

Summary of Employment Record Retention Requirements

Law	Record Retention Requirements
Age Discrimination in Employment Act (<i>ADEA</i>)	Payroll records— 3 years . Employment records (promotions, applications, layoff, recall, terminations and so forth)— 1 year .
Americans with Disabilities Act (<i>ADA</i>)	Employment records (applications, requests for reasonable accommodations, promotions, selections for training, terminations and so forth)— 1 year from record creation or taking of the action .
Title VII of the Civil Rights Act of 1964	Employment records (applications, promotions, transfers, layoffs, terminations and so forth)— 1 year from record creation of taking of the action . (Note: A copy of the current EEO-1 Report must be kept in the files.)
Consolidated Omnibus Budget Reconciliation Act (<i>COBRA</i>)	Notices, payroll actions, and so forth— 6 years .* -*COBRA does not mandate retention requirements, per se. However, COBRA amends ERISA and its retention requirements apply.
Davis-Bacon, Service Contract, and Walsh-Healy Public Contract Acts	Employment and payroll records— 3 years from end of the contract .
Employee Retirement Income Security Act (<i>ERISA</i>)	Annual reports, summary plan descriptions, plan changes, required reports to the Department of Labor and the Pension Benefit Guarantee Corporation, along with related materials to prepare such reports— 6 years . (Note: Information necessary to determine benefits for participants—As long as they are relevant.)
Employee Polygraph Protection Act	Test results and reason for administration— 3 years .
Equal Pay Act	Payroll records— 3 years .
Executive Order 11246	Affirmative action plans— 2 years .
Fair and Accurate Credit Transactions Act (<i>FACTA</i>)	Documents containing information from credit reports— Must be shredded on completion of action/determination .
Fair Labor Standards Act (<i>FLSA</i>)	Payroll records— 3 years .
Family and Medical Leave Act (<i>FMLA</i>)	Employment records, payroll records, leave records, employee notices, and so forth— 3 years .
Federal Insurance Contribution Act (<i>FICA</i>) Federal Unemployment Tax Act (<i>FUTA</i>) Internal Revenue Code (Federal Income Tax Withholding)	Employment and payroll records— 4 years from the date the tax is due or the tax is paid, whichever is later .
Immigration Reform and Control Act	Form I-9— 3 years from date of hire or 1 year from date of termination, whichever is later .
Occupational Safety and Health Act (<i>OSHA</i>)	Logs and reports— 5 years . (Note: Medical records and records of exposure to toxic substances for each employee—30 years from the date the employee leaves employment with the organization.)
Rehabilitation Act of 1973	Employment and payroll records— 2 years . (Note: A copy of the current affirmative action plan developed under the act must be kept in the files.)
Uniform Guidelines on Employee Selection Procedures (<i>UGESP</i>)	Recruitment and selection documents, including the analysis of adverse selection based on these documents— 2 years after the adverse impact is eliminated where analysis indicated adverse impact .
Vietnam Era Readjustment Assistance Act	Employment and payroll records— 2 years . (Note: A copy of the current affirmative action plan must be kept in the file. A copy of the current VETS-100 must be retained.)