

Recommended Record Retention Guide Under Federal Guidelines*

FEDERAL LAWS	RECORDS AND REPORTS	RECORD REQUIREMENTS**
Age Discrimination in Employment Act (ADEA) of 1967	<ul style="list-style-type: none"> ■ Payroll Records 	3 Years
	<ul style="list-style-type: none"> ■ Employment applications and resumes ■ Personnel records relating to promotion, demotion, transfer, selection for training, layoff, rehire, and discharge ■ Job advertisements and postings ■ Completed employment tests and results of physical examinations 	1 year from personnel action to which records relate
	<ul style="list-style-type: none"> ■ Employee benefit plans, as well as copies of seniority systems and merit systems, which are in writing 	Duration of the plan, plus 1 year after plan termination
Americans with Disabilities Act (ADA)	<ul style="list-style-type: none"> ■ Employment applications ■ Personnel records relating to hiring, promotion, demotion, transfer, layoff, termination, rate(s) of pay, compensation, and selection for training ■ Requests for reasonable accommodation 	1 year from record creation or personnel action involved, whichever occurs later
	<ul style="list-style-type: none"> ■ EEO-1 Reports 	Current or most recent filed report must be retained
Civil Rights Act of 1964 (Title VII)	<ul style="list-style-type: none"> ■ Employment applications ■ Personnel records relating to hiring, promotion, demotion, transfer, layoff, termination, rate(s) of pay, compensation, and selection for training ■ Request for reasonable accommodation 	1 year from record creation or personnel action involved, whichever occurs later
	<ul style="list-style-type: none"> ■ EEO-1 Reports 	Current or most recent filed report must be retained
Consolidated Omnibus Reconciliation Act (COBRA)	<ul style="list-style-type: none"> ■ Records of notices sent – copies with date of mailing and addressee's name and address, including those sent to any third-party administrators ■ Responses received from qualified beneficiaries, including date of mailing and date received 	Best Practice: 8 years (based on recordkeeping period of ERISA)
Employee Retirement Income Security Act (ERISA)	<ul style="list-style-type: none"> ■ Records used in creating and certifying any report to be filed for an employee benefit plan 	8 years, to account for ERISA's requirement that records for a plan year be kept for 6 years after the due date for the plan's Form 5500
Employee Polygraph Protection Act	<ul style="list-style-type: none"> ■ Incident under investigation, if there is one ■ Request and reason for test ■ Test results and related reports from examiner 	3 years from the date the test is conducted or requested (if not conducted)
Equal Pay Act	<ul style="list-style-type: none"> ■ Payroll records, including wage rates, job evaluations, job descriptions, merit and seniority systems, and collective bargaining agreements 	3 years
	<ul style="list-style-type: none"> ■ Any documents discussing the basis for payment of any wage differential 	2 years

FEDERAL LAWS	RECORDS AND REPORTS	RECORD REQUIREMENTS**
Executive Order 11246	<ul style="list-style-type: none"> ■ Affirmative Action Plans and supporting documentation ■ Employment applications, job descriptions, job postings or advertisements, interview notes, tests and test results, records of job offers, written employment policies ■ Personnel or employment records 	2 years from date of record creation or personnel action, whichever is later***
Fair Labor Standards Act (FLSA)	<ul style="list-style-type: none"> ■ Payroll (earnings) records, including occupation, time/day of week workweek begins, hours worked per day and total hours per week, inclusions and exclusions from regular rate, total straight time and overtime earnings and deductions, date and amount of payments and period included in payments 	3 years
	<ul style="list-style-type: none"> ■ Timecards 	2 years
Family Medical Leave Act (FMLA)	<ul style="list-style-type: none"> ■ Payroll and personnel records relating to name, address, occupation, rate of pay, terms of pay, daily and weekly hours worked per pay period, additions/deductions from wages, total compensation, dates and/or hours of leave taken, copies of notices given to employer and to employee, employee benefits description, employer policies and practices regarding taking leave, premium payments for employee benefits, and dispute records regarding designation of leave as FMLA leave 	3 years
Federal Insurance Contribution Act Federal Unemployment Tax Act Federal Income Tax Withholding	<ul style="list-style-type: none"> ■ Personnel records ■ Payroll records ■ Tax records including form W-4 	4 years
Lilly Ledbetter Fair Pay Act of 2009	<ul style="list-style-type: none"> ■ All documents supporting or defending compensation decisions 	Indefinitely
Immigration Reform and Control Act (IRCA)	<ul style="list-style-type: none"> ■ Form I-9 	Duration of individual's employment and for 3 years after date of hire or one year after date of termination, whichever is later
Occupational Safety and Health Act (OSHA)	<ul style="list-style-type: none"> ■ 300, 300A, and 301 Forms, privacy case list 	5 years following end of calendar year covered by those records
	<ul style="list-style-type: none"> ■ Medical records 	Length of employment, plus 30 years.
	<ul style="list-style-type: none"> ■ Exposure records ■ MSDS records 	30 years
Rehabilitation Act of 1973	<ul style="list-style-type: none"> ■ Personnel and employment records ■ Disability discrimination complaints and action taken 	2 years from the date of creation or from the date of personnel action***
Vietnam Era Veterans' Readjustment Assistance Act	<ul style="list-style-type: none"> ■ Personnel and employment records ■ Affirmative Action Plan 	2 years from date of creation or from date of personnel action***
	<ul style="list-style-type: none"> ■ VETS-100 	2 years

* This chart reflects the requirements set forth in the relevant federal statutes and regulations; state law may require a longer retention period.

** Where a discrimination charge has been filed, or where an action has been brought by the EEOC, the Attorney General, or a private party, all records must be retained until final disposition of the charge or action.

*** This retention requirement applies to federal contractors with at least 150 employees and a government contract of at least \$150,000. Those federal contractors who do not meet these guidelines need only retain relevant records for a period of one year.