State Record Retention Requirements – WV



WEST VIRGINIA

Wage and Hour

Employers must record and preserve the amount of any retroactive wage payments, the period covered by such payment, and the date of the payments. Employers must maintain payroll records for at least 5 years containing the following information: Full name; social security number; home address; date of birth; occupation or job classification; rate of regular pay and rate of overtime pay; hours worked each workday and total hours worked each workweek; method of calculating the percent of fringe benefits owed to an employee at any given time; sex; time of day and day of week on which the employee's workweek begins; total weekly straight-time earnings or total overtime wages and the total wages paid each pay period; total deductions; itemized, from wages paid each pay period; and date of payment and pay period covered.

Worker Injuries, Health, and Safety:

Employers must maintain records of occupational injuries and illnesses in accordance with the requirements of. Employers must also keep a written record of any notification from employees of any known safety and health hazard or other violation of safety and health standards for a period of at least two years.

Other Employment Records:

Employers must keep records of proof of the legal status of authorization to work of all employees. These records must be maintained for two years at the place of employment. When a human rights complaint has been served on an employer, it must preserve all personnel records relevant to the investigation until the complaint is finally adjudicated. Additionally, any other books, papers, documents, or records of any form that are relevant to the scope of any investigation must be preserved during the pendency of any proceedings.

DOES YOUR STATE GIVE EMPLOYEES A LEGAL RIGHT TO EXAMINE THEIR OWN PERSONNEL FILES?

Employees' Rights:

  No statutory right

Former Employees' Rights:

No statutory right

Citations to Authority – Click links to view statutes:

WV CSR § 42-5-5.1	Contents of employee records
WV CSR § 42-8-4.3	Records of retroactive payments
WV CSR § 42-5-4	Employer responsibilities; records
WV CSR § 42-8-4	Records to be kept by employers
29 CFR § 1900-1999	OSHA – Record-keeping
CSR § 42-15-5.1(e)	Records of workplace injuries/illnesses
CSR § 42-15-4.1	Adoption of federal standards – OSHA
CSR § 77-2-3.14	Preservation of complaint records – OSHA