

BY THE BOOK

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Summer Help & Youth

By Janell Danieli

If your business hires young people as additional help during the summer, or your child is one of those young people working this summer, you should know about several federal and state laws that regulate the employment of minors.

For example, the Fair Labor Standards Act (FLSA) is a federal law that regulates the payment of minimum wage, overtime pay, restrictions on the employment of children, and recordkeeping.

The following is an overview of some of the most important rules and restrictions on child employment.

Age Requirement – The employment of minors **under** the age of 14 is prohibited, except in certain limited occupations. Those occupations include certain agricultural firms, the entertainment industry, newspaper delivery, and employment on a farm owned or operated by a parent or guardian.

Minimum Wage – The minimum wage amount is the **greater** of the federal minimum wage amount or the state minimum wage amount. The federal minimum wage amount is currently set at \$5.15 per hour, but the California minimum wage amount is currently \$6.75. So if you plan on hiring summer help and paying them the federal minimum wage amount of \$5.15, you will be violating the law.

In certain cases, employers in California may pay young workers less than the California minimum wage amount of \$6.75. Some of these exceptions include:

- Employees during their first one hundred and sixty (160) hours of employment in an occupation, in which they have no previous similar or related experience, may be paid \$5.75 per hour (85% of minimum wage). After that, they must be paid the minimum wage in effect.
- Persons who are not productive because of mental or physical handicaps may be paid less than the minimum wage, if the employer first obtains a special license from the Division of Labor Standards Enforcement.
- Any individual who is a parent, spouse, child or legally adopted child of the employer is not subject to minimum wage laws.

Number of Hours Allowed to Work – Workers ages 14 and 15 may only work outside of school hours, and those hours must meet the following restrictions:

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In certain cases, employers in California may pay young workers less than the California minimum wage amount of \$6.75.

- No more than 18 hours a week and 3 hours a day when school is in session.
- No more than 40 hours a week and 8 hours a day when school is not in session.
- Work only between 7 a.m. and 7 p.m. There is a summertime exception (June 1 through Labor Day) when hours are extended to 9 p.m.

Hazardous Occupations – Both state and federal law prohibit minors from working in certain hazardous occupations. According to the U.S. Department of Labor (DOL), 14- and 15-year-olds may work a variety of jobs, including those generally located in offices, grocery and retail stores, restaurants, movie theaters, baseball parks, and gasoline service stations. However, minors who are 14 or 15 years old are prohibited from performing dangerous tasks, such as washing upper story windows, using ladders or scaffolding, and operating most power-driven machinery.

Driving on Public Highways and Streets – It is important to remember that you may not employ minors for the purpose of driving a motor vehicle on the public highways and streets. This includes delivering any type of goods from a motor vehicle. Employees who are 16 years old may not be asked to drive as any part of their work duties. So asking a 16-year-old worker to drive to a store to pick up office supplies or to take the company truck to the station for gas would violate the child labor laws of the FLSA.

It is important to remember that you may not employ minors for the purpose of driving a motor vehicle on the public highways and streets.

Seventeen-year-olds may drive on public roads as part of their employment only if all of the following requirements are met:

- The driving is limited to daylight hours.
- The 17-year-old holds a state driver's license valid for the type of driving involved in the job performed.
- The 17-year-old has successfully completed a state-approved driver education course and has no record of any moving violation at the time of hire.
- The automobile or truck does not exceed 6,000 pounds gross vehicle weight.
- The automobile or truck is equipped with a seat belt for the driver and passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle.

A 17-year-old employee's driving still may not involve:

- Towing vehicles
- Route deliveries or route sales
- Transportation for hire of property, goods, or passengers
- Urgent, time-sensitive deliveries
- Transporting more than three passengers, including employees of the employer.
- Driving beyond a 30-mile radius from the youth's place of employment
- More than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer.
- More than two trips away from the primary place of employment in any single day to transport passengers, other than employees of the employer.

Finally, a 17-year-old worker's driving must only be occasional and incidental to his or her employment. This means that the youth may spend no more than

one-third of the worktime in any workday and no more than 20 percent of the worktime in any workweek driving. (*Payroll Manager's Letter Volume 19, No. 9, May 27, 2003*)

Hiring Family Members – The only parent/guardian employers who are exempt from California child labor laws are those that employ their minor children in agriculture, horticulture, viticulture, or domestic labor on or in connection with premises that the parent/guardian owns, operates, or controls. However, these minors may still not work during school hours. Parent/guardian employers are entirely exempt from both state and federal minimum wage and overtime pay requirements.

Work performed by a child under the age of 18 for a parent is exempt from FICA and FUTA. The FICA and FUTA exemptions for children does not apply when the child's services are performed for a corporation, a partnership (unless each partner is a parent of the child), or an estate.

Permits – The employer is required to keep all Permit to Employ and Work (Form B1-4) forms on file. Records should be kept open for inspection by school authorities and officers of the Division of Labor Standards Enforcement (DLSE). If an employer fails to produce the Permit to Employ and Work forms it is considered illegal employment of minors and the employer would be subject to a \$500 fine on the first offense.

Permits issued during the school year expire five days after the opening of the next succeeding school year. High school graduates under the age of 18 and minors doing odd jobs at a private home do not require a permit.

If you have hired or will be hiring minors as summer help, remember these guidelines.

Further Information

For more information on employment of minors or to obtain work permit forms visit the California Dept of Education web site at <http://www.cde.ca.gov/shsd/wee/resources.html>.



Eliminate Telemarketing Calls

Recently the government has provided a way for you to eliminate unsolicited telemarketing calls. You may register your phone number on the new national "Do Not Call" list at 1-888-382-1222 or at the website <http://donotcall.gov>.

Long-Term and Trusted Employees – An Employer’s Dream or a Fraud Nightmare?

By Brandon Vance, CPA

*Are you sure that fraud
is not occurring?
What steps have you
taken to help prevent
fraud from occurring?*

The prevalence of fraud in today’s business world is daunting and is becoming more visible through high profile cases such as Enron and WorldCom. In fact, the Association of Certified Fraud Examiner’s 2002 *Report To The Nation On Occupational Fraud And Abuse* (The Report) estimates that fraud and abuse will cost U.S. organizations \$600 billion annually and that 6% of their total annual revenues will be lost due to fraud from its employees. *The Report* also identifies small businesses (those with fewer than 100 employees) as the most vulnerable to occupational fraud and abuse with the average scheme causing \$127,500 in losses.

I know you are thinking...“I trust my employees and fraud is not occurring in my business, so why should I read this article?” And I would present these questions to you in response...Are you sure that fraud is not occurring? What steps have you taken to help prevent fraud from occurring?

We have come across fraud numerous times in business and I can honestly say that I have never heard an employer say, “I knew that employee was dishonest.” In contrast, the culprits were typically long-term employees who had earned the trust of their employers. For instance, a bookkeeper that had been with the company for many years was responsible for preparing the daily deposits. Each day the General Manager would review the deposits before they were taken to the bank by the bookkeeper, and also reviewed the monthly bank statements to ensure that the deposits were made in full. However, as new projects came up and the General Manager’s time became impacted, the review of the monthly bank statements no longer occurred. After all, the bookkeeper had been with the company for so long and would *never* do something dishonest. Thousands of lost dollars later, the mistake was realized. The bookkeeper was absconding with portions of the daily deposits.

In another example, again involving a trusted, long-term employee, the company Controller was given full authority to approve disbursements and sign checks (the checks only required one signature). In collusion with several vendors, duplicate and fictitious invoices were paid and the proceeds were split between the vendor and the Controller. Again, thousands of dollars were lost! Other examples are numerous; however, a common theme runs through all of them...the culprits were trusted, long-term employees and oversight and internal controls were few or non-existent.

Baker, Peterson & Franklin recognizes the importance of fraud detection and investigation, and has developed the necessary knowledge and skills to serve businesses in this capacity. Our ultimate goal is to serve the client by strengthening the internal control system (leaving you less susceptible to fraudulent activity) and by finding any fraud or abuse that may have occurred. We offer the following services for fraud detection and investigation:

- Design of the internal control system—for businesses with little or no formal internal control system, we will design a system relevant to your needs and focusing on fraud prevention and detection.

- Review of the current internal control system—to identify weaknesses in the current internal control system and provide recommendations for strengthening against fraud and abuse.
- Fraud investigations—the after-the-fact application of various tests and methods will be utilized to identify fraud and abuse resulting from stealing or misuse of company assets or from fraudulent financial reporting. This investigation necessitates a reporting of our findings to you and can be used as evidence for potential prosecution of the culprits.

For further information regarding these services, please contact Brandon Vance at (559) 432-2346.

8 Tips for Spotting Bad Checks

Check fraud is probably one of the biggest risks to small businesses. According to the Nilson Report, which researches consumer payment systems, more than 1.2 million bad checks enter the banking system daily. That translates into \$55.8 million in lost daily payments, the brunt of which is borne by retailers. Recent changes to the Uniform Commercial Code no longer hold banks responsible for the entire loss—businesses must share the responsibility and can be held solely liable if the fraud stems from their own carelessness or mistakes. Don't let your business be a victim. In addition to using a check-verification service, train your employees to spot bad checks. Here's how:

1. Verify the date.
2. Ensure that the check is made out to the name of your company.
3. Match the amount of the check in numbers to the written amount.
4. Reject low-number checks (under 300), starter checks or checks that are not printed with the name of the account holder.
5. Verify that the bank transit number on the bottom of the check has nine digits surrounded on either side with an upright dash and two dots.
6. Check the paper on which the check is printed. A color photocopy will have shiny, raised numbers.
7. A legitimate check should have at least one perforated edge.
8. If the check has no street address or phone number, ask for them. Call the number to make sure it's legitimate.

Always remember, you don't have to accept a check as a form of payment if you think it presents a risk.

Source: Checkcare Systems

More than 1.2 million bad checks enter the banking system daily.

New Income Tax Withholding Tables Released

The Internal Revenue Service issued revised Withholding Tables (Publication 15-T) in June 2003 which became effective immediately. The new tables, prescribed by the Department of the Treasury, reflect a change resulting from the Jobs and Growth Tax Relief Reconciliation Act of 2003. The tables reflect a reduction in the current 27% and higher tax brackets and widening of the 10% tax bracket.

Employees should be made aware of these changes and some may want to submit a new W-4 form. Individuals with questions about how the new tax tables will affect their 2003 income tax withholding may access an on-line calculator provided by the Internal Revenue Service at www.irs.gov and type in search words "withholding calculator."

Other 2003 Withholding Rate changes include a change in withholding for supplemental wages paid after May 28, 2003. The new withholding rate is 25% on supplemental wages. Also, backup withholding paid after May 28, 2003 is decreased to 28%. See the General Instructions for Forms 1099, 1098, 5498, and W-2G, for more information on backup withholding.

Percentage Method Income Tax Withholding Tables

The Internal Revenue Service Publication 15-T "New Withholding Tables" explains two primary methods for determining the withholding tax—the Percentage Method and the Wage Bracket Method. The Percentage Method works for any number of withholding allowances and any amount of wages.

1. Multiply one withholding allowance for your payroll period by the number of allowances that the employee claims (see table below).
2. Subtract the total withholding allowance from the employee's wages to obtain the taxable wage.
3. Go to the appropriate table on the following pages to determine the amount to withhold. This amount may be rounded to the nearest dollar.

Payroll Period	One Withholding Allowance
Weekly	\$ 59.62
Biweekly	\$ 119.23
Semimonthly	\$ 129.17
Monthly	\$ 258.33
Quarterly	\$ 775.00
Semiannually	\$1,550.00
Annually	\$3,100.00
Daily or Miscellaneous	\$ 11.92

Source: Department of the Treasury, Internal Revenue Service, Publication 15-T (Rev. June 2003).

Employees should be made aware of these changes and some may want to submit a new W-4 form.

Tables for Percentage Method of Withholding

(For Wages Paid Through December 2004)

TABLE 1 - WEEKLY Payroll Period

(a) SINGLE person (including head of household)—				(a) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$51		\$0		Not over \$154		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$51	—\$187.	10%	—\$51	\$154	—\$429.	10%	—\$154
\$187	—\$592.	\$13.60 plus 15%	—\$187	\$429	—\$1,245.	\$27.50 plus 15%	—\$429
\$592	—\$1,317.	\$74.35 plus 25%	—\$592	\$1,245	—\$2,270.	\$149.90 plus 25%	—\$1,245
\$1,317	—\$2,860.	\$255.60 plus 28%	—\$1,317	\$2,270	—\$3,568.	\$406.15 plus 28%	—\$2,270
\$2,860	—\$6,177.	\$687.64 plus 33%	—\$2,860	\$3,568	—\$6,271.	\$769.59 plus 33%	—\$3,568
\$6,177	. . . . .	\$1,782.25 plus 35%	—\$6,177	\$6,271	. . . . .	\$1,661.58 plus 35%	—\$6,271

TABLE 2 - BIWEEKLY Payroll Period

(a) SINGLE person (including head of household)—				(a) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$102		\$0		Not over \$308		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$102	—\$373.	10%	—\$102	\$308	—\$858.	10%	—\$308
\$373	—\$1,185.	\$27.10 plus 15%	—\$373	\$858	—\$2,490.	\$55.00 plus 15%	—\$858
\$1,185	—\$2,635.	\$148.90 plus 25%	—\$1,185	\$2,490	—\$4,540.	\$299.80 plus 25%	—\$2,490
\$2,635	—\$5,719.	\$511.40 plus 28%	—\$2,635	\$4,540	—\$7,137.	\$812.30 plus 28%	—\$4,540
\$5,719	—\$12,354.	\$1,374.92 plus 33%	—\$5,719	\$7,137	—\$12,542.	\$1,539.46 plus 33%	—\$7,137
\$12,354	. . . . .	\$3,564.47 plus 35%	—\$12,354	\$12,542	. . . . .	\$3,323.11 plus 35%	—\$12,542

TABLE 3 - SEMIMONTHLY Payroll Period

(a) SINGLE person (including head of household)—				(a) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$110		\$0		Not over \$333		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$110	—\$404.	10%	—\$110	\$333	—\$929.	10%	—\$333
\$404	—\$1,283.	\$29.40 plus 15%	—\$404	\$929	—\$2,698.	\$59.60 plus 15%	—\$929
\$1,283	—\$2,854.	\$161.25 plus 25%	—\$1,283	\$2,698	—\$4,919.	\$324.95 plus 25%	—\$2,698
\$2,854	—\$6,196.	\$554.00 plus 28%	—\$2,854	\$4,919	—\$7,731.	\$880.20 plus 28%	—\$4,919
\$6,196	—\$13,383.	\$1,489.76 plus 33%	—\$6,196	\$7,731	—\$13,588.	\$1,667.56 plus 33%	—\$7,731
\$13,383	. . . . .	\$3,861.47 plus 35%	—\$13,383	\$13,588	. . . . .	\$3,600.37 plus 35%	—\$13,588

TABLE 4 - MONTHLY Payroll Period

(a) SINGLE person (including head of household)—				(a) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$221		\$0		Not over \$667		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$221	—\$808.	10%	—\$221	\$667	—\$1,858.	10%	—\$667
\$808	—\$2,567.	\$58.70 plus 15%	—\$808	\$1,858	—\$5,396.	\$119.10 plus 15%	—\$1,858
\$2,567	—\$5,708.	\$322.55 plus 25%	—\$2,567	\$5,396	—\$9,838.	\$649.80 plus 25%	—\$5,396
\$5,708	—\$12,392.	\$1,107.80 plus 28%	—\$5,708	\$9,838	—\$15,463.	\$1,760.30 plus 28%	—\$9,838
\$12,392	—\$26,767.	\$2,979.32 plus 33%	—\$12,392	\$15,463	—\$27,175.	\$3,335.30 plus 33%	—\$15,463
\$26,767	. . . . .	\$7,723.07 plus 35%	—\$26,767	\$27,175	. . . . .	\$7,200.26 plus 35%	—\$27,175

Tables for Percentage Method of Withholding (Continued)

(For Wages Paid Through December 2004)

TABLE 5 - QUARTERLY Payroll Period

(a) SINGLE person (including head of household)—				(a) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$663		\$0		Not over \$2,000		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$663	—\$2,425.	10%	—\$663	\$2,000	—\$5,575.	10%	—\$2,000
\$2,425	—\$7,700.	\$176.20 plus 15%	—\$2,425	\$5,575	—\$16,188.	\$357.50 plus 15%	—\$5,575
\$7,700	—\$17,125.	\$967.45 plus 25%	—\$7,700	\$16,188	—\$29,513.	\$1,949.45 plus 25%	—\$16,188
\$17,125	—\$37,175.	\$3,323.70 plus 28%	—\$17,125	\$29,513	—\$46,388.	\$5,280.70 plus 28%	—\$29,513
\$37,175	—\$80,300.	\$8,937.70 plus 33%	—\$37,175	\$46,388	—\$81,525.	\$10,005.70 plus 33%	—\$46,388
\$80,300	. . . . .	\$23,168.95 plus 35%	—\$80,300	\$81,525	. . . . .	\$21,600.91 plus 35%	—\$81,525

TABLE 6 - SEMIANNUAL Payroll Period

(a) SINGLE person (including head of household)—				(a) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$1,325		\$0		Not over \$4,000		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$1,325	—\$4,850.	10%	—\$1,325	\$4,000	—\$11,150.	10%	—\$4,000
\$4,850	—\$15,400.	\$352.50 plus 15%	—\$4,850	\$11,150	—\$32,375.	\$715.00 plus 15%	—\$11,150
\$15,400	—\$34,250.	\$1,935.00 plus 25%	—\$15,400	\$32,375	—\$59,025.	\$3,898.75 plus 25%	—\$32,375
\$34,250	—\$74,350.	\$6,647.50 plus 28%	—\$34,250	\$59,025	—\$92,775.	\$10,561.25 plus 28%	—\$59,025
\$74,350	—\$160,600.	\$17,875.50 plus 33%	—\$74,350	\$92,775	—\$163,050.	\$20,011.25 plus 33%	—\$92,775
\$160,600	. . . . .	\$46,338.00 plus 35%	—\$160,600	\$163,050	. . . . .	\$43,202.00 plus 35%	—\$163,050

TABLE 7 - ANNUAL Payroll Period

(a) SINGLE person (including head of household)—				(a) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:		If the amount of wages (after subtracting withholding allowances) is:		The amount of income tax to withhold is:	
Not over \$2,650		\$0		Not over \$8,000		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$2,650	—\$9,700.	10%	—\$2,650	\$8,000	—\$22,300.	10%	—\$8,000
\$9,700	—\$30,800.	\$705.00 plus 15%	—\$9,700	\$22,300	—\$64,750.	\$1,430.00 plus 15%	—\$22,300
\$30,800	—\$68,500.	\$3,870.00 plus 25%	—\$30,800	\$64,750	—\$118,050.	\$7,797.50 plus 25%	—\$64,750
\$68,500	—\$148,700.	\$13,295.00 plus 28%	—\$68,500	\$118,050	—\$185,550.	\$21,122.50 plus 28%	—\$118,050
\$148,700	—\$321,200.	\$35,751.00 plus 33%	—\$148,700	\$185,550	—\$326,100.	\$40,022.50 plus 33%	—\$185,550
\$321,200	. . . . .	\$92,676.00 plus 35%	—\$321,200	\$326,100	. . . . .	\$86,404.00 plus 35%	—\$326,100

TABLE 8 - DAILY or MISCELLANEOUS Payroll Period

(a) SINGLE person (including head of household)—				(a) MARRIED person—			
If the amount of wages (after subtracting withholding allowances) divided by the number of days in the payroll period is:		The amount of income tax to withhold per day is:		If the amount of wages (after subtracting withholding allowances) divided by the number of days in the payroll period is:		The amount of income tax to withhold per day is:	
Not over \$10.20		\$0		Not over \$30.80		\$0	
Over—	But not over—		of excess over—	Over—	But not over—		of excess over—
\$10.20	—\$37.30	10%	—\$10.20	\$30.80	—\$85.80	10%	—\$30.80
\$37.30	—\$118.50	\$2.71 plus 15%	—\$37.30	\$85.80	—\$249.00	\$5.50 plus 15%	—\$85.80
\$118.50	—\$263.50	\$14.89 plus 25%	—\$118.50	\$249.00	—\$454.00	\$29.98 plus 25%	—\$249.00
\$263.50	—\$571.90	\$51.14 plus 28%	—\$263.50	\$454.00	—\$713.70	\$81.23 plus 28%	—\$454.00
\$571.90	—\$1,235.40	\$137.49 plus 33%	—\$571.90	\$713.70	—\$1,254.20	\$153.95 plus 33%	—\$713.70
\$1,235.40	. . . . .	\$356.45 plus 35%	—\$1,235.40	\$1,254.20	. . . . .	\$332.32 plus 35%	—\$1,254.20

Suggested Retention Schedule for Business Records

Any business handles a tremendous volume of records. Whether you use a simple filing system or sophisticated electronic equipment to record your data, the basic problems remain—what records do you need, why do you need them, and how long should you keep them?

The following checklist is designed to help you determine what records to keep and how long to keep them. These time periods represent a consensus and are not absolutes to be followed without question.

4 to 5 years

Bills of material
Bond, paid-interest coupons
Cash slips
Claims, closed by company
Correspondence, general
Customer account records, closed
Delivery receipts
Freight bills
Inspection records
Manifests
Petty cash records
Purchase orders
Receiving reports
Remittance statements
Requisitions
Sales slips
Service reports
Shipping tickets
Time cards

5 to 6 years

Complaint records
Correspondence: license, purchase and traffic
Credit memos
Employees' daily time reports
Monthly trial balance
Price exceptions and adjustments
Safety reports

6 to 7 years

Bank deposit slips
Bank statements
Bonds, cancelled
Cancelled checks
Claims, closed against company
Credit files
Employee records (terminated)
Inventory records
Invoices, copy of order
Invoices, paid
Payroll

7 to 8 years

Accounts, charged off
Commission statements
Cost account records
Entertainment records
Expense reports, employees
Purchase orders for capital expenditures
Sales sheets
Specification sheets

8 to 9 years

Agreements, leases (after expiration)
Salary and rate changes
Vouchers, cash
Vouchers, numeric copy

9 to 10 years

Voucher register
Voucher, A-Z copy

10 years

Claims, workers' compensation
Employee tax withholding statements
Insurance claims (after settlement)
Vouchers, capital

17 years

Agreements, licenses

Permanent

Accident reports
Agreements, deeds
Applications filed with regulatory agencies
Contracts and leases
Corporate stock records
Engineering & research projects
Financial statements
Insurance policies, all types
Labor contract and collective bargaining records
Ledgers and journals: cash, general, customer journal, payroll, plant, etc.
Minutes: executive, directors and stockholders
Patents, records and assignments
Pension records
Plant surveys
Proxies
Real estate records
Taxes: federal, state, property, sales and use
Taxes: audit reports
Tax and legal correspondence

Other

Certificates of insurance — Period of coverage, plus 4 years
Depreciation schedules — Life of asset, plus 4 years
Insurance claims — 3 to 5 years after settlement





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