State Record Retention Requirements – OH



OHIO

Wage and Hour

- Every employer shall keep a true and accurate employment record of all the employer's employees, whether qualified and eligible for benefits or not, of the hours worked by each employee, and of the wages paid to the employee. Applies to all employers who employ at least 1 individual, though the threshold for nonprofit organizations is 4 employees.
- Minimum wage: every employer shall make and keep records of the names, addresses, occupations, pay rates, and hours worked per day of every employee. These records must be maintained for at least 3 years after an employee leaves his or her employment, and must be made available upon request to the employee or an individual representing the employee. This requirement applies to all employers, as defined by the Fair Labor Standards Act. Article II, Section 34A of the Ohio Constitution. Note, however that an employer is not required to keep records of "hours worked for each day worked" for individuals for whom the employer is not required to keep those records under the Fair Labor Standards Act and its regulations or individuals who are not subject to the overtime pay requirements specified in the Ohio Rev. Code.

Worker Injuries, Health, and Safety:

- Injuries and occupational diseases: Every employer shall keep a record of all injuries and occupational diseases, fatal or otherwise, received or contracted by his employees in the course of their employment and resulting in 7 days or more total disability. This requirement applies to all employers, public and private sector, that (a) employ one or more employees or (b) are bound by any contract to pay workers' compensation premiums.
- Exposure to toxic materials: Public employers must maintain accurate records of public employee exposure to potentially toxic materials, carcinogenic materials, and harmful physical agents. Applies to public employers, including all political subdivisions and their instrumentalities.
- Sharps exposure incidents: Public employers must maintain accurate records of public health care worker needle exposure incidents. The records shall contain details of the incident and whether the sharp involved came with sharp injury protection features. If the sharp did not come with an injury protection feature, an assessment of whether and how the incident could have been prevented by a sharp with protection must be included. Applies to public sector health care workers, including a person employed by a public

hospital or other public health care facility, a person employed to provide home health care, and a person employed as a firefighter, emergency medical technician-intermediate, or emergency medical technician-paramedic.

Other Employment Records:

- Minors: Every employer, defined as the state, its political subdivisions, and every person who employs any individual, shall keep written records that state the name, address, and occupation of each minor employed, the number of hours worked by such minor on each day of the week, the hours of beginning and ending work, the hours of beginning and ending meal periods, and the amount of wages paid each pay period to each minor. Records must be kept for 2 years.

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

Employees' Rights:

- Private sector: Employers must allow an employee to review any medical report arising out of any injury or disease related to the employee's employment and pertaining to him or her. The employer may require the employee to pay up to 25 cents per page to cover the furnishing of the reports.
- Public sector: Public employers must maintain accurate records of public employee exposure to potentially toxic materials, carcinogenic materials, and harmful physical agents. Public employees and their representatives are allowed an opportunity to observe the monitoring or measuring and to have access on request to the records thereof. Each current or former public employee must have access to the records that indicate their own exposure to toxic materials, carcinogenic materials, or harmful agents.

Former Employees' Rights:

- Private sector: Same as current employees
- Public sector: Same as current employees

Covered Employers

Employer includes every person, firm, professional employer organization, and Private Corporation that has in service one or more employees or shared employees or is bound by any such contract of hire or by any other written contract.

Citation to Authority – Click link to view statute:

Ohio Rev. Code §§ 4141.01		**Unemployment**
Ohio Rev. Code §§ 4141.18	**record**	**Employment**

Ohio Rev. Code §§ 4111.03		**Overtime**
Ohio Rev. Code §§ 4111.14		**Hours worked**
Ohio Rev. Code §§ 4123.01	**Compensation**	**Workers’**
Ohio Rev. Code §§ 4123.28	**injuries — report**	**Record of**
Ohio Rev. Code §§ 4167.01	**employment — definitions**	**Public**
Ohio Rev. Code §§ 4167.11	**statistics — risk reduction**	**Compilation;**
Ohio Rev. Code §§ 4167.25	**— health care workers**	**Exposure control**
Ohio Rev. Code §§ 4167.28	**— exposure incidents**	**Employer duties**
Ohio Rev. Code §§ 4109.01	**minors — definitions**	**Employment of**
Ohio Rev. Code §§ 4109.11	**minors**	**Records —**
Ohio Rev. Code §§ 4113.23	**file access**	**Private sector —**