§ 39-1-1, 39-2-1, 39-2-2, 39-2-9  Recordkeeping Requirements: Ga. Code Ann. §§ 39-2-11, 39-2-13
<b>Hawaii</b>	The law covers employment of minors under age 18, except for minors employed by their parents or legal guardians; in connection with the sale or distribution of newspapers; in domestic service in or about a private home; as golf caddies; or by any religious, charitable, or nonprofit organization.	Employers must keep on file employment and age certificates for all employees under age 18.	On termination of employment, employers must return age certificates to the department immediately.	Coverage: Haw. Rev. Stat. § 390-2; Haw. Admin. Rules §§ 12-25-33 to 58  Recordkeeping Requirements: Haw. Rev. Stat. §§ 390-2, 390-3
<b>Illinois</b>	The law covers employment of minors younger than 16, except for minors working in agricultural pursuits, selling and distributing magazines and newspapers when school is not in session, working in private homes outside school hours so long as that work is not connected with the work of their employers, caddying at a golf course if they are older than 12 or 14 or 15-year-olds working in federally funded work experience career education programs directed by the state board of education.	Employers must keep on file employment certificates for all employees younger than 16 and a register containing names, addresses and ages of all employees 14 to 16.	Upon termination of employment, employers must immediately return employment certificates to the issuing officers.	Coverage: 820 Ill. Comp. Stat. 205/1, 205/2, 205/7  Recordkeeping Requirements: 820 Ill. Comp. Stat. 205/6, 205/13

<b>Kansas</b>	The law covers employment of minors under age 18, except for those employed by their parents in nonhazardous occupations; in domestic service; in casual labor in or around a private home; in delivery/messenger work; in delivery of newspapers or shopping news; in agricultural, horticultural, livestock, or dairying pursuits; and as actors.	Employers must keep work permits on file for employees under age 16. If minors are enrolled in or attending secondary school within the state, work permits are not required.	On termination of the employment of a minor whose work permit is on file, the employer must return the permit within 2 days to the issuing official.	Coverage: Kan. Stat. Ann. §§ 38-601, 38-602, 38-614; Kan. Admin. Regs. §§ 49-1-50, 49-1-51  Recordkeeping Requirements: Kan. Stat. Ann. § 38-604
<b>Louisiana</b>	The law covers employment of minors younger than 18. Minors younger than 14 cannot be employed, except for certain occupations.	Employers must keep on file employment certificates for all minors they employ. Certificates must be accessible on the job site or in the immediate area of the work location. Employers must return employment certificates to the issuing officer within 3 days after the termination of a minor's employment.	Employers must keep on file employment certificates for all minors they employ. Employers must return employment certificates to the issuing officer within 3 days after the termination of a minor's employment.	Coverage: La. Rev. Stat. Ann. §§ 23:151, 23:161, 23:162, 23:163; La. Admin. Code tit. 40, §§ VII.101 to VII.535  Recordkeeping Requirements: La. Rev. Stat. Ann. §§ 23:182, 23:187
<b>Massachusetts</b>	The law covers employment of minors younger than 18. Minors younger than age 14 generally cannot be employed, except for certain occupations.	Employers must keep a list of all minor employees and post their schedules. Employers must keep on file employment permits from all employees ages 14 to 18.	No set duration after employment. Recommended 3 years	Coverage: Mass. Gen. Laws ch. 149, §§ 61, 62, 86  Recordkeeping Requirements: Mass. Gen. Laws ch. 149, §§ 86
<b>Michigan</b>	The law covers employment of minors younger than 18. The child labor laws do not apply to minors age 16 or older who have graduated high school or have obtained high school equivalency certificates, minors age 17 or older who have passed the general educational development test and minors who have been emancipated. Before hiring such minors, employers must obtain verification of the certification from the school attended confirming completion of graduation or certification requirements and keep this documentation on file.	Employers must keep on file work permits for all minor employees. Employers must keep on file records containing the number of hours worked by minors each day of the week, daily starting and ending times and other information required by the department. Employers that employ minors age 16 or older who have graduated high school or obtained a high school equivalency certificate must keep on file school certifications verifying that minors have graduated. Employers that employ minors age 17 or older who have passed the general educational development test must keep on file proof that the test was passed. Employers that employ emancipated minors also must keep on file proof of emancipation.	1 year	Coverage: Mich. Comp. Laws §§ 409.102, 409.103, 409.116, 409.117; Mich. Admin. Code r. 408.6201 to 408.6209  Recordkeeping Requirements: Mich. Comp. Laws §§ 409.113, 409.116, 409.117

<b>Missouri</b>	The law covers employment of minors under age 16. Minors under age 16 however cannot be employed, except for certain occupations.	Employers must keep for 2 years a record of the names, addresses, ages of minor employees, and times/ hours worked by minors each day.  Employers must keep work permits or work certificates on file for minor employees. Work certificates must be kept on file for 2 years. On termination of employment, employers must send work certificates or work permits to the issuing officer.	2 years	Coverage: Mo. Rev. Stat. §§ 294.005, 294.021, 294.040, 294.043  Recordkeeping Requirements: Mo. Rev. Stat. §§ 294.060, 294.090
<b>New Jersey</b>	The law covers all employees under age 19. Minors under age 14 cannot be employed, except for certain occupations.	Employers must keep records for 1 year of all employees under age 19 on a form approved by the Department of Labor that includes: names and addresses, dates of birth, amount of wages paid, number of hours worked each day, beginning and ending work hours for each week, and beginning and ending times for meal or break periods. Employers must keep on file employment certificates, vacation certificates, or special work permits for all minor employees under age 18.	1 year	Coverage: N.J. Stat. Ann. §§ 34:2-21.2, 34:2-21.17  Recordkeeping Requirements: N.J. Stat. Ann. §§ 34:2-21.6, 34:2-21.14
<b>North Carolina</b>	The law covers employment of minors younger than 18. Minors younger than 14 cannot be employed, except for certain occupations.  The law does not apply to employers and employees subject to the FLSA, except for the certificate requirements and the prohibition from working in hazardous occupations.	Employers must maintain and keep records for all minor employees that include wages paid and dates and hours worked. Employers must keep employment certificates on file for all minors while employed and for 2 years after termination of employment.	2 years	N.C. Gen. Stat. § 95-25.5; N.C. Admin. Code tit. 13, r. 12.0401, 12.0403  Mandatory Poster: N.C. Gen. Stat. § 95-25.15  Administration/Enforcement: N.C. Gen. Stat. §§ 95-25.15, 95-25.16  Penalties/Remedies: N.C. Gen. Stat. §§ 14-3, 95-25.21, 95-25.23, 95-25.23A
<b>Oregon</b>	The law covers employment of minors younger than 18.	Employers must keep for at least 2 years records of the following: names of all minor employees, identifying symbols or numbers for minor employees if used in place of their names on any time, work, or payroll records, home addresses, dates of birth, sexes and occupations of minor employees, time of day and day of week on which workweek begins for minor employees, hours worked each workday and total hours worked each workweek, and dates minors became employed and dates employment terminates. Employers must keep on file annual employment certificates and a complete list of all minors employed.	2 years	Or. Rev. Stat. § 653.310; Or. Admin. R. 839-021-0170, -0175
<b>Virginia</b>	The law covers employment of minors younger than 18.	Employers must keep records on minor employees younger than 16 for 36 months. These records must indicate the minors' names, their starting and ending work times, and the times allowed for meal and rest periods.	36 month	Coverage: Va. Code Ann. §§ 40.1-78, 40.1-79.01, 40.1-89, 40.1-100 to 40.1-100.2; 16 Va. Admin. Code §§ 15-40-10, 15-40-50  Recordkeeping Requirements: Va. Code Ann. § 40.1-81.1
<b>Wisconsin</b>	The law covers employment of minors under age 18.	Employers must keep for at least 3 years records of minor employees that include: their names, addresses, and DOB; their beginning and ending employment dates; their beginning and ending work and meal times; their total daily and weekly hours worked; each employee's output if paid on other than an hourly basis; rate of pay and wages paid each payroll period; and the amounts and reasons for deductions from wages (if applicable).	3 years	Recordkeeping Requirements: Wis. Stat. § 103.74; Wis. Admin. Code § 270.09

<b>FEDERAL CONTRACTORS &amp; SUBCONTRACTORS, FEDERAL SERVICE CONTRACTS</b>	<b>Coverage</b>	<b>Recordkeeping Requirements</b>	<b>Retention Period</b>	<b>Reference Citations</b>
<b>Federal</b>	Employers who have entered into contracts with the federal government with the principal purpose of furnishing services in the U.S. through "service employees." Contracts must be in excess of \$2,500.	Records containing any of the following information for each employee: name, address, social security number, work classification, rate of monetary wages and fringe benefits provided (or payments in lieu of benefits), total daily and weekly compensation, deductions, rebates, or refunds from wages, daily and weekly hours worked, list of wages and benefits for those classes of service employees not included in wage determination for each contract, and list of predecessor contractor's employees furnished to the contractor.	3 years from completion of work on the contract	29 C.F.R. § 4.6 (g)
<b>EEO-1 REPORTS</b>	<b>Coverage</b>	<b>Recordkeeping Requirements</b>	<b>Retention Period</b>	<b>Reference Citations</b>
<b>Federal</b>	Government contractor that has 50 or more employees, is a prime contractor or first tier subcontractor, has a contract, subcontract or purchase order amounting to \$50,000 or more.	Data relating to gender and race/ethnicity in certain job groupings. In 2018, pay data will be required	1 year ( keep the one most recently filed on file)	EO 11246; 41 C.F.R. § 60–1.7
	Every employer with 100+ employees			Title VII; 29 CFR 1602.7
<b>VETS-100A REPORTS</b>	<b>Coverage</b>	<b>Recordkeeping Requirements</b>	<b>Retention Period</b>	<b>Reference Citations</b>
<b>Federal</b>	Government contractors with a contract amounting to \$100,000 or more entered on or after December 1, 2003.	Government contractors must complete and submit a Veterans Employment Report to the Secretary of Labor between August 1 and September 30 every year. Contractors can e-file at <a href="http://www.dol.gov/vets/">http://www.dol.gov/vets/</a> . Contractors with more than 10 locations have special filing instructions under 41 C.F.R. § 60-300.1. Records containing protected veteran status should be kept separate from basic personnel records that are available to those responsible for personnel decisions	1 year	VEVRAA; 41 C.F.R. § 60-300.1 & 41 C.F.R. § 60-300.2; 38 U.S.C.A. 4212(d)

SELF-IDENTIFICATION OF APPLICANTS AND EMPLOYEES BY FEDERAL CONTRACTORS	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
Federal	EEO 11246 and the Rehab. Act applies to employers with government contracts in excess of \$10,000. VEVRAA applies to employers with a government contract of \$100,000 or more entered after December 1, 2003.	<p>Contractor must invite employees or applicants to identify the gender, race, and ethnicity and must supply this information to the Office of Federal Compliance Programs upon request; Contractor must invite employees and applicants to inform the contractor if the applicant believes that he has a disability using the language and manner prescribed by the Director and published on the OFCCP web site. Contractor must invite applicant to inform contractor if applicant believes that he is a protected veteran who may be covered by the Act. Contractor must invite applicant to inform contractor if believes that he is in a more specific category of protected veteran under 41 CFR part 61-300. The invitation shall state that the contractor is a contractor required to take affirmative action to employ and advance in employment protected veterans pursuant to the Act and must summarize relevant portions of the Act and the contractor's affirmative action program. Invitation must state that the information requested is being requested on a voluntary basis, will be kept confidential, and refusal to provide it will not subject the applicant to adverse treatment. Contractor must invite applicant to state if accommodation is necessary if he is a disabled veteran. Government contractors must invite their employees to voluntarily self-identify as an individual with a disability every 5 years and, between the five-year invitations, remind them that they may voluntarily update their disability status. Records containing gender, racial, or ethnic identity and disability or protected veteran status should be kept separate from employee's basic personnel records that are available to those responsible for personnel decisions.</p>	2 years from the date of the making of the record or personnel action 1 year for contractors with fewer than 150 employees or contract of less than \$150,000	EO 11246; 41 C.F.R. §§ 60-1.3, 60-1.12(c) Rehabilitation Act; 41 C.F.R. §§ 60-741.42, 60-741.80(a) VEVRAA; 41 C.F.R. §§ 60-300.42, 60-300.80(a)
MISC. DOCUMENTS, INCLUDING AGREEMENTS, CONTRACTS, CERTIFICATES, BENEFITS	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
Federal	All Employers	Employer must keep certificates, agreements, plans, notices, collective bargaining agreements, trust, employment contracts, individual contracts, and summaries of oral contracts. Any documents kept in regular course of business relating to wages, wage rates, job evaluations, job descriptions, merit systems, seniority systems, collective bargaining agreements, description of practices or other matters which describe or explain the basis for payment or any wage differential to employees of the opposite sex in the same establishment.	3 years from end of plan or system	FLSA; 29 C.F.R. § 516.5 EPA; 29 C.F.R. § 1620.32

AAP	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
<b>Federal</b>	<p>These requirements under EO 11246 and the Rehabilitation Act apply to government contractors or subcontractors with more than 50 employees and a single contract in the amount of \$50,000 or more.</p> <p>These requirements under VEVRAA apply to government contractors or subcontractors with more than 50 employees and a single contractor in the amount of \$100,000 or more. Any financial institution that serves as a federal depository is also subject to these requirements.</p>	<ul style="list-style-type: none"> <li>• Written affirmative action plan for each establishment for Females &amp; Minorities including supporting documentation and all required components, such as organizational profile, job group analysis, availability determination, comparison of incumbents to availability, placement goals, designation of responsibility, identification of problem areas, action-oriented programs, and internal auditing and reporting system.</li> <li>• Written affirmative action plan for each establishment for Individuals with a Disability and Protected Veterans, including supporting documentation and all required components, such as policy statement, review of personnel processes, review of physical and mental qualifications, reasonable accommodation practice, harassment policy, internal dissemination of policy, responsibility for implementation, and training.</li> <li>• Analysis of employment activity</li> </ul>	<p>For all other records, 2 years from the date of the making of the record or personnel action OR</p> <p>1 year for contractors with fewer than 150 employees or contract of less than \$150,000</p>	<p>EO 11246; 41 C.F.R. §§ 60-1.12(c), 60-2.10 through 60-2.17</p> <p>Rehabilitation Act; 41 C.F.R. §§ 60-741.44, 60-741.80(a)-(b)</p> <p>VEVRAA; 41 C.F.R. §§ 60-300.44, 60-300.80(a)-(b)</p>
		<p>Required outreach and recruitment efforts for individuals with a disability and protected veterans, assessment of outreach and recruitment efforts, data collection analyses, hiring benchmarks for protected veterans</p>	<p>3 years from the date of the marking of the record</p>	

FMLA	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
<b>Federal</b>	<p>Employers: Employers are subject to the FMLA if they are engaged in commerce or in an industry affecting commerce and employ 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.</p> <p>Employers are considered to be engaged in commerce or in an industry affecting commerce if they have at least 50 employees.</p>	<p>Employers that have FMLA-eligible employees must maintain records that include: basic payroll and identifying data, including employees' names, addresses and occupations; rates or bases of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid; the dates eligible employees take FMLA leave; leave must be designated in records as FMLA leave and cannot include leave required under state law or other employer plans that is not covered by the FMLA; the number of hours of FMLA leave taken if employees take leave in increments of less than one day; copies of employee notices of FMLA leave given to employers, if in writing, and copies of all written notices given to employees as required under the FMLA (employers can maintain these copies in employee personnel files); copies of documents describing employees' benefits and employers' policies and practices regarding the taking of paid and unpaid leaves; premium payments of employees' benefits; and records of any disputes regarding FMLA leave, including any written statement from employers or employees of reasons for designation and for disagreement.</p>	<p>3 years from the date the leave ended</p>	<p>Coverage: 29 U.S.C. § 2611; 29 C.F.R. §§ 825.104, 825.110, 825.126 to 825.127</p> <p>Recordkeeping Requirements 29 C.F.R. § 825.500</p>
<b>Massachusetts</b>	<p>Employers covered under the FMLA are covered under the Massachusetts family and medical leave provisions.</p>	<p>Employers that require employees to provide certification of their need for leave must keep a copy of these certifications for at least 2 years.</p>	<p>2 years</p>	<p>Mass. Gen. Laws ch. 149, §§ 52D, 150, 180</p> <p>Mass. Regs. Code tit. 940, § 20.01 to 20.05</p>



EMPLOYMENT ELIGIBILITY VERIFICATION	Coverage	Recordkeeping Requirements		Reference Citations
<b>Federal</b>	<p>Public and private employers, employers' agents, recruiters and those who refer applicants for a fee and union hiring halls are covered by IRCA's employment eligibility verification requirements. Employers must verify the employment eligibility of virtually all part-time, full-time and temporary employees. Employees do not include independent contractors or workers engaged in casual domestic employment.</p> <p>*Special exemption for employees who were hired before Nov. 7, 1986.</p>	Employers must retain I-9 forms for 3 years after employees' date of hire or one year after employees' date of termination, whichever is later. Likewise, employers must retain I-9 forms that are updated and reverified for rehired employees for 3 years after the date of the forms' initial execution or one year after employees' date of termination, whichever is later. Employers can retain original paper forms, electronic forms that meet certain requirements, original paper forms scanned into electronic format, a combination of paper and electronic formats that meet certain requirements or microfilm or microfiche copies of original paper forms.	3 years after employees' date of hire or 1 year after employees' date of termination, whichever is later.	<p>Coverage: 8 U.S.C. §§ 1324a to 1324b; 8 C.F.R. §§ 274a.1, 274a.7</p> <p>Recordkeeping Requirements: 8 U.S.C. § 1324a; 8 C.F.R. § 274a.2</p>
<b>Arizona</b>	<p>All employers. Employers include self-employed persons, independent contractors and employers that do business in Arizona, hold Arizona state-issued licenses or employ one or more employees who work in Arizona. Employees include anyone who provides services or labor to Arizona employers for wages or other remuneration; they do not include independent contractors.</p>	Employers must keep employment eligibility verification records that they receive through the federal E-Verify employment eligibility verification program for at least 3 years or the duration of employees' employment, whichever is longer.	3 years or the duration of employees' employment, whichever is longer.	<p>Coverage: Ariz. Rev. Stat. §§ 13-105, 13-2009, 23-211, 23-214, 23-216, 41-4401</p> <p>Recordkeeping Requirements: Ariz. Rev. Stat. § 23-214</p>

<b>Utah</b>	Private employers that employ 15 or more employees in Utah for each working day in each of 20 or more calendar weeks in the current or preceding calendar year are covered by the recordkeeping requirements; private employers don't include the federal government, Utah state and local government agencies or Utah higher education institutions. The program's start date is 120 days after Utah's governor finds that Utah has one or more federal waivers, exemptions or authorizations to implement the program or July 1, 2027, whichever occurs first.	On and after the Guest Worker Program's start date: Private employers with 15 or more employees in Utah must keep records of employment eligibility verifications that are required under the employment verification requirements. The records must be kept for the duration of verified employees' employment or at least 3 years after the date of employees' verification, whichever is longer.	Duration of verified employees' employment or at least 3 years after the date of employees' verification, whichever is longer.	Recordkeeping requirements: Utah Code Ann. §§ 63G-12-102, 63G-12-201 to 63G-12-202, 63G-12-301
<b>West Virginia</b>	All employers that have employees working in West Virginia or seek to employ anyone to work in the state.	Employers must keep documentation required by the employment verification requirements, for at least 2 years after employees separate from employment.	2 years after employees separate from employment.	Recordkeeping Requirements: W. Va. Code §§ 21-1B-2, 21-1B-4, 21-5C-5

<b>Employee Benefit Records</b>	<b>Coverage</b>	<b>Recordkeeping Requirements</b>	<b>Retention Period</b>	<b>Reference Citations</b>
<b>Federal</b>	All Employers	<p>Benefit plan documents, disclosure of plan description, annual reports and summary of annual reports, summary plan descriptions, all recorded information used in compiling required reports (such as vouchers, worksheets, receipts, applicable resolutions, and participants' elections and deferrals), copies of COBRA notices, acknowledgments that COBRA notices were received, documents relating to any instance in which COBRA is not offered due to gross misconduct, and COBRA-related correspondence should be preserved.</p> <p>Employers must maintain records concerning employee benefits that are sufficient to determine the benefits due or which may become due.</p>	<p>Evidence of fiduciary actions should be kept indefinitely. All other documents should be preserved for at least 6 years from the date it was created or the date it was last in effect or filed, whichever is later.</p> <p>Pension, insurance, seniority and merit systems that are in writing should be kept for the duration of the plan and for at least 1 year after its termination.</p>	Employment Retirement Income Security Act (ERISA) ; 29 U.S.C. § 1027; 29 C.F.R. § 2520.107-1; Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA); 29 U.S.C. § 1161; ADEA; 29 C.F.R. § 1627.3

DRUG AND ALCOHOL TESTING	Coverage	Recordkeeping Requirements		Reference Citations
<b>Federal</b>	Employers covered under DOT drug and alcohol testing regulations, including employers engaged in the following industries: airlines, motor carrier, railroad, transit, pipelines, and maritime transportation.	Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02. Must be kept in a secure location with controlled access	1 year from test date (2 years for railroad)	Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. §§ 31301, 31306 ; 14 C.F.R. §§ 121 App. I, 121 App. J; 46 C.F.R. § 16.260; 49 C.F.R. §§ 40, 199.227, 219.901, 219.903, 382.401, 655.71
		Records related to the alcohol and drug collection process, including, but not limited to: random selection process, documents relating to decision to administer reasonable suspicion testing and post-accident testing; test results and other violations of the Act.	2 years	
		Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers.	Maintain while individual is performing the function plus for 2 years after individual leaves function	
		Records from previous employers concerning drug and alcohol testing results of employees	3 years from receiving records from previous employers	
		Test results indicating an alcohol concentration of 0.02 or greater, verified positive test results for a controlled substance, documentation of refusal to submit to required tests, driver evaluations and referrals, controlled substance testing program administration, calibration documentation, a copy of each required annual calendar year summary (Management Information System (MIS) report).	5 years from making of record	
<b>Arkansas</b>	All employers, including partnerships, associations, and corporations, and their representatives and those serving in a fiduciary capacity are covered by the drug and alcohol testing provisions.	Employers that have written agreements requiring employees to pay the costs of future drug tests or screens following positive tests must keep copies of such agreements for 3 years following termination of employment. If the cost of drug tests is withheld from employees' pay or otherwise reimbursed to employers by employees, employers must maintain records of the actual cost of the tests and records of corresponding withholdings or reimbursements for 3 years. All written agreements and required records must be provided to the Arkansas Department of Labor upon request.	3 years from receiving records from previous employers	Coverage: Ark. Code Ann. § 11-3-203 Recordkeeping Requirements: 010-14-002 Ark. Code R. § 400
<b>California</b>	Public and private employers, including partnerships, associations, and corporations, and their representatives and those serving in a fiduciary capacity are covered by the drug and alcohol testing provisions.	There is no statute or regulation governing drug testing of employees and applicants by private employers. CA law protects private medical information, including drug and alcohol test results, from being disclosed to unauthorized parties. Employers must keep test results confidential and with few exceptions, keep an applicant or employee's test results secret unless a valid authorization is obtained. Drug or alcohol testing information should be maintained in confidential medical files (separate from employee's personnel file) that are only made available to certain entities as allowed by statute.  CA's transportation drug and alcohol testing law mirrors the requirements of the DOT Federal Motor Carrier Safety Administration's drug and alcohol testing regulations (49 C.F.R. §§ 382.101 to 382.605 and 392.5(a)(1), (a)(3)).	Recommended 3 years following termination of employment.	California Vehicle Code §§ 34520, 34520.3, 34520.5 (transportation)

OSHA RECORDS	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
<b>Federal</b>	<p>All employers excluding:</p> <ul style="list-style-type: none"> <li>-Self-employed persons;</li> <li>-Farms which employ only immediate members of the farmer's family;</li> <li>-Working conditions for which other Federal agencies, operating under the authority of other Federal laws, regulate worker safety. This category includes most working conditions in mining, nuclear energy and nuclear weapons manufacture, and many aspects of the transportation industries; and</li> <li>-Employees of state and local governments, unless they are in one of the states operating an OSHA-approved state plan.</li> </ul> <p>*Employers with 10 or fewer employees and in certain industries have fewer record keeping requirements.</p>	<p>An employer must record every injury, illness, or fatality of covered employees that is work-related, is a new case, and meets one or more of either OSHA's general recording criteria or other recording criteria. General recording criteria include death, days away from work, restricted work or transfer to another job, loss of consciousness, or medical treatment beyond first aid, as well as significant injury or illness diagnosed by a physician or other licensed health care professional (e.g., cracked bones, punctured ear drums, cancer, or chronic irreversible diseases). Employers must record the work-related injuries and illnesses on the following separate forms:</p> <ul style="list-style-type: none"> <li>• OSHA 300 Log: A cumulative chart used to document and classify work-related injuries and illnesses and note the severity of each case. The OSHA 300 Log includes the employer's case number, employee's name (or confidential number), job title, date of injury or onset of illness, description of injury or illness, parts of body affected, object or substance that caused injury or illness, most serious outcome of the case, number of calendar days away from work, and/or on restricted duty, and categories of injury and illness.</li> <li>• OSHA 301 Incident Report Form: For each case recorded on the OSHA 300 Log, an OSHA 301 Form must be completed. The form includes the injured or ill employee's name, address, age, date of hire, gender, name and address of physician or other health care provider who provided treatment, whether employee was treated in an emergency room or hospitalized, the date, time and description of injury or illness and how the injury occurred.</li> <li>• OSHA 300A Summary: A summary of the cases recorded on the OSHA 300 Log. This form must be signed by the highest ranking person of the facility or that person's supervisor, and posted from February 1 through April 30.</li> </ul>	<p>Present year, plus the 5 following years</p> <p>OSHA regulations require an employer to update 300 Logs to incorporate any newly discovered information or outcome changes during the five-year record-keeping period.</p> <p>Entries must be made on the appropriate OSHA forms within seven calendar days; records may be maintained on a computer.</p> <p>Effective January 1, 2017, covered employers must electronically submit injury/illness records to OSHA through a secure website provided by OSHA.</p>	<p>Occupational Safety and Health Act, 29 U.S.C. § 651, et seq.; 29 C.F.R. §§ 1904–1904.46</p>
		Employee medical records, or analyses thereof, pertaining to employees exposed to toxic substances or harmful physical agents. Records must be in a Confidential employee record folder.	Duration of employment, plus 30 years	29 C.F.R. § 1910.1020
		Employee exposure records, or analyses thereof, pertaining to employees exposed to toxic substances or harmful physical agents (includes records of any personal or area monitoring of occupational exposure to hazardous materials)	30 years, unless a specific occupational safety and health standard provides a different period of time	29 C.F.R. § 1910.1020

<b>California</b>	All employers. Some industries in the retail, service, finance, insurance and real estate sectors are potentially exempt from most recording requirements as are small businesses with 10 or fewer employees. While some employers are partially exempt from recording requirements, all employers in CA are still required to immediately report serious occupational injuries, illnesses or the death of an employee.	<p>Covered employers must keep records of fatalities, injuries, and illnesses that are work-related, new cases, and meet one or more of the general or specific recording criteria in California Code of Regulations, Title 8, Sections 14300.7 or Section 14300.8 through 14300.12 (examples of general criteria include death, days away from work, restricted work, transfer to another job, medical treatment beyond first aid, loss of consciousness, and significant injury or illness diagnosed by physician or other licensed health care profession.)</p> <p>Entries must be recorded on appropriate Cal/OSHA 300, 300A, and 301 forms within 7 calendar days of receiving information that a recordable illness or injury has occurred; records may be maintained on a computer.</p>	Present year, plus the 5 following years	California Labor Code, § 6400, et seq.; California Code of Regulations, Title 8, §§ 14300–14300.48
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<b>POLYGRAPH RESULTS</b>	<b>Coverage</b>	<b>Recordkeeping Requirements</b>	<b>Retention Period</b>	<b>Reference Citations</b>
<b>Federal</b>	The Employee Polygraph Protection Act (EPPA) is administered by the Wage and Hour Division (WHD). The EPPA applies to most private employers. The law does not cover federal, state, and local government agencies.	<p>Employers must keep the following polygraph-related records: a copy of the description of the incident or activity that justified testing the employee; copies of all opinions, reports, charts, written questions, lists and other test-related records; the number of examinations conducted each day; and the duration of each test period.</p> <p>Employers must maintain records identifying the loss or injury and the access of the examinee to the loss or injury (if loss or injury is the basis for the employee's testing), the identity of persons examined, a copy of the written statement of time and place of examination and the examinee's right to consult counsel, and the notice to examiner of persons to be examined. Records should be kept in a confidential employee record folder and be accessible upon 72 hours' notice.</p>	3 years from date of exam (or from date examination requested if no exam is conducted)	Employee Polygraph Protection Act of 1988 (EPPA), 29 U.S.C. § 2001, et seq. ; 29 C.F.R. § 801.30

RECORDS RELATING TO CHARGE, COMPLAINT, ENFORCEMENT ACTION OR COMPLIANCE REVIEWS	Coverage	Recordkeeping Requirements	Retention Period	Reference Citations
Federal	All Employers	Personnel or employment records relating to aggrieved person and to all other employees holding positions similar to that held by aggrieved person, including application forms and test papers completed by aggrieved person and all other persons applying for same position as aggrieved person.	Until final disposition of the charge, complaint, review, or action, which means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated.	Title VII; 29 C.F.R. § 1602.14 ADEA; 29 C.F.R. § 1627.3(b)(3) ADAAA; 29 C.F.R. § 1602.14 Rehabilitation Act; 41 C.F.R. § 60-741.80(a) EO 11246; 41 C.F.R. § 60-1.12(a) VEVRAA; 41 C.F.R. § 60-
California	<p>Private employers (and their agents) are covered by the discrimination prohibitions if they regularly employ 5 or more persons on each workday in any 20 consecutive calendar weeks in the current or preceding calendar year.</p> <p>Employers (and their agents) are covered by the sexual harassment training requirements if they regularly employ 50 or more employees or regularly receive services from 50 or more independent contractors. All California state or local government employers are covered by the requirements.</p>	<p>Employers in California with 50 or more employees are required to provide supervisory employees with a minimum of two hours of sexual harassment training. Employers must keep all records relevant to discrimination complaints until the complaints and appeals from related proceedings are resolved. The records that must be retained also include applications, forms or test papers completed by the complainant and by all other candidates for the same position at that facility or other relevant subdivision where the employment practice occurred. Relevant records additionally include an annual California Employer Information Report, where applicable, and any applicant identification records (i.e., data regarding race, sex, national origin of each applicant and for the job for which the applicant applied for.)</p> <p>Employers must keep training-related records including, but not limited to: (a) the names of the participants; (b) the dates of the trainings; (c) sign-in sheets; (d) copies of all certificates of attendance or completion; (e) information regarding the type of training; (f) copies of all written or recorded materials comprising the trainings; and (g) the name of the training provider.</p> <p>If the training is in the form of a webinar, employers must keep a copy of the webinar, all written materials used by the trainer, and all written questions submitted during the webinar. Employers also must document all written responses or guidance the trainer provided during the webinar.</p>	<p>Until such complaint is fully and finally disposed of and all appeals from related proceedings have concluded.</p> <p>Maintain training-related records for at least 2 years.</p>	<p>Coverage: Fair employment practices law: Cal. Gov't Code §§ 12922, 12926 to 12926.2, 12928, 12940, 12950.1</p> <p>Recordkeeping Requirements: Fair employment practices law: Cal. Gov't Code § 12946</p> <p>Cal. Code Regs. tit. 2, §§ 11013(c), 11016, 11024</p> <p>California Government Code § 12950.1</p>