

Record Retention Guide — Federal

Type of Record	Description	Federal Retention Period
Age Discrimination in Employment Act of 1967 (ADEA)	Payroll or other records for each employee that contain: <ol style="list-style-type: none"> 1. Name; 2. Address; 3. Date of birth; 4. Occupation; 5. Rate of pay; and 6. Compensation earned each week 	Termination + three (3) years.
	All personnel records, including job applications, resumes, job advertisements, documents related to hiring/failure to hire, firing, transfer, demotions, promotions, layoffs/recall, payroll records, job descriptions, employment handbooks, training programs, employee evaluations, and requests for reasonable accommodation.	One (1) year from date of personnel action to which any records relate.
	Employee benefit plans, such as pension and insurance plans, and copies of documents describing any seniority systems and merit systems.	For the full period the plan or system is in effect, and for at least one (1) year after its termination.
Americans with Disabilities Act (ADA)	Any personnel or employment record made or kept by an employer, including requests for reasonable accommodation; application forms and other records relating to hiring, promotion, demotion, transfer, layoff, or termination; rates of pay or other terms of compensation; and selection for training or apprenticeship.	One (1) year from date record is made or from date of personnel action involved (whichever is later).
	Personnel records of an individual who is involuntarily terminated.	One (1) year from date of termination.

Type of Record	Description	Federal Retention Period
Civil Rights Act of 1964 – Title VII	Any personnel or employment record made or kept by an employer, including requests for reasonable accommodation; application forms and other records pertaining to hiring, promotion, demotion, transfer, layoff, or termination; rates of pay or other terms of compensation; and selection for training or apprenticeship.	One (1) year from date record is made or date of personnel action involved (whichever is later).
	Personnel records of an individual who is involuntarily terminated.	One (1) year from date of termination.
	For an apprenticeship program, a chronological listing of the names, addresses, genders, and minority group identification of all applicants, including the dates applications were received, any test papers and interview notes, and all other records relating to apprenticeship.	Two (2) years from date record is made or end of program length, whichever is greater.
Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA)	Copies of all COBRA-required notices; any documentation or signed acknowledgments that the notices were received by the employee/qualified beneficiary; and detailed documentation related to any instance in which COBRA continuation is not offered due to gross misconduct, late notification, Medicare entitlement, or other reasons, and all related correspondence.	COBRA regulations do not specify a recordkeeping period. Since COBRA amended ERISA, it is generally recommended that records be maintained for not less than six (6) years from the date of record, in accordance with ERISA requirements.
Employee Polygraph Protection Act (EPPA)	Polygraph test results and the reasons for administering the test.	Three (3) years from the date the polygraph test is conducted.
Employment Retirement Income Security Act (ERISA)	Benefit plan documents, annual reports and summaries of annual reports, summary plan descriptions, and all information used in compiling required reports, such as vouchers, worksheets, receipts, applicable resolutions, and participants' elections and deferrals.	Six (6) years from the date of the record or as long as the plan is relevant.
Equal Pay Act of 1963 (EPA)	Any records relating to payment of wages, wage rates, job evaluations, job descriptions, merit or seniority systems, collective bargaining agreements, description of practices, or other matters that describe or explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment and that may be pertinent to a determination whether such differential is based on a factor other than sex.	Two (2) years from date the record is made.

Type of Record	Description	Federal Retention Period
Fair Labor Standards Act (FLSA)	Payroll and other records containing each employee's name, Social Security number, address, date of birth (if under 19), sex, occupation, time and day of the week when the employee's workweek begins, hours worked each day, total hours worked each workweek, basis on which employee's wages are paid, regular hourly pay rate, total daily or weekly straight-time earnings, total overtime earnings for the workweek, all additions to or deductions from the employee's wages (including reasons for such additions/deductions), total wages paid each pay period, date of payment, and the pay period covered by the payment.	Three (3) years from the date of entry.
	Collective bargaining agreements, individual contracts, certificates, notices, and sales and purchase records.	Three (3) years from the last effective date.
	Records required for the computation of wages, including basic time and earning cards/sheets; wage rate tables; order, shipping, and billing records; and records of additions to or deductions from wages paid.	Two (2) years from the date the record is made.
	Certificates authorizing payment at less than minimum wage.	Three (3) years from the date the record is made.
Family and Medical Leave Act (FMLA)	Medical certifications and related medical information; type of leave taken; dates or hours of leave taken; name, position, and pay rate of person on leave; copies of all notices given to or received from employee; documents describing employee benefits and status; documents describing employer policies and practices regarding leave; records of any dispute about the designation of leave as FMLA leave.	Termination + three (3) years.
Genetic Information Nondiscrimination Act (GINA)	Any personnel or employment record made or kept by an employer, including requests for reasonable accommodation; application forms and other records related to hiring, promotion, demotion, transfer, layoff, or termination; rates of pay or other terms of compensation; and whether employee was selected for training or apprenticeship.	One (1) year from date record is made or from date of personnel action involved (whichever is later).
Immigration Reform and Control Act (IRCA)	Form I-9 for terminated employees. (All current employees hired since November 6, 1986, must have an I-9 on file.)	Termination + one (1) year.

Type of Record	Description	Federal Retention Duration
Internal Revenue Code (IRC)	Tax and Social Security records, such as income tax withholding, Social Security, unemployment compensation, and advanced date earned income credit payments.	Four (4) years from date of filing.
Occupational Safety and Health Administration (OSHA)	OSHA Form 300 (Log of Work-related Injuries and Illnesses), OSHA Form 300A (Summary of Work-related Injuries and Illnesses), and OSHA Form 301 (Injury and Illness Report).	Five (5) years following the end of the calendar year that these records cover. Exposure records: duration of employment + thirty (30) years. Training records: three (3) years from the date on which the training occurred.

Note: This chart is intended to provide general guidance and is not exhaustive of recordkeeping requirements, and additional state or industry guidelines may apply to your business. 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.