



Guidelines for Personnel File Contents

Guidelines: Employers may maintain personnel records in paper form or electronically (once they have been completed and signed). Regardless of the format used, an employer must ensure that the records are stored in a secure location and that record retention requirements are followed. Personnel file access should be limited to only the employee and authorized individuals. You should maintain a copy of each employee's personnel records for at least four years after termination of employment.

Examples of items that should be included in a personnel file (this list is not exhaustive):

- Employment application and résumé
- College transcripts
- Job descriptions
- Records relating to hiring, promotion, demotion, transfer, layoff, rates of pay and other forms of compensation, and signed commission agreements
- Education and training records
- Safety training records
- Records relating to other employment practices and policies
- Letters of recognition
- Disciplinary notices or documents
- Performance evaluations
- Test documents used by an employer to make an employment decision
- Exit interviews & Termination records

What should not be included in a personnel file and maintained in separate files:

- Medical/insurance records
- EEO/invitation to self-identify disability or veteran status records
- Immigration (I-9) forms
- W4 and DE4
- Requests for time off (especially if employee volunteers any diagnosis information)
- Timecards
- Child support/garnishments
- Litigation documents
- Workers' compensation claims
- Requests for employment/payroll verification
- Investigation notes/outcomes
- COVID-19 Temperature & Symptom Records

Personnel File Requests

Under California Labor Code section 1198.5(a), every current *and former* employee, or their representative (such as their attorney), has the right to inspect and receive a copy of their **personnel records** that the employer maintains relating to the employee's performance or to any grievance concerning the employee. Upon request, the employer must provide a copy of the personnel records **within 30 calendar days**. The employer may charge the employee the actual cost of reproduction. While an employee's request for their personnel file must be in writing, the employer must provide a form for purposes of making a written request, if asked for one. CEA members can access a [Sample Form here](#). Failure to comply: \$750 penalty for the late personnel file.

Note: If the current or former employee *files a lawsuit* that "relates to a personnel matter against his or her employer or former employer" the right to inspect personnel records ends. [See Labor Code section 1198(n) and (o)].

Other Record Requests

Similarly, under Labor Code section 226(c), current and former employees have a right to inspect or receive a copy of their **payroll records** pertaining to their employment, upon a written or oral request **within 21 calendar days**. If the employer provides copies of the records, they may charge the actual cost of reproduction. Failure to comply: \$750 penalty for the late payroll records.

Labor Code section 432 provides that an employee or applicant is entitled to receive any **document they signed** relating to the "obtaining or holding of employment," upon a written or oral request.

It is generally recommended that all of these records are retained for at least four years, or as otherwise required by law, including after the end of employment. CEA members can access additional guidance on [Record Retention here](#).