

# RECORD RETENTION REQUIREMENTS

Numerous federal and state laws have specific records retention periods for specific records made, or collected in connection with, employment. Often the same records have different retention periods under different laws. Keep records for the longest period of time required by any applicable law or circumstance, as specified in the following chart, which pertains to Federal regulations only.

RECORD TYPE	LONGEST RETENTION PERIOD	LAWS GOVERNING RETENTION
<b>Affirmative Action Programs and Documents</b>	Five years (Discretionary but recommended)	Title VII EO11246
<b>Benefits Data</b>	Six years, but not less than one year following a plan terminations. Documentation of benefits, elections, beneficiary designations, eligibility determinations, COBRA notices, and summary plan descriptions and earnings. Records required to determine retirement benefits must be kept indefinitely	ERISA
<b>Child Labor Certificates and Notices</b>	Three years	FLSA
<b>Employee Personnel Files</b> <ul style="list-style-type: none"> <li>• Disciplinary notices</li> <li>• Promotions and demotions</li> <li>• Performance evaluations</li> <li>• Discharge, layoff, transfer, and recall files</li> <li>• Training and testing files</li> <li>• Physical files</li> </ul>	Three years	FLSA
<b>FMLA Records</b> <ul style="list-style-type: none"> <li>• Basic employee data</li> <li>• Dates of leave</li> <li>• Hours of leave if intermittent</li> <li>• Copies of employee notices and documents describing benefits or policies/practices regarding paid/unpaid leave</li> <li>• Records of premium payments by employee or group health plan</li> <li>• Records of any dispute regarding the designation of leave</li> </ul>	Three years (Separate employee medical folder)	FMLA
<b>Form I/9</b>	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
<p><b>Payroll Records</b></p> <ul style="list-style-type: none"> <li>Name, employee number, address, age, sex, occupation</li> <li>Individual wage records</li> <li>Time and day work week begins</li> <li>Regular hourly rate</li> <li>Hours worked (daily and weekly)</li> <li>Weekly overtime earnings</li> <li>Deductions from or additions to wages</li> <li>Wages paid each pay period</li> <li>Payment dates and periods</li> <li>Piece rates</li> </ul>	Four years	FLSA
<p><b>Recruitment, Hiring and Job Placement Records</b></p> <ul style="list-style-type: none"> <li>Job applications</li> <li>Resumes</li> <li>Other job inquiries sent to employer</li> <li>Employment referral records</li> <li>Applicant identification records</li> <li>Help wanted ads</li> <li>Opportunities for training, promotion or overtime</li> <li>Job opening notices sent to employment agencies or labor unions</li> <li>Employment testing results</li> </ul>	Two years (Or the duration of any claim or litigation involving hiring practices)	Title VII ADA ADEA
<p><b>Union and Employee Contracts</b></p>	Three years	FLSA
<p><b>Unlawful Employment Practices, Claims, Investigations, and Legal Proceedings Records</b></p> <ul style="list-style-type: none"> <li>Personnel and payroll records about complaining parties</li> <li>Personnel and payroll records about all others holding or applying for similar positions</li> </ul>	Two Years	Title VII ADEA ADA
<p><b>Wages</b></p> <ul style="list-style-type: none"> <li>Time cards</li> <li>Wage rate calculation tables for straight and overtime</li> <li>Shift schedules</li> <li>Individual employees' hours and days</li> <li>Piece rates</li> <li>Records explaining wage differentials between sexes</li> </ul>	Three years	FLSA