

California personnel file checklist.



Covers Labor Code §1198.5. Updated August 2026.

Include in the personnel file

INSPECTABLE · §1198.5

Under §1198.5, anything "relating to the employee's performance or to any grievance concerning the employee" is open to inspection. Treat this section as **everything the employee could see**.

- ✓ Job application and resume

✓ Offer letter and signed employment agreement

✓ Signed handbook and policy acknowledgments (arbitration agreement, meal-period waivers, at-will acknowledgment)

✓ W-4 and DE 4 withholding forms

✓ Emergency contact form

✓ Training and certification records (required contents expanded — SB 513, eff. 2026)
- ✓ Performance reviews and evaluations

✓ Written commendations

✓ Disciplinary notices and warnings

✓ Attendance records

✓ Promotion, demotion, transfer, and compensation-change records

✓ Termination documentation and final-pay acknowledgment

Keep in separate confidential files

STORE SEPARATELY

Anything in the main folder is reachable by inspection or subpoena.

- ✗ Medical records and doctor's notes (CMIA/FEHA/ADA require separate storage)

✗ Accommodation and leave paperwork (medical information, same segregation rule)

✗ Forms I-9 and work-authorization copies (a separate file keeps an ICE audit away from personnel records)

✗ Workers' compensation claim files

✗ Pay data reporting demographic info (2026 rule)
- ✗ EEO and self-identification data

✗ Wage garnishments

✗ Background-check and credit reports (ICRAA)

✗ Investigation files

How long to keep it

RETENTION MINIMUMS

Personnel records and applications	4 years after creation, termination, or non-hire.	Gov. Code §12946, amended by SB 807 (2022)
Payroll and time records	3 years minimum. Recommended: 4 years (FEHA and wage-claim lookback).	Lab. Code §1174(d); §226
Forms I-9	3 years from hire or 1 year from separation, whichever is later.	8 U.S.C. §1324a
Safety and exposure records	Injury log (Form 300): 5 years. Employee exposure records: up to 30 years.	Cal/OSHA; 8 CCR §3204

RESPONSE DEADLINES

Personnel file	30 calendar days	§1198.5
Payroll records	21 calendar days	§226(c)
Missed deadline	\$750 penalty + attorney's fees	