State Record Retention Requirements – NH



NEW HAMPSHIRE

Wage and Hour

Every employer shall retain a record of hours worked by all of its employees, except for employees who are exempt under 29 USC § 213 (a) of the Fair Labor Standards Act, for a period of no less than four years.

Worker Injuries, Health, and Safety

Employers must keep a record of work-connected injuries and diseases for a period of five years from the date of injury.

Other Employment Records

Municipal personnel records must be retained for 50 years after retirement or termination. Agencies that provide services to persons with developmental disabilities must keep personnel records, including background information relating to a staff person's qualifications for the position held, for a period of six years after that staff person's employment termination date. Child care facilities must maintain records relation to employees for two years from the date of termination of employments.

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

Employees' Rights

Employers are required to allow employees to inspect of copy their personnel files. Employers may charge a reasonable fee for copying. There are two exceptions: (1) if the employee is the subject of a pending investigation and disclosure of the information in the personnel file would prejudice law enforcement, and (20 if information relates to a government security investigation. If an employee disagrees with information in the file and employer and employee can't agree on removal or correction of the information, the employee may submit a written statement explaining his version, and the statement must be added to the record. Employee health, fitness, lifestyle, or other information obtained for the purposes of providing employees with a health risk assessment or other wellness program is not part of the employee's personnel records. Employers may charge a reasonable fee for copying.

Former Employees' Rights:

Same as for employees.

Covered Employers

Law applies to all employees except persons engaged in domestic service in the home of the employer, agricultural service, or temporary or seasonal employment in addition to employees of any social club, fraternal, charitable, educational, religious, scientific, or literary

association, no part of the net earnings of which insures to the benefit of any private individual.

Citation to Authority – Click link to view statute:

Wage and Hour

NH RSA 279:27	**Records of Hours and Wages**
NH RSA 275:49–VI	**Posting; Records**
NH Admin Rules, Lab 803.03(g) Health and Safety	**Records – Hours worked**
NH Admin Rules, Lab. 504.02 (a)	**Recordkeeping; Filing of reports**
NH Admin Rules, Lab. 1403.46 Other Employment Records	**Recordkeeping; Injury/illness reports**
NH RSA 33–A: 3–a–XCVI	**Municipal – retention schedule**
NH Admin Rules. He–M 506.03(d)	**Staff qualifications; recordkeeping**
NH Admin Rules, He–C 4001.10(m) Employees' Rights	**Recordkeeping; Licensee**
NH RSA 275:56	**Employee Access to Personnel Records**