# State Record Retention Requirements – NC



**NORTH CAROLINA**

Wage and Hour

Employers must keep records pursuant to employment security (unemployment) law that permit the determination for each worker of the "actual number of hours worked each day and total number of hours worked each week".

- Tips and minimum wage:  Employers subject to FLSA are exempt from the overtime and minimum wage recordkeeping requirements under the NC Wage and Hour Act. However, all employers must keep records regarding tip credits, costs of meals, lodging, or other facilities; start and end time for youth under age 18; youth employment certificates; wage deductions; vacation and sick leave policies; policies and procedures relating to promised wages; and records required to compute wages.
- Retention period: At least 5 years after the calendar year in which the wages were paid for records kept pursuant to unemployment law, and at least 3 years under wage and hour law, unless otherwise specified.

Worker Injuries, Health, and Safety

Records to be maintained pursuant to the Occupational Safety and Health Act of North Carolina generally track the federal law requirements.

Other Employment Records

Inspection: Records kept pursuant to unemployment law are subject to inspection "at any reasonable time and as often as may be necessary".  Records kept pursuant to wage and hour law should also be safe, accessible, and available for inspection.

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

Employees' Rights

- Private sector: Employees have no legal right to examine personnel files except those in medical records employees are entitled to have access to pursuant to state occupational safety and health regulations.
- Public sector: State, county, and municipal employees have a statutory right to inspect their personnel files.

Former Employees' Rights

- Private sector: No rights to personnel files.
- Public sector: Former state, county, and municipal employees have the right to inspect their files.

Covered Employers

Public employers

Citation to Authority – Click link to view statute/code/regulation:

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|---|---|
| **NC Gen. Stat. § 95–25.14** | **Exemptions** |
| **NC Gen. Stat. § 96-4** | **Administrative powers; Board of Review** |
| **NC Gen. Stat. § 126-24** | **State employees – access to records** |
| **NC Gen. Stat. § 153A–98(c)(1)** | **County employees – access to records** |
| **NC Gen. Stat. § 160A–168(c)(1)** | **Municipal employees – access to records** |
| **13 NCAC 12 .0801** | **Records to be maintained** |
| **13 NCAC 12.0802** | **Record retention** |

NC DES 4–24–E
Unemployment records; documents – confidentiality