

Generally:

- Personnel Records: 7 years after termination
- Medical/benefits: 6 years after plan year
- I-9 Forms: No more than 3 years after termination
- Hiring Records: 2 years after hiring decision

What Records?	For How Long?	Why?
Payroll, applications, promotion and demotion records, transfer, layoff, recall, etc.	Three years for payroll, one year for applicants, if charged or lawsuit filed, wait until final disposition	Age Discrimination Employment Act
Applications, requests for reasonable accommodation	One year from making the record or taking the personnel action, if charged or lawsuit filed, wait for final disposition	Americans with Disabilities Act
Applications and other personnel records, including promotions, transfers, demotions, layoffs, temporary and seasonal employees. Annual EEO-1 report for federal contractors with 50 or more employees and contracts of \$50,000 and nongovernment contractors with 100 or more employees	One year from making the record or taking the personnel action, if charged or lawsuit filed, wait for final disposition	Civil Rights Act (Title VII)
Proof of initial notice and written notice to employees and their dependents to continue group health plan coverage under certain conditions	Keep three years following event	COBRA

What Records?	For How Long?	Why?
Summary plan descriptions, annual reports, notice or reportable events such as plan amendments, plan terminations	Minimum of six years, records used to determine employee benefits must be retained as long as they are relevant	ERISA
Payroll records, timecards, wage rates, additions to/deductions from paychecks, etc.	Three years	Equal Pay Act
Consumer credit reports	Employers must shred documents with information derived from credit reports	Fair and Accurate Credit Transactions (FACT) Act
Payroll or other records containing employee name, home address, date of birth, gender occupation rate of pay, time records, defined pay period, wages for each employee per pay period, deductions to or additions to paycheck, date of each payment and period covered	At least three years	Fair Labor Standards Act (FLSA)
Records relating to basic employee data, dates of leave taken (for intermittent leave, hours of leave taken), copies of employee notices	Three years	Family and Medical Leave Act (FMLA)
Records with employee name, compensation and tax information	Four years after date tax is due paid	FICA, FUTA, Federal Withholding

What Records?	For How Long?	Why?
Completed INS Form I-9 signed by employee and employer	Three years after date of hire or one year after date of termination, whichever is later	I-9
Log of occupational injuries and illness, annual summary of injuries and illness	Five years	OSHA
Medical records/records of employee exposure to toxic substances by employees	Employee’s job tenure plus 30 years	
Personnel/employment records, results of physical exams, records regarding hiring, assignment, promotion, layoff, termination, compensation and selection for training	Two years	Rehabilitation Act of 1973 applies to federal contractors
Polygraph Test Records	Three Years	Employee Polygraph Protection Act (1 or more employees)

Pending Litigation: When a charge has been filed with the EEOC, the Notice of Charge will explain record keeping requirements. Best practices is to retain all personnel or employment records that relate to the issue under investigation as a result of the charge. Additionally, documentation concerning other individuals who may similarly allege to be aggrieved or who are holding or seeking positions similar to that held by the affected individual should be maintained. All documents should be kept until the final disposition of the charge or until the statute of limitations has run on any lawsuit based on the charge. Under federal law, if a charge is filed with the EEOC and the charging party receives a right to sue or “final disposition”, he or she has 90 days in which to bring suit. Under Maine law, however, if the individual brought the charge before the Maine Human Rights Commission, he or she has 90 days from the date of disposition by the Commission or two years from the discriminatory act, whichever is longer.