

RECORD RETENTION REQUIREMENTS

Federal regulations and some state laws set minimum timeframes you must keep employment records. These required timeframes can vary depending on the specific record and the law. This chart focuses on federal regulations, but some states may have additional requirements.

To ensure compliance, keep all employment records for the longest retention period mandated by any applicable law or regulation and/or for the duration of an open claim.

Speak to a FrankAdvice HR Consultant for guidance on retention requirements, in addition to specific state and federal contractor requirements.

RECORD TYPE	LONGEST RETENTION PERIOD	LAWS GOVERNING RETENTION
Affirmative Action Programs and Documents	Three (3) years (Discretionary but recommended)	Title VII EO11246
Benefits Data <ul style="list-style-type: none"> Summary Plan Descriptions Elections Eligibility Determinations COBRA notices 	Six (6) years, but not less than one (1) year following a plan termination. Records related to determining retirement benefits must be kept indefinitely.	ERISA
Background Checks	Five (5) years after the date of the consumer report	FCRA/Title VII
Child Labor Certificates and Notices	Three (3) years	FLSA
Employee Personnel Files <ul style="list-style-type: none"> Disciplinary notices Promotions and demotions Performance evaluations Discharge, layoff, transfer and recall files Training and testing files Physical files 	Three (3) years	FLSA
Medical Records - Seperate from Employee Files <ul style="list-style-type: none"> Medical Leave/FMLA Documentation ADA documentation Releases/Return to work Notices Letters from Physicians Disability Claims Workers Compensation forms, injury reports, status reports 	Three (3) Years Five (5) years - OSHA 300/300A/301 forms Thirty (30) years - OSHA employee exposure records and medical records	FMLA ADA OSHA
Form I-9	Retain completed I-9s for three years after date of hire or one year after date employment ends, whichever is later	ICRA of 1986

RECORD TYPE	LONGEST RETENTION PERIOD	LAWS GOVERNING RETENTION
Payroll Records <ul style="list-style-type: none"> • Name, employee number, address, age, sex, occupation • Individual wage records • Time and day work week begins • Regular hourly rate • Time Cards showing clock in/out punches and daily hours worked • Weekly overtime earnings • Deductions from or additions to wages • Wages paid each pay period • Payment dates and periods • Piece rates • Documents explaining the basis for paying different wages of employees. • Shift schedules 	Four (4) years	FLSA
Recruitment, Hiring and Job Placement Records <ul style="list-style-type: none"> • Job applications • Resumes • Other job inquiries sent to employer • Employment referral records • Applicant identification records • Help wanted ads • Opportunities for training, promotion or overtime • Job opening notices sent to employment agencies or labor unions • Employment testing results 	One (1) year from the date of the hiring decision or the duration of any claim or litigation involving hiring practices.	Title VII ADA ADEA
Unlawful Employment Practices Claims, Investigations and Legal Proceedings Records <ul style="list-style-type: none"> • Personnel and payroll records about complaining parties • Personnel and payroll records about all others holding or applying for similar positions 	Two (2) years	Title VII ADEA ADA

For filing instructions on this material, please refer to the [Record Retention Info-graphic](#).