

## Records Retention Requirements

Numerous federal and state laws have specific records retention periods for specific records made in, or collected in connection with, employment. Often the same records have different retention periods under different laws. Keep records for the longest period of time required by any applicable law or circumstance, as specified in the following chart.

Personnel Data Category	Longest Retention Period	Laws Requiring Retention
<b>Recruitment, Hiring and Job Placement Records</b> <ul style="list-style-type: none"> <li>• Job applications</li> <li>• Resumes</li> <li>• Other job inquiries sent to employer</li> <li>• Employment referral records</li> <li>• Help wanted ads</li> <li>• Opportunities for training, promotion or overtime</li> <li>• Job opening notices sent to employment agencies or labor unions</li> <li>• Employment testing results</li> <li>• Salary information (pay rates, market factors, job classifications)</li> <li>• Terms and conditions of employment</li> </ul>	<b>4 years</b> (Or the duration of any claim or litigations involving hiring practices)	Title VII FEHA ADA ADEA GINA CA Fair Pay Act
<b>Employee Wage Records</b> <ul style="list-style-type: none"> <li>• Time cards</li> <li>• Wage rate calculation tables for straight time and overtime</li> <li>• Shift schedules</li> <li>• Individual employees' hours and days</li> <li>• Piece rates</li> <li>• Records explaining wage differentials between sexes</li> <li>• Employment contracts</li> <li>• Wages</li> <li>• Wage rates</li> <li>• Itemized wage statements/pay stubs</li> </ul>	<b>3 years</b> - Overlap with Payroll Records, follow longest period of time.	FLSA CA Labor Code secs. 226, 1174 CA Fair Pay Act
<b>Family and Medical Leave of Absence Records</b> <ul style="list-style-type: none"> <li>• Leave policies and benefits</li> <li>• Dates and hours of leave used</li> <li>• Records relating to any dispute regarding designation of leave</li> <li>• Employee benefits relating to the leave</li> </ul>	<b>4 years</b>	FEHA/CFRA FMLA
<b>Child Labor Certificates and Notices</b>	<b>3 years</b>	FLSA CA Labor Code
<b>Union and Employee Contracts</b>	<b>3 years</b>	FLSA
<b>Employment Eligibility Forms Verification (I-9 Forms)</b>	<b>The later of 3 years from hire date or 1 year after termination</b>	Immigration Reform and Control Act
<b>Mandatory Harassment Prevention Training Records</b>	<b>2 years</b>	2 CCR sec. 11024

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<b>Employee Personnel Files</b> <ul style="list-style-type: none"> <li>• Disciplinary notices</li> <li>• Promotions and demotions</li> <li>• Performance evaluations</li> <li>• Discharge, layoff, transfer and recall files</li> <li>• Training and testing files</li> <li>• Job classifications</li> <li>• Terms and conditions of employment</li> </ul>	<b>4 years after termination of employment</b>	CA Labor Code Sec. 1198.5 CA Fair Pay Act Title VII ADEA FEHA ADA GINA
<b>Payroll Records</b> <ul style="list-style-type: none"> <li>• Name, employee number, address, age, sex, occupation</li> <li>• Individual wage records</li> <li>• Time and day work week begins</li> <li>• Regularly hourly rate</li> <li>• Hours worked (daily and weekly)</li> <li>• Weekly overtime earnings</li> <li>• Daily or weekly straight time earnings</li> <li>• Deductions from or additions to wages</li> <li>• Wages paid each pay period</li> <li>• Payment dates and periods</li> <li>• Piece rates</li> <li>• Unemployment Insurance Records</li> </ul>	<b>4 years</b>  (It is recommended that employers keep records related to employee vacation/PTO accrual for the duration of employment plus four years after termination in the event there is a dispute about unpaid vacation/PTO)	FLSA CA Unemployment Insurance Code sec. 1085 22 CCR sec. 1085-2
<b>Affirmative Action Programs and Documents</b>	<b>5 years</b> (Discretionary but recommended)	Title VII EO11246
<b>Employee Health Records</b> <ul style="list-style-type: none"> <li>• First aid records for job injuries causing loss of work time</li> <li>• Drug and alcohol test records</li> <li>• Records of COVID-19 cases in the workplace with employee's name, contact information, occupation, worksite location and date of positive test</li> </ul>	<b>5 years</b> (Chemical safety and toxic exposure records must be kept for duration of employment plus 30 years)	OSHA Cal/OSHA
<b>COVID-19 Records</b> <ul style="list-style-type: none"> <li>• Notice to employees, their exclusive representative and employers of subcontractors, who were on the premises at the same worksite as a positive COVID-19 case</li> <li>• Records of all COVID-19 cases at the workplace</li> </ul>	<b>3 years</b> (Exposure notices)  <b>2 years</b> (Records of COVID-19 cases in the workplace)	Labor Code sec. 6409.6  8 CCR sec. 3205

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<b>Employee Benefits Data</b>	<b>6 years but not less than 1 year following a plan termination.</b> Documentation of benefits elections, beneficiary designations, eligibility determinations, COBRA Notices and summary plan descriptions and earnings. Records required to determine retirement benefits, including 401(k) and similar plans, must be kept indefinitely.	ERISA
<b>Unlawful Employment Practices, Claims, Investigations and Legal Proceedings Records</b> <ul style="list-style-type: none"> <li>• Personnel and payroll records about complaining parties</li> <li>• Personnel and payroll records about all others holding or applying for similar positions</li> </ul>	Until disposition of case	Title VII FEHA ADEA ADA GINA NLRA FLSA
<b>Workers' Compensation</b> <ul style="list-style-type: none"> <li>• <i>Work-Related Injuries and Illnesses Log - Form 300</i></li> <li>• The privacy case list, if one was created for that year</li> <li>• <i>Injury and Illness Incident Report - Form 301</i></li> <li>• <i>Summary of Work-Related Injuries and Illnesses - Form 300A</i></li> </ul>	<b>5 years after the end of the year that the records cover</b>	CA Labor Code secs. 6400 et seq. 8 CCR secs. 14300 et seq.