State Record Retention Requirements – KY



KENTUCKY

Wage and hour

Various Kentucky regulations require that an employer maintain certain payroll records for 6 years, other payroll records must be retained for 2 years, and still other such records must be maintained for 1 year.

Worker injuries, health, and safety:

Employers must keep a record of all injuries, fatal or otherwise, received by his or her employees in the course of their employment.

Other employment records:

The statute of limitations for bringing a discrimination cause of action under the Kentucky Civil Rights Act is 5 years. An employer, therefore, should retain documents potentially relevant to such a charge for 5 years past termination. Million v. Raymer, 139 S.W.3d 914, 9191 (Ky. 2004)

Does your state give employees a legal right to examine their own personnel files?

Employees' rights:

A state law permits state-government employees under the Personnel Department (but not state university employees) to examine and copy their personnel files upon written request. Employees also may comment in writing on any item in the file and have their comments added to the file. The state Open Records Act provides access to other public employees to inspect and copy certain records. The Act includes employees of public agencies and universities, applicants for employment, and eligible on hiring registers.

Former employees' rights:

Although the provision of the Open Records Act doesn't contain a specific reference to former employees, attorney general opinions in 1997 and 2000 have concluded that all former public employees were contemplated by the statute and have the same rights to inspect and copy.

Covered employers

Government employers. Private sector employers are not required to give

employees access to their personnel files.

Citation to Authority – Click link to view statute/regulations:

Ky. Rev. Stat. Ann. §§ 342.038	**Workplace injuries; Reports/files**
Ky. Rev. Stat. Ann. §§ 18A.020	**Employee access to personnel files**
Ky. Rev. Stat. Ann. §§ 61.878(3)	**Personnel files – state employees**
104 Ky. Adm. Rules 1:030	**Record-keeping and reporting**
787 Ky. Adm. Rules 1:180	**Employer’s records**