



Retention of Employment Records Tip Sheet

This Tip Sheet attempts to answer the frequently asked question: How long should we retain recruitment and selection and other employment-related documents? The table below is a guide to common employment-related documents and federal legal requirements regarding the length of time the documents must be retained. Please keep in mind:

1. The list is not meant to be exhaustive. It is intended to provide a basic overview to programs. Under each of the document listings there may be several more related documents that are not listed. For example, "Hiring records" also include resumes, records related to persons not hired, interview questions, and more.
2. All information is subject to change. Human resources law and practice is highly dynamic. Changes in legal requirements occur frequently at the federal, state, and local levels. Human resources experts recommend that a legal review of HR practices be done annually.
3. The table only includes document retention timeframes and references to some of the applicable federal laws. Additional federal laws as well as state and possibly local laws will also apply and may have stricter requirements. Also note that the applicability of some laws depends on the number of people employed.
4. Start dates for document retention periods may vary. Programs should consult with legal counsel if they need more information.

Document Type	Retention Length	Relevant Federal Law (See abbreviation key below)
Recruitment and Selection		
Job postings, job advertisements	1 Year	FLSA, ADA, ADEA
Hiring records including job applications, resumes, interview records	3 Years	FLSA
Job offering and other hiring records	1-2 Years	ADA, CRA
General Employment		
Promotions, demotions, transfers	1 Year	ADA, ADEA, CRA
Biographical/Demographic Data	3 Years	FSLA
Employment Contracts	3 Years	FLSA, EPA
Compensation and Benefits		
Payroll records`	3 Years	ADEA, FMLA, EPA, FLSA
Benefits	3 Years	EPA, FMLA
Retirement and pension	4 Years	ERISA
Retirement eligibility, benefits, and related documents	Indefinitely	ERISA
Performance Evaluations	3 Years	FLSA
Work-related injuries and illnesses	5 Years	OSHA
Layoffs	1 Year	ADA, ADEA, CRA
Terminations	1 Year	ADA, ADEA, CRA



Health and Medical		
Medical Records	1 Year*	ADA ADEA, CRA. *3 years for records related to FMLA
Exposure to blood-borne pathogens or toxic substances	30 Years	OSHA

OSHA logs and records	5 years	OSHA
Drug and Alcohol Testing Records	1-5 Years	CSAUT
Other HR Documents		
Tax and withholding records	4 Years	FICA, FUTA
Discrimination-Related	Until Final Disposition	CRA, ADEA

Key to Federal Law Abbreviations

- ADA Americans with Disabilities Act
- ADEA Age Discrimination in Employment Act
- CRA Civil Rights Act of 1964
- ERISA Employee Retirement Income Security Act
- EPA Equal Pay Act
- FICA Federal Insurance Contribution Act
- FLSA Fair Labor Standards Act
- FUTA Fair Unemployment Tax Act
- FMLA Family Medical Leave Act
- OSHA Occupational Health and Safety Administration
- CSAUT Controlled Substances And Alcohol Use and Testing Act

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