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Certain statutes and regulations require employers to maintain employment records, including but not limited to personnel records, for minimum periods. Poorly prepared and/or managed files can become a significant liability to an employer. Accurate personnel files, containing both positive and negative aspects of work performance and conduct in the workplace, can be very instrumental in litigation when an employee attempts to misrepresent his or her work performance. Employers must be aware of what documents belong in an employee file and how long the various documents must be maintained. Access must be restricted to only those who need to know the information contained therein to perform their job.

With respect to retention of employment related records, where there is an overlap, apply the stricter of the laws or the one that provides the longer period of retention.

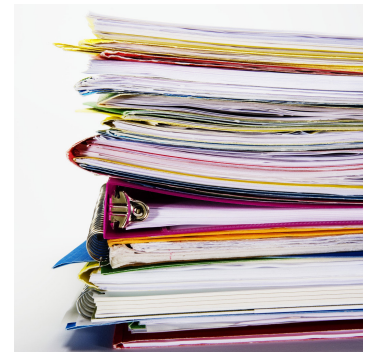
### RETENTION OF PERSONNEL RECORDS

Records of:	Retention Length	Statute
Advertisements (Job)	2 years	ADEA, FEHA
Application for Employment	2 years	Title VII, ADEA, ADA, FEHA
Attendance Records	3 years	Title VII, ADEA, ADA, FEHA
Awards/Orders to Employees	5 years	Work. Comp.
Benefits – Signed by Employee (also forms reflecting changes in beneficiary and coverage)	6 years; permanent for pension records	ERISA
Child Labor Certificates	3 years	FSLA, FEHA
Collective Bargaining Agreements	3 years	ADEA, CFRA, FLSA
Contracts (Individual and Union)	3 years	ADEA, FEHA, FLSA
Demotion	2 years	Title VII, ADEA, ADA, FEHA
Disciplinary Actions	2 years	Title VII, ADEA, ADA, FEHA



Records of:	Retention Length	Statute
Employee Information	3 years	ADEA, FMLA, CFRA, FLSA, Cal. Labor Code
Employee Referrals	3 years	FEHA
Exams (Medical/Physical)	2 years	Title VII, ADEA, ADA, FEHA
Exposure to Hazardous Materials	30 years after termination	
Family and Medical Leave Policies	3 years	FMLA, CFRA,
Garnishment/Wage Attachments Notices	6 years	FMLA, CFRA, FLSA, Cal Lab. Code
Gratuities	4 years	Cal. Labor Code
HIPAA	6 years	45 CFR 160.414
Hiring	2 years	Title VII, ADEA, ADA, FEHA
Immigration - USCIS Form I-9	3 years or 1 year after termination, whichever longer	ICRA
Insurance Plans	6 years	ADEA, CFRA
Job Descriptions/Qualifications	2 years	ADEA, CFRA, FEHA
Leave of Absence Taken and Communications	3 years	FMLA, CFRA
Medical Exams/Reports	5 years	Workers' Comp
Minors (employment of)	4 years	Cal. Lab. Code
Merit System	3 years	ADEA
Notice to Employees	3 years	FLSA
Offer Letters	2 years	Title VII, ADEA, ADA, FEHA
Payroll	3 years	FMLA, CFRA, Title VII, ADEA, ADA, FEHA, FLSA

Records of:	Retention Length	Statute
Pension Plans	6 years	ADEA, FEHA
Performance Evaluations	2 years	Title VII, ADEA, ADA, FEHA
Policies (of Employer) – Signed by Employee	6 years	FSLA, FMLA, CFRA, ADA, ADEA, Title VII
Polygraphs	3 years	EPPA, CFRA
Position Changes	2 years	Title VII, ADEA, ADA, FEHA
Promotion	2 years	Title VII, ADEA, ADA, FEHA
Property Issued to Employee	Duration of Employment	
Retirement Plans	6 years	ADEA, FEHA
Resume	2 years	Title VII, ADEA, ADA, FEHA
Salary Changes	2 years	Title IVV, ADEA, ADA, FEHA
Sales and Purchase	3 years	FLSA
Seniority	3 years	ADEA
Social Security/Medicare	4 years	FICA
Taxable Income	15 years (Fed) / 6 years (Cal)	IRC, Cal Bus. & Prof. Code
Termination (Reasons Thereof)	3 years	Title VII, ADEA, ADA, FEHA
Testing Materials	2 years	Title VII, ADEA, ADA, FEHA
Training (Including Injury and Illness Prevention) Provided to Employee	3 years / Permanent	Title VII, ADEA, ADA, FEHA
Transfer Requests (and Transfers)	2 years	Title VII, ADEA, ADA, FEHA
Trusts	6 years	ADEA, FEHA, FLSA



Records of:	Retention Length	Statute
Unemployment Tax/Insurance	4 years	FUTA, EDD
Union Membership/Dues Check-Off	3 years	ADEA, FEHA, FLSA
W-4	As long as in effect, plus 4 years	IRC
Wages (Employees)	3 years	FMLA, CFRA, FLSE, Cal. Lab. Code
Welfare Plans	6 years	ADEA, FEHA
Workers' Compensation Claims (File and Log)	2 years after claim closed or 5 years from injury date, whichever longer	ADEA, OSHA, Cal-OSHA, Work Comp
Work-Related Injuries and Illnesses (Including First-Aid)	5 years	ADEA, OSHA, Cal-OSHA, Work. Comp.

