

# Employee Record Retention Tables

Record retention is important in the event that an employee should file a grievance against a company, or should the employer be audited by a state or federal agency. Although record retention can often be considered tedious and time-consuming, and storage space can be a challenge, its value is immeasurable in the event the records are required. For each current and potential employee, you should have written policies in place for handling every aspect of the actual documentation.

If you have chosen an applicant to become an employee, it's important that all related information, i.e., W4 form, employee application, Form I-9, employee handbook signature, etc. should be scanned.

## Recruitment

Type of Record	Retention Period	Statute
Job orders submitted by the employer to employment agencies or labor organizations for recruitment of employees.	One year from date of personnel action.	29 U.S.C. §626; 29 C.F.R. §1627.3 (Age Discrimination in Employment Act)
Job advertisements and notices to public or to employees regarding job openings, training programs, promotions, and opportunities for overtime.	One year from date of personnel action.	29 U.S.C. §626; 29 C.F.R. §1627.3 (Age Discrimination in Employment Act)
Criteria for selection for apprenticeship programs in recognized trade or craft; chronological list of all applicant's names, addresses, dates of application, sex, minority, group class (race or national origin); and any test papers or interview records in which hiring decisions were made.	(1) Two years or period of chosen applicant's apprenticeship, whichever is longer; or (2) one year from date of report.	42 U.S.C. §2000e8c; 29 CFR §1602 (Title VII of the Civil Rights Act of 1964)

## Documents Related to Employee Selection

Type of Record	Retention Period	Statute
Written training agreements, summaries of applicants' qualifications, job criteria, interview records and identification of minority and female applicants.	Duration of training plus three years.	29 U.S.C. §206(d)(1); 29 U.S.C. §211; 29 C.F.R. §516.5 (Fair Labor Standards Act and National Labor Relations Act)
Test results from employment test.	One year from date of personnel action.	29 U.S.C. §626; 29 C.F.R. §1627.3 (Age Discrimination in Employment Act)
Results in physical examinations.	One year from date of personnel action.	29 U.S.C. §626; 29 C.F.R. §1627.3 (Age Discrimination in Employment Act)
Promotion, demotion, transfer, selection for training, layoff, recall or discharge.	One year from date of personnel action.	29 U.S.C. §626; 29 C.F.R. §1627.3 (Age Discrimination in Employment Act)
Hiring documents, including job applications, resumes, job inquiries, and records of refusals to hire.	One year from date of personnel action.	29 U.S.C. §62; 29 C.F.R. §1627.3 (Age Discrimination in Employment Act)
Application forms and other pre-employment records of applicants for temporary positions.	One year after personnel action.	29 U.S.C. §626; 29 C.F.R. §1627.3 (Age Discrimination in Employment Act)
All personnel or employment records including application forms, resumes, other hiring records; promotion, demotion, transfer, layoff, discharge, pay rates, or other compensation terms.	One year from date records made or personnel action taken, for whichever is later.	42 U.S.C. §2000e8c; 29 C.F.R. §1602.14 (Title VII of the Civil Rights Act of 1964)
INS form I-9 Employment Eligibility Verification Form.	Three years after date of hire or one year after date of termination, for whichever is later.	8 U.S.C. §1324a (Immigration and Nationality Act).
Employers having 100 or more employees, EEO-I Form.	Copy of most recent report for each reporting unit must always be retained.	42 U.S.C. §2000e8c; 29 C.F.R. §1602 (Title VII of the Civil Rights Act of 1964)
Written affirmative action program with supporting documents, evaluations, documents regarding compliance with EEO antidiscrimination and affirmative action regulations, test records and results.	Retention period not specified but suggested that these records be retained for at least 5 years.	Executive Order No. 11246 41 C.F.R. §60-1.4(a)

## Documents Related to Compensation of Employees

Type of Records	Retention Period	Statute
Payroll records, collective bargaining agreements, including any changes, individual contracts, written agreements under the FLSA, sales and purchase records, and certificates and notices of the Wage and Hour Administrator	Three years.	29 U.S.C. §206(d)(1); 29 U.S.C. §211; 29 C.F.R. §516.5 (Fair Labor Standards Act and National Labor Relations Act)
Supplementary basic records including basic employment and earnings records; wage and rate tables utilized to calculate straight and overtime work schedules; work-time schedules; order, shipping and billing records; additions to or deductions from wages paid; records used for determining costs; and records explaining basis for payment of any wage differential to the opposite sex	Two years.	29 U.S.C. §206(d)(1); 29 U.S.C. §211; 29 C.F.R. §§516.6 and 1620.32 (Fair Labor Standards Act and National Labor Relations Act)
Certificates of Age	Until termination of employment.	29 U.S.C. §206(d)(1); 29 U.S.C. §211; 29 C.F.R. §570.6 (Fair Labor Standards Act and National Labor Relations Act)
Payroll or other records containing name, address, birth date, occupation, pay rate and weekly compensation	Three years.	29 U.S. C. §626; 29 C.F.R. §1627.3 (Age Discrimination in Employment Act)
Payroll records including name, address, job category, pay rate, weekly number of hours worked, deductions made, and wages paid	Three years from completion of contract.	40 U.S.C. §276a; 29 C.F.R. §5.5 (Davis-Bacon Act)

## Documents Related to Employee Benefit Plans

Type of Records	Retention Period	Statute
Employee benefit plans (such as pension or insurance plans); seniority and merit systems which are in writing	Duration of plan and for at least 1 year after plan's termination.	29 U.S.C. §626; 29 C.F.R. §1627.3 (Age Discrimination in Employment Act)
Basic information supporting plan descriptions including vouchers, worksheets, receipts, applicable resolutions and participants' elections and deferrals.	Six years after filing date of documents.	Employee Retirement Income Security Act of 1974 §107
Retain a signed and dated notation in each employee file (a) documenting the dates on which the employee was given each required reporting and disclosure document relating to an employer-sponsored benefit plan; and (b) the manner of deliver. Keep in a master file (instead of in each employee file).	Indefinitely.	Employee Retirement Income Security Act of 1974 §209
Beneficiary designation and distribution election forms for retirement plans.	For distribution to participants, 3 years following distribution. For distribution to a beneficiary, indefinitely.	Employee Retirement Income Security Act of 1974
Any correspondence, inquiries or notes relating to individual eligibility determinations.	Indefinitely.	Employee Retirement Income Security Act of 1974 §209
Copies of each document for referral purposes. Examples of reporting and disclosure documents are COBRA notices, summary plan descriptions and summary annual reports.	Indefinitely.	Employee Retirement Income Security Act of 1974

## Documents Related to Drug and Alcohol Testing

Type of Records	Retention Period	Statute
Records related to positive test results and/or refusals to take a required alcohol and/or controlled substances test; driver evaluation and referrals.	Five years.	49 C.F.R. §382.401 (Controlled Substances and Alcohol Use and Testing)
Equipment calibration documentation, records related to administration of alcohol and controlled substances testing programs, copy of annual calendar year summary.	Five years.	49 C.F.R. §382.401 (Controlled Substances and Alcohol Use and Testing)
Records related to the collection process, including collection logbooks; documents relating to the random selection process, reasonable suspicion testing, post-accident testing; documents verifying employee's inability to provide breath for testing.	Two years.	49 C.F.R. §382.401 (Controlled Substances and Alcohol Use and Testing)
Records related to negative and cancelled test results.	One year.	49 C.F.R. §382.401 (Controlled substances and Alcohol Use and Testing)
Records related to breath - alcohol testing related training.	Two years.	49 C.F.R. §382.401 (Controlled Substances and Alcohol Use and Testing)

## Documents Related to Employee Leaves of Absence

<b>Type of Records</b>	<b>Retention Period</b>	<b>Statute</b>
Basic payroll and identifying employee data, including name, address, occupation, rate of pay and terms of compensation, daily and weekly hours worked per pay period and additions or deductions from wages.	Three years.	29 U.S.C. §2616; 29 C.F.R. §825.500. (Family and Medical Leave Act of 1993)
All records pertaining to compliance with FMLA's leave requirements, including dates and hours (if less than a full day) of FMLA leave; copies of employer notices, documents for premium payments and employee benefits, records of disputes with employees over FMLA benefits.	Three years.	29 U.S.C. §2616; 29 C.F.R. §825.500. (Family and Medical Leave Act of 1993)
Documents describing FMLA notices and copies of employer's FMLA policy.	Three years.	29 U.S.C. §2616; 29 C.F.R. §825.500. (Family and Medical Leave Act of 1993)