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Retention of Employment-Related Records

<i>Employee Selection</i>	
DOCUMENT	LENGTH OF RETENTION
Written training agreements, summaries of applicants' qualifications, job criteria, interview records and identification of minority and female applicants	Three years
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	One year from date of personnel action
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

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

DOCUMENT	LENGTH OF RETENTION
Advertisements or other public notices	One year from date of personnel action
Orders placed with agencies, head hunters or labor unions	One year from date of personnel action
Criteria for selection for apprenticeship programs in recognized trade or craft; chronological list of applicants' names, addresses, dates of application, sex, minority group class, and any test papers or interview records on which hiring decisions were made	Two years or period of chosen applicants' apprenticeship, whichever is longer

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

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	Five 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 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

State Level Requirements that Exceed Federal Requirements

STATE	LENGTH OF RETENTION
Alabama	Five years for name, SSN, date of hire, dates of each pay period, wages, benefits, work dates/hours, and times of unemployment Twelve years for record of all injuries for which payment is claimed
Alaska	Three years for information on any employed minors
Arizona	Four years for employee names, addresses, DOBs, occupation, workweeks, hourly rates, wages each pay period, and more
Arkansas	Three years for salary/wage rate and job classification
California	Three years for all terms and conditions of employment
Colorado	Five years for name, SSN, date of hire, basis and manner of pay, and wages each pay period
Delaware	Four years for name, SSN, and gross and taxable wages for each pay period

Florida	Five years for name, SSN, payroll records, hours worked and wages paid, and date of hire
Georgia	Four years for name, SSN, date of hire, daily/weekly hours, and pay
Hawaii	Six years for name, address, SSN, DOB, pay rate, date of hire, and more
Idaho	Five years for name, address, SSN, date of hire, pay rate, and more
Illinois	Material Safety Data Sheets and a record of all employee exposure to toxic materials for 10 years
Indiana	N/A
Iowa	Five years for name, SSN, date of hire, reason for separation, wages in each period, and more
Kansas	Five years for name, SSN, dates of hire and termination, and wages paid in each pay period
Kentucky	Two years for requests for reasonable accommodations by individuals with disabilities
Louisiana	Five years for name, SSN, date of hire/separation, and compensation
Maine	Four years for name, SSN, wages earned each week, and pay period information Three years for records of sexual harassment training
Maryland	Five years for SSN, wages per pay period, and dates of hire/termination
Massachusetts	Four years for wages, payrolls, and hours
Michigan	Three years for records documenting earned sick leave Six years for name, SSN, payroll information, dates of hire and separation

	Thirty years after the end of employment for medical records
	1 year for daily hours and start/quit times for workers under 18
Minnesota	Four years for personal information of each worker, payroll records, and tax forms
Mississippi	N/A
Missouri	N/A
Montana	Five years for name, SSN, wages, date of hire/termination, and pay period information
Nebraska	Four years for name, SSN, pay period information, dates of hire/separation, and wages
Nevada	Four years for name, SSN, pay period information, dates of hire/separation, and wages
New Hampshire	Four years for name, address, hours worked, wages paid, and meal periods
	Six years for dates of hir/separation, SSN, and weekly wages
New Jersey	Six years for name, address, DOB, and hours and wages
	Five years for hours worked and paid sick leave
	Five years for SSN, dates of hire/separation, and wages paid
New Mexico	Ten years after the filing of a report for unclaimed wages for name and last known address
	Four years for name, address, SSN, dates of employment, wages per pay period, and reason for separation
New York	Six years for wage, hour, and payroll records

	Eighteen years for any injury or illness incurred by an employee in the course of employment
	Forty years for names, addresses, and SSNs of employees who use or handle a hazardous substance
North Carolina	N/A
North Dakota	Five years for information relating to unemployment insurance
Ohio	Five years for information relating to unemployment insurance
	Five years for all payroll expenditures
Oklahoma	Four years for information relating to unemployment insurance
Oregon	Two years for personal information of employees under the age of 18
Pennsylvania	Four years for information relating to unemployment insurance
Rhode Island	Four years for information relating to unemployment insurance
South Carolina	Five years for information relating to unemployment insurance
South Dakota	Four years for information relating to unemployment insurance
	Four years for records of workplace injuries
Tennessee	Seven years for information relating to unemployment insurance
Texas	Four years for wage, hour, and payroll records
	Five years for all injuries
	Thirty years for Safety Data Sheets for all hazardous chemicals

Utah	N/A
Vermont	Four years for information relating to unemployment insurance
Virginia	Four years for information relating to unemployment insurance
Washington	Four years for information relating to unemployment insurance
	Three years from last date of minor's employment for any information relating to that minor employee
	Six years for certain employee and premium information
West Virginia	Five years for information relating to unemployment insurance
	Two years for information on employees' legal status and authorizations to work
Wisconsin	Six years for information relating to unemployment insurance
	Three years for information on employees under the age of 18
Wyoming	Four years for information relating to unemployment insurance

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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