



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 chart.

Personnel Data Category	Longest Retention Period	Laws Requiring Retention
Recruitment, Hiring and Job Placement Records <ul style="list-style-type: none">• Job applications• Resumes• Other job inquiries sent to employer• Employment referral records• Applicant identification records• Help wanted ads• Opportunities for training, promotion or overtime• Job opening notices sent to employment agencies or labor unions• Screening tools/tests and results• Interview notes and other records related to hire/no hire decision• Salary information (pay rates, market factors, job classifications)• Terms and conditions of employment	4 years (Or the duration of any claim or litigation involving hiring practices)	Title VII FEHA ADA ADEA GINA Cal. Fair Pay Act <u>Federal Contractors:</u> Sec. 503 of Rehabilitation Act of 1973 Vietnam Era Veterans Readjustment Assistance Act
Payroll Records <ul style="list-style-type: none">• Name, employee number, address, age, sex, occupation• Individual wage records• Time and day work week begins• Regular hourly rate• Hours worked (daily and weekly)• Weekly overtime earnings• Daily or weekly straight time earnings• Deductions from or additions to wages• Wages paid each pay period• Payment dates and periods• Piece rates including rest and recovery periods & non-productive time• Unemployment Insurance Records	4 years	FLSA/Equal Pay Act Cal. Unemployment Insurance Code Sec. 1085 ADEA Cal. Labor Code Section 226.2 Lilly Ledbetter Act FMLA <u>Federal Contractors:</u> Service Contract Act Davis-Bacon Act Walsh-Healey Act
Employment Eligibility Forms Verification (I-9 Forms)	The later of 3 years from hire date or 1 year after termination, whichever is later	Immigration Reform and Control Act
Child Labor Certificates and Notices	3 years	FSLA Cal. Labor Code Sections 1174, 1175

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Employee Wage Records <ul style="list-style-type: none"> • Time cards • Wage rate calculation tables for straight time and overtime • Shift schedules • Individual employees' hours and days • Piece rates, including record of non-productive time and rest breaks • Records explaining wage differentials between sexes • Employment contracts • Wages • Wage rates • Itemized wage statements/Pay stubs 	3 years (when overlap with Payroll Records requirements, follow longest period of time)	FLSA Cal Labor Code Sections 226, 1174 Cal Fair Pay Act Equal Pay Act FMLA
Employee Personnel Files <ul style="list-style-type: none"> • Disciplinary notices • Promotions and demotions • Performance evaluations • Discharge, layoff, transfer, and recall files • Training and testing files • Physical files • Job classifications • Terms and conditions of employment 	Duration of employment and 4 years after cessation of employment	Title VII, ADA, ADEA, GINA FEHA, Cal. Labor Code S. 1198.5 Cal. Fair Pay Act <u>Federal Contractors:</u> Sec. 503 of Rehab. Act of 1973 Vietnam Era Veterans Readjustment Assistance Act Executive Order 11246 Service Contract Act Davis-Bacon Act Walsh-Healy Act
Employee's Job Title and Wage Rate History	Duration of employment and 3 years after cessation of employment	Cal Labor Code Section 432.3
Workplace Violence Prevention Plan Records (e.g., inspection, violent incident logs, etc.)	5 years	SB 553
Workplace Violence Prevention Plan – Employee Training Records	1 year	SB 553
Covid-19 Pandemic Records <ul style="list-style-type: none"> • Supplemental Paid Sick Leave (SPSL) records • Families First Coronavirus Response Act (FFCRA) records • Covid-19 Exposure Notifications 	3 years Exposure notifications – February 3, 2026	IRS Cal Labor Code Section 247.5 AB-2693 Cal/OSHA's Permanent COVID Standard
Affirmative Action Programs and Documents	5 years (Discretionary, but recommended)	Title VII Executive Order 11246
Employee Health Records <ul style="list-style-type: none"> • First aid records for job injuries causing loss of work time • Drug and alcohol test records 	5 years (Chemical safety and toxic exposure records must be kept for duration of employment, plus 30 years)	OSHA Cal-OSHA

Personnel Data Category	Longest Retention Period	Laws Requiring Retention
Unlawful Employment Practices, Claims, Investigations and Legal Proceedings Records <ul style="list-style-type: none"> Personnel and payroll records about complaining parties Personnel and payroll records about all others holding or applying for similar positions 	Until disposition of case	Title VII, ADA, ADEA. GINA, NLRA, FLSA FEHA Federal Contractors: Sec. 503 of Rehabilitation Act of 1973 Vietnam Era Veterans Readjustment Assistance Act
Union and Employee Contracts	3 years	FLSA
Employee Benefits Data	6 years, but not less than 1 year following a plan termination Documentation of benefits elections, beneficiary designations, eligibility determinations, COBRA Notices and summary plan description(s) and earnings. Records required to determine retirement benefits must be kept indefinitely	ERISA
Medical Records <ul style="list-style-type: none"> Leave policies and benefits Dates and hours of leave used Records relating to any dispute regarding designation of leave Employee benefits relating to the leave Request for reasonable accommodation Job accommodations Copies of employee notices 	3 years	FMLA ADA GINA
Health Care Continuation <ul style="list-style-type: none"> Written notice to employees/dependents of option to continue group health coverage upon qualifying event 	No requirement , however recommend 6 years from date of the record to mirror ERISA	COBRA