

### **OC Register Q&A – Employee personnel files and payroll records**

**Q.** My question concerns the topic of how long a corporation is legally required to keep employee personnel files and payroll records before destroying them? How long while a Corporation is still open and in good standing? And how long is a Corporation required to keep those records after it closes down?

**A.** "The answer to your question is a complex one as there are seven state and federal agencies concerned with the retention of employment records, each with differing requirements," says Audrienne Adams, president of HR Network Inc., Garden Grove. "The safest route is to retain each employee's records for the maximum years required after the employee leaves the company. Most personnel records should be maintained as long as the person is employed for the purpose of inspection and as a basis for making employment decisions, plus the maximum years required after the employment relationship ends. Employers should also hold on to their personnel records for use in supporting or disputing any potential claims."

"Generally, the laws require that you maintain these records from one to six years, such as personnel records including: applications and resumes, job advertisements, job descriptions, promotions, demotions, training, layoffs or terminations, merit reviews and wage records (two years); payroll records and W-4s (four years); I-9 Employment Verifications (three years); safety and accident records including OSHA Log 300 (5 years); closed Workers' Compensation claim files (5 years); unemployment insurance records (four years); Family and Medical Leave records (three years); CA Family Rights Act records including pregnancy leave (two years); and pension and welfare information (6 years)."

"We recommend that you maintain all personnel records permanently, using a method such as microfiche for easy access and minimal storage."

- Written by Audrienne Adams