**Record Retention Chart**

This reference chart provides information on federal record retention requirements. **Note:** State and/or jurisdiction-specific requirements may vary.

|  |  |  |
| --- | --- | --- |
| **Type of Record** | **Related Law(s)** | **Minimum  Retention Period** |
| **Hiring Documents** (including job descriptions, advertisements, applications, resumes, interview questions and notes, background and reference check materials) | Title VII of the Civil Rights Act, Americans with Disabilities Act (ADA), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act (ADEA) | 1 year from the date the records were made (hires and non-hires). If a discrimination complaint is filed, records related to the case must be kept until the final disposition of the complaint or lawsuit. |
| **Performance Records** (including records relating to promotion, discipline, demotion, layoff, or termination) | Title VII, ADA, GINA, and ADEA | 1 year from the date the records were made, or from the date of the personnel action involved, whichever is later. If a discrimination complaint is filed, records related to the case must be kept until final disposition. |
| **Accommodation Requests** (for disability or religious practices) | ADA and Title VII | 1 year from the date of the decision, but employers may want to keep them for the duration of employee’s employment. If a discrimination complaint is filed, records related to the case must be kept until the final disposition. |
| **Employee Exposure Records** (toxic substances) | Occupational Safety and Health (OSH) Act | 30 years |
| **Employee Medical Records** | Occupational Safety and Health (OSH) Act | Duration of employment plus 30 years |
| **ERISA & Benefits Records** (including summary plan descriptions, annual reports, notices of reportable events, and plan termination documents) | Employee Retirement Income Security Act (ERISA) | 6 years |
| **Family and Medical Leave Records** (including dates of leave, medical certifications, employer-provided notices, and premium payments) | Family and Medical Leave Act (FMLA) | 3 years |
| **Form I-9** (Employment Eligibility Verification Form) | Immigration Reform and Control Act (IRCA) | 3 years after employment begins or 1 year beyond termination, whichever is later |
| **OSHA Logs** (including incident reports and annual summaries: Forms 300, 300A, and 301) | Occupational Safety and Health (OSH) Act | 5 years following the year to which they relate |
| **Payroll & Tax Records** (including employee name, occupation, address, social security number, wage rate, number of hours worked daily and weekly, gross wages, deductions, allowances claimed, net wages, overtime, date of each payment, federal income tax and FICA withheld, Form W-4, etc.) | Fair Labor Standards Act (FLSA), Equal Pay Act (EPA), Internal Revenue Code | 4 years for records required for tax purposes. Otherwise, 3 years. |