



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; ERISA Related Records: Minimum 6 years	From date of termination	29 C.F.R. § 516.5; 29 U.S.C. § 1027
Time records (work hours, rest periods, vacation/sick/holiday, etc.)	Minimum 3 years Minimum 6 years - records that relate to ERISA	From date of record	28 C.F.R. § 516.5; 29 C.F.R. § 1620.32; 29 U.S.C. § 1027
Performance records (performance reviews, promotions/demotions, licenses/certifications, investigations, disciplinary actions, etc.)	1 year (2 years for qualified federal contractors)	From creation or separation, whichever is later	29 CFR § 1627.3(b); 41 CFR § 60-1.12
Data and personnel files	1 year (2 years for qualified federal contractors)	From creation or separation, whichever is later	30 CFR § 1627.3(b); 41 CFR § 60-1.12
Government verification records (work papers, immigration, eligibility to work, etc.)	Minimum 3 years from date of hire or duration of employment and 1 year from termination, whichever is longer	See retention period column	8 C.F.R. § 274a.2

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
EMPLOYMENT RECORDS (continued)			
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	28 C.F.R. § 516.5
Recruitment (interview notes, resumes/CVs, reference checks, etc.)	1 year (2 years for qualified federal contractors)	From creation or separation, whichever is later	29 CFR § 1627.3(b); 41 CFR § 60-1.12
Employment test and physical examination records	2 year (2 years for qualified federal contractors)	From creation or separation, whichever is later	30 CFR § 1627.3(b); 41 CFR § 60-1.12
Tracking/recording (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 or from the date the LCA expired or was withdrawn	20 CFR § 655.760
Permanent Labor Certification Audit File	Minimum 5 years	From date of filing	19 CFR § 656.10(f)

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DOCUMENTS	RETENTION PERIOD (minimum and/or maximum)	BEGINNING OF RETENTION PERIOD	LEGAL REFERENCE
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	28 C.F.R. § 516.5; 29 C.F.R. § 1620.32; 29 U.S.C. § 1027;
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	28 CFR § 825.500
Injury and illness incident reports	Minimum 5 years	From date of termination	28 CFR § 1904.33

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MEDICAL/SAFETY/LEAVE RECORDS (continued)			
Medical records	Medical surveillance records: Duration of employment plus 30 years	See retention period	28 CFR § 1910.1020
Hazardous material and other exposure records	Minimum 30 years	From termination	28 CFR § 1910.1020
Requests for medical accommodations	Minimum 1 year from date of record (2 years for qualified federal contractors), or from the date of the personnel action involved, whichever is later.	See retention period	29 C.F.R. § 1602.7; 41 CFR § 60-1.12

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