**Section 320.140 Recordkeeping Requirements**

a) An employer subject to any provision of the Act shall make and preserve records that document the name, address, and occupation of each employee; the wages paid to each employee and any other forms of compensation provided by the employer; dates of hire, dates of promotion, dates of pay increases, and dates any other compensation was provided by the employer, if applicable, for each employee; and payroll records.

b) The employer shall also preserve any records made in the regular course of the business operation related to personnel records, employee qualifications for hire, promotion, transfer, discharge or other disciplinary action, wage rates, skills testing certifications, job evaluations, job descriptions, merit systems, seniority systems, written job offers, individual employment contracts, collective bargaining agreements, description of practices or other matters that describe or explain the basis for payment of any wage differential between employees of the opposite sex or the basis for payment of wages to any employee who is African-American at a rate less than the rate paid to employees who are not African-American by the same employer and that may be pertinent to a determination whether the differential or lower wage payment is based on a factor other than sex or race.

c) The records required by subsections (a) and (b) shall be preserved and maintained for a period of not less than 5 years unless the records relate to an ongoing investigation or enforcement action under the Act, in which case the records must be maintained until their destruction is authorized by the Department or by court order.

(Source: Amended at 47 Ill. Reg. 155, effective December 22, 2022)