

Federal Record Retention Guidelines

Record	Period of Retention	Applicable Law	Suggested Form/Folder
Age Discrimination in Employment Act (ADEA)			
Job Posting Job Advertisements	1 year	29 CFR 1627.3(b)(1)(vi)	Store in Job-File Folder
Job Applications	1 year (includes seasonal and temporary workers)	29 CFR 1627.3(b)(1)(i)	Application for Employment Long Application for Employment Short
Solicited Resumés (including records pertaining to the failure or refusal to hire any individual)	1 year	29 CFR 1627.3(b)(1)(i)	Store in Job-File Folder
Unsolicited Resumés	Not required to be kept, but recommended as good business practice.		
Screening Tests	1 year for employers with 100 or fewer employees. Employers with over 100 employees: though regulations do not specify time, it is safe to say at least 1 year	29 CFR 1627.3(b)(1)(iv) 29 CFR 1607.15 (A)(1)	HR Assessments – employment test
Drug Test Results for General Industry	1 year after action taken	29 CFR 1627.3(b)(1)(v)	Store in Confidential Employee Medical Records Folder
Result of Physical Exams	1 year	29 CFR 1627.3(b)(2)(v)	Store in Confidential Employee Medical Records Folder
Hiring, promotion, demotion, transfer, selection for training, layoff, recall, or discharge of any employee	1 year after action taken	29 CFR 1627.3(b)(1)(ii)	Job Application, Performance Review, Payroll Status Change, Separation Notice, Exit Interview, Separation Agreement
Payroll Records	4 years for tips and total wages	29 CFR 1627.3(a)	Store in Payroll Records Folder, W-4, W-2, 1099
Employee Records including name, address, date of birth, occupation, rate of pay, compensation per week	3 years (4 years under FICA)	29 CFR 1627.3(a)	Document on and Store in Confidential Employee Record Folder
Records or Charges of Discrimination and any personnel records relevant to a pending charge	Until final disposition	29 CFR 1627.3(b)(3)	Confidential Employee Records folder
Benefit Plans	at least 1 year after termination of plan	29 CFR 1627.3(6)	
Job orders submitted to employment agency	1 year	29 CFR 1627.4(a)(1)(iii)	Job File/Folder
Department of Transportation (DOT)			
Drug Test Results for Transportation Industry	1-5 years after action taken	49 CFR 382.401	Store in Confidential Employee Medical Records Folder
Equal Employment Opportunity Commission (EEOC)			
Request for Reasonable Accommodations	1 year after the record made or 1 year after the action taken, whichever is later.	29 CFR 1602.14	Request for Reasonable Accommodations
Hiring, promotion, demotion, transfer, selection for training, layoff, recall, or discharge of any employee	1 year after record made or 1 year after action taken, whichever is later.	29 CFR 1602.14	Job Application, I-9, Performance Review, Payroll Status Change, Separation Notice, Exit Interview, Warning Notice, Separation Agreement
EEO-1	Most recent year report kept on file	29 CFR 1602.7	EEO-1 Summary Report
Termination Records	1 year from termination date	29 CFR 1602.14	Payroll Status Change, Separation Agreement, Exit interview

For more information regarding any of the suggested forms, contact G.Neil at 800.999.9111 or shop online at www.gneil.com

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Employee Polygraph Protection Act (EPPA)			
Polygraph Test	3 years from the date the polygraph test is conducted	2 USCA § 1314 3 USCA § 414 29 USCA § 2002	Confidential Employee Record Folder
Employee Retirement Income Security Act (ERISA)			
Benefit Plans	6 years	29 USC 1027	
Federal Insurance Contribution Act (FICA)			
Payroll Records	4 years (3 years under ADEA) for occupation, rate of pay, compensation earned by each employee.	FICA Reg § 316001-1(e)(2)	Store in Payroll Records Folder or Confidential Employee Record Folder
Fair Labor Standards Act (FLSA)			
Child Labor – verification of age for minors	3 years	29 CFR 516.2, 516.5	Store in Confidential Employee Record Folder
Employment Contracts	3 years	29 CFR 516.5(b)(4)	Store in Confidential Employee Record Folder
Payroll Records	4 years – payroll records, certificates, collective bargaining agreements, contracts, plans, trusts.	29 CFR 516.5	Store in Payroll Records Folder, W-4, W-2, 1099
Employee evaluations, seniority systems, wage rates, merit systems, collective bargaining agreements	3 years	29 CFR 516	Performance Review
Family and Medical Leave Act (FMLA)			
FMLA Documentation	3 years after leave ends	29 CFR 825.500(b)	Request for FMLA Leave, Company Response, Physician Certification, Payroll Status Change, Absence Report, FMLA Tracker, Store in Employee FMLA Folder
Federal Unemployment Tax Act (FUTA)			
Unemployment Tax	4 years from the tax due date or tax payment whichever is greater	26 CFR 31.6001-1(e)(2)	
Immigration Reform and Control Act (IRCA)			
I-9 Forms and additional verification information	Employers with more than 10 employees at any time during the last calendar year: 5 years following the end of the year to which they relate.	8 USC 1324(b)(3)(A)(B)	I-9 Form or I-9 Compliance Kit
Occupational Safety and Health Act (OSHA)			
OSHA Forms related to injuries and illnesses	Employers with 10 or more employees: 5 years following the end of the year to which they relate.	29 CFR 1904.33	Accident Illness Report, OSHA 300A, OSHA Form 300
Medical exams and records related to or indicating employee exposure to toxic substances or otherwise harmful physical agents	30 years after termination of employment	29 CFR 1910.1020(I)	Store in Confidential Employee Medical Records Folder
Record concerning measurement of employee noise exposure	2 years	29 CFR 1910.95(m) (3)(i)	Confidential Employee Record Folder

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