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Retention of Employment-Related Records (Federal)

Employee Selection

DOCUMENT	LENGTH OF RETENTION
Written training agreements, summaries of applicants' qualifications, job criteria, interview records and identification of minority and female applicants	Duration of training program
Test papers and results of employment tests	One year from date of personnel action
Results of physical examinations	One year from date of personnel action
Promotion, demotion, transfer, selection for training, layoff, recall of discharge	One year from date of personnel action
Hiring documentation including job applications, resumes, job inquiries, and records of refusals to hire	One year from date of personnel action
Application forms and other pre-employment records of applications for temporary positions	90 days
All personnel or employment records including application forms, resumes, other hiring records, records regarding promotion, demotion, transfer, layoff, discharge, pay rates, or other compensation terms	One year from date of personnel action or date the record was made, whichever is later
INS Forms I-9, Employment Eligibility Verification	Three years after date of hire, or one year after termination, whichever is later
Written affirmative action program and supporting documentation (if maintained): Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) and Section 503 of the	Three years

Rehabilitation Act of 1973 (*Applicable to individuals with disabilities*)

No time specified; Five years suggested

Written affirmative action program and supporting documentation (if maintained):
Section 60.34 (*Applicable to race, sex, and ethnic groups*)

Employee Leaves of Absence

DOCUMENT	LENGTH OF RETENTION
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
All records pertaining to compliance with FMLA's leave requirements, including dates and hours of FMLA leave, documents describing leave policies, premium benefit payments, and records of disputes over FMLA benefits	Three years
Documents regarding FMLA notices and copies of employer's FMLA policy	Three years

Employee Recruitment

Employee Compensation

DOCUMENT	LENGTH OF RETENTION
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
Supplementary basic records including basic employment and earnings records; wage rate tables utilized to calculate straight time and overtime work schedules; work time schedules; order, shipping, and billing records; records of additions to or deductions from wages paid; records used for determining costs; and records explaining basis for payment of any wage differential to employees of the opposite sex.	Two years
Certificates of age	Until termination of employment
Payroll or other records containing name, address, birth date, occupation, pay rate, and weekly compensation	Three years (or three years from completion of contract under Davis-Bacon Act)
Name, address, and occupation of each employee	Three years
Rate of pay and amount paid to each employee for each pay period	Three years
Hours worked each day and work week by each employee (MFLSA)	Three years

Employee Benefit Plan

DOCUMENT	LENGTH OF RETENTION
Employee benefit plans, seniority and merit systems	Duration of plan plus one year
Basic information supporting plan descriptions	Six years after filing date of documents
COBRA notifications, forms and records of premium calculations	COBRA does not specify a document retention period, but ERISA requires covered employers to retain documents for six years

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Employee Exposure to Toxic Substances

DOCUMENT	LENGTH OF RETENTION
Logs and summaries of occupational injuries and illnesses (OSHA Form No. 300)	Five years following end of year to which records relate
Supplemental record for each occupational injury or illness (OSHA Form No. 301)	Five years following end of year to which records relate
Annual summary of occupational injuries and illness (OSHA Form No. 300A)	Five years following end of year to which records relate
Records of medical examinations required by law	Duration of employment plus 30 years, unless OSHA requirements provide otherwise
Records regarding the monitoring of exposure to hazardous materials	30 years
Distributors, processors, or manufacturers of any chemical substance must retain records of employee's "significant adverse reactions" to health or environment	30 years from date of such adverse reaction first reported to or known by person maintaining the record
Any other records of such adverse reactions	5 years from date first reported or known by person maintaining the record
Consumer allegations of personal injury or harm to health, reports of occupational disease or injury and reports or complaints of injury to the environment submitted to the manufacturer, processor, or distributor from any source	30 years for claims of occupational disease or occupational health problems

Drug and Alcohol Testing

DOCUMENT	LENGTH OF RETENTION
Records related to negative test results	One year
Records related to the collection process	Two years
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
Equipment calibration documentation	Two years

Disability Discrimination Charges

DOCUMENT	LENGTH OF RETENTION
Records concerning complaints of handicap discrimination and relevant employment records of charging party and employees in similar positions; records of actions taken under the Civil Rights Act	Three years
Personnel records of an individual whose employment has been involuntarily terminated	One year from the date of the termination
Personnel records concerning a charge of discrimination filed or an action brought by the EEOC or the attorney general against an employer under Title VII or the ADA	Until final disposition of the charge or the action (the date of expiration of the statutory period within which the aggrieved person may bring an action in U.S. District Court or the date such litigation is terminated)

Discrimination Charges

DOCUMENT	LENGTH OF RETENTION
Personnel records concerning any discrimination charge brought by an agency or individual (e.g., records about charging party and all other employees holding similar positions, application forms, or test papers completed by all applicants for same position)	Until final disposition
In action brought against employer, any personnel records concerning employee or applicant	Until final disposition
Records concerning complaints under the Civil Rights Act	One year

This information is for general use only. It is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact an attorney for legal advice.

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