

A PAYSTORIC QUICK-REFERENCE DATA SHEET

How Long Must You Keep It?

Employee Record Retention for California Employers

California employers face some of the longest record retention requirements in the country — and the clock doesn't stop when an employee leaves or a system gets replaced. Here's what applies across your HR, payroll, time & attendance, and recruiting systems, and where those requirements collide with how HR systems actually behave.

HR & Personnel Records

Record type	Minimum retention	Why
Personnel files, applications, promotion/demotion/termination records	4 years from creation or from the personnel action	Cal. Gov. Code § 12946, as amended by SB 807 (FEHA)
Records relevant to a filed discrimination complaint	Until the claim is resolved and the statute of limitations expires	SB 807 preservation duty
Job title and wage rate history for each employee	Duration of employment + 3 years after separation	Labor Code § 432.3 (SB 1162 pay transparency)
Form I-9	3 years after hire or 1 year after separation, whichever is later	Federal (IRCA)
FMLA/CFRA leave records	3 years	Federal FMLA; CFRA follows suit

Where it breaks down: When you switch HCM providers, the old vendor's "read-only access" is temporary, expensive, or both. Four-year obligations don't transfer to your new system — most migrations bring over active employees only.

How Paystoric helps: Paystoric archives your complete employee records — profiles, employment history, documents — from the system you're leaving, so every current and former employee's file stays retrievable for as long as the law requires, without paying your old vendor to keep the lights on.

Payroll Records

Best practice: keep payroll records 4 years. The legal minimum under the Labor Code is three years, but California wage claims can reach back four years under the Unfair Competition Law — so records you were legally allowed to discard in year three may be exactly what you need to defend a year-four claim. Most employment counsel recommend a four-year retention practice for that reason.

Record type	Legal minimum	Why
Itemized wage statements (pay stubs) and deduction records	3 years, at the worksite or a central CA location	Labor Code § 226(a)
Payroll records: wages paid, pay rates, piece-rate units	3 years	Labor Code § 1174(d)
Payroll tax records	4 years	IRS and California EDD

The PAGA multiplier

Under California's Private Attorneys General Act, one employee can pursue civil penalties on behalf of your entire workforce — and nearly 9,000 PAGA notices were filed with the state last fiscal year. The 2024 PAGA reform gives employers a way out: penalties can be capped at 15% for employers who took "all reasonable steps" toward compliance — which the statute expressly defines to include periodic payroll audits. The catch: an audit needs the underlying payroll and time records. If yours are locked in a system you retired two years ago, the discount the Legislature offered you may be out of reach.

Where it breaks down: A former employee (or the Labor Commissioner) requests wage statements under § 226 — you have 21 days to produce them, with a \$750 penalty on the line. If those pay stubs live in a payroll system you decommissioned two years ago, 21 days gets very short.

How Paystoric helps: Every historical pay stub, register, and tax record sits in one searchable archive. Pull a complete wage statement history for any employee — active or termed, current system or three systems ago — in minutes, not weeks.

Time & Attendance Records

Record type	Retention	Why
Payroll records showing daily hours worked and wages paid — and the supporting time records used to compute them	3 years (4 recommended, per the wage-claim exposure above)	Labor Code § 1174(d); IWC Wage Orders
Records supporting wage computations (schedules, rate tables)	2 years (federal floor)	FLSA

Where it breaks down: In wage-and-hour litigation, missing time records shift the burden to you — courts may credit the employee's own recollection of hours worked when the employer's records are gone. Time data is also the record type most often left behind in migrations because of its sheer volume.

How Paystoric helps: Punch-level detail — daily hours, meal periods, schedules — is preserved exactly as your old system recorded it. When a claim lands, you defend with your data instead of the employee's memory.

Applicant Tracking & Recruiting Records

Record type	Retention	Why
Applications, resumes, interview notes, screening/test results — including candidates you didn't hire	4 years from receipt	Cal. Gov. Code § 12946 (SB 807) — far beyond the federal 1-year EEOC baseline
Data generated by automated decision systems (AI screening) used in hiring	4 years advisable	FEHA's recordkeeping framework and evolving Civil Rights Council regulations on automated-decision systems point toward treating AI screening data like other selection records
Job postings, referral records, recruitment sources	4 years	Gov. Code § 12946
Federal contractors: applicant flow, dispositions, outreach	2–3 years under OFCCP rules — the CA 4-year rule still governs CA hiring	§ 503 / VEVRAA regulations

Where it breaks down: ATS platforms routinely auto-purge candidate data after 12–24 months, and candidate records almost never migrate when you change ATS or HCM providers. California's 4-year rule doesn't care that the system is gone — and with the Civil Rights Council's automated-decision system rules taking shape, the safest assumption is that AI screening data belongs in the same 4-year bucket as every other selection record.

How Paystoric helps: Paystoric's Recruiting Archive preserves your full candidate history — applications, dispositions, and hiring records — from retired systems, keeping the 4-year window covered even after the ATS that collected them is long gone.

The Bottom Line

When federal, state, and local rules overlap, the longest period wins — for California employers, treat 4 years as the floor for nearly every employment record, and longer whenever litigation is on notice.

Your retention obligations outlive your software. Paystoric is the archive layer that makes that survivable: one secure, searchable home for the historical HR, payroll, time, and recruiting data from every system you've ever used — typically at a fraction of what legacy vendors charge for continued access.

See what's in your historical data → paystoric.com

Disclaimer: This data sheet is provided for general informational purposes only and does not constitute legal advice. Retention requirements vary by employer size, industry, contract status, and local ordinance, and laws change. Consult qualified employment counsel to determine the requirements that apply to your organization. Paystoric provides data archiving services and does not guarantee legal compliance.