



HR Record Retention Requirements – United States

United States			
DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS			
Contracts (new hire agreements, severance, etc.)	General: Minimum 3 years;	From date of termination	Fair Labor Standards Act (FLSA); Employee Retirement Income Security Act (ERISA)
	ERISA Related Records: Minimum 6 years		
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum 3 years;	From date of record	29 C.F.R. § 516.5; The Equal Pay Act (EPA) (minimum 2 years); Section 107 of the Employee Retirement Income Security Act (ERISA)
	Minimum 6 years - records that relate to ERISA		
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	Minimum 3 years	From date of termination	Fair Labor Standards Act (FLSA); The Age Discrimination in Employment Act of 1967 (ADEA); Americans with Disabilities Act (ADA); Genetic Information Nondiscrimination Act (GINA)
Data and personnel files	Minimum 3 years (employment history related records minimum 2 years from term. or personnel action)	From date of termination	Fair Labor Standards Act (FLSA); The Age Discrimination in Employment Act of 1967 (ADEA); Americans with Disabilities Act (ADA); Genetic Information Nondiscrimination Act (GINA)

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
Government verification records (work papers, immigration, eligibility to work, etc.)	Minimum 3 years from date of hire and 1 year from termination	See retention period	Labor Condition Application (LCA)
Collective bargaining/union	Minimum 3 years	From end of agreement	29 C.F.R. § 516.5
Background checks and drug tests	Minimum 1 year (Fair Credit Reporting Act, subject to extension under additional applicable laws); Minimum 5 years (Dept. of Transportation); Minimum 3 years if records from former employers	From the date of tests	Fair Credit Reporting Act; US Department of Transportation (49 CFR Part 40 Sec. 40.333)
Acknowledgements, policy agreements and required notices	Minimum 3 years	From date of termination	Fair Labor Standards Act (FLSA)
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	Minimum 1 year (including employment tests and physical exam records)	From the date of record	The Age Discrimination in Employment Act of 1967 (ADEA)
Tracking/recordings (biometric, geo-location, online tracking, camera recordings, etc.)	Varies based on state law	N/A	N/A
Employer Information Report EEO-1	Minimum 1 year (most recent filing)	From filing	29 C.F.R. § 1602.7
Labor Condition Application (LCA) Public Access File (PAF)	Minimum 1 year	From the last date anyone is employed under the LCA	Labor Condition Application
Permanent Labor Certification Audit File	Minimum 5 years	From date of filing	Program Electronic Review Management (PERM)

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BENEFIT/PENSION/EQUITY RECORDS			
Benefits (plan documents, enrollment records)	Minimum 6 years	From date filed	Section 107, Employee Retirement Income Security Act (ERISA)
Pension and retirement records	Minimum 6 years	From date filed	Section 107, Employee Retirement Income Security Act (ERISA)
Equity records	-	-	-
PAYROLL/WAGE/TAX RECORDS			
Payroll and wage data (payslips, etc.)	Minimum 3 years; Minimum 6 years - ERISA related records	From date of record	29 C.F.R. § 516.5; The Equal Pay Act (EPA) (minimum 2 years); Section 107, Employee Retirement Income Security Act (ERISA)
Tax records	Minimum 4 years (employee tax records)	From date taxes are due or paid	26 C.F.R. §§ 31.6001-1, 31.6001-5
Domestic Relations Orders (including all related correspondence)	Minimum 6 years	From date filed	Section 107, Employee Retirement Income Security Act (ERISA)
MEDICAL/SAFETY/LEAVE RECORDS			
Leave (family, medical, etc.)	Minimum 3 years	From end of record	The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule; The Consolidated Omnibus Budget Reconciliation Act (COBRA); The Family and Medical Leave Act (FMLA)
Injury and illness incident reports	Minimum 5 years	From date of termination	The Occupational Safety and Health Act (OSHA)

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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Medical records	Medical surveillance records: Duration of employment plus 30 years	See retention period	The Occupational Safety and Health Act (OSHA)
Hazardous material and other exposure records	Minimum 30 years	From termination	The Occupational Safety and Health Act (OSHA)
Requests for medical accommodations	Minimum 1 year from date of record, date of termination, or personnel action, whichever is later	See retention period	Americans with Disabilities Act (ADA)

Last updated May 2022.

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