

## RECORD RETENTION REQUIREMENTS (MINIMUM REQUIREMENTS)

This is the first in a two-part series on record retention requirements under federal law. If you have any questions, please feel free to call any one of the attorneys listed on the last page.

### Law: ADEA

(Age Discrimination in Employment Act)

**Records** Payroll records

**Retention Period** 3 years

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**Records** Personnel records used in hiring, termination, promotion; results from employment tests; job advertisements and training records

**Retention Period** 1 year from date of personnel action

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**Records** Employee benefits plans; written seniority systems; written merit plans

**Retention Period** 1 year longer than duration of plan

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**Records** Records relevant to legal action

**Retention Period** Until action is resolved

### Law: Equal Pay Act

**Records** Records regarding the workweek definition, the number of hours each employee works, pay rates, total wages, total deductions

**Retention Period** 3 years

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**Records** Collective bargaining agreements

**Retention Period** 3 years

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**Records** Time cards/sheets; merit system and seniority system records; wage rate tables

**Retention Period** 2 years

**Law: Title VII of 1964 Civil Rights Act**

**Records** Personnel records (resumes; applications; records on promotions, demotions, transfers, layoffs; compensation information)

**Retention Period** 1 year

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**Records** All information pertaining to discrimination charge (includes records of the party making the charge and other similarly situated employees/applicants)

**Retention Period** Until charge is resolved

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**Records** Apprenticeship records including: applicant names and addresses, dates of application, applicant sex, minority group I.D., test scores

**Retention Period** 2 years or duration of apprenticeship program, whichever is longer

**Law: FLSA**  
 (Fair Labor Standards Act)

**Records** Employee name, address, zip; payroll records including daily and weekly hours worked, pay rates, total

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daily and weekly wages, weekly overtime, deductions, date of payment; collective bargaining contracts and employment agreements

**Retention Period** 3 years

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**Records** Time cards, wage rate tables, work schedules; records explaining basis for wage differentials paid to employees of opposite sex in the same establishment; customer orders or invoices; shipping or delivery orders maintained in usual course of business

**Retention Period** 2 years

**Law: FMLA**

(Family Medical Leave Act)

**Records** Employee name, address, zip; payroll records including daily and weekly hours worked, pay rates, total daily and weekly wages, weekly overtime, deductions, date of payment

**Retention Period** 3 years

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**Records** Dates FMLA leave is taken (hours taken if less than 1 full day); copies of notices of leave; premium payments; records of any disputes

**Retention Period** 3 years

**Law: Executive Order 11246**

(Affirmative Action)

(Law applies to certain government contractors.)

**Records** Test records and results; job group analysis; affirmative action program evaluations

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**Retention Period** Law specifies no retention period. Recommended: 7 years

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**Records** Written affirmative action program

**Retention Period** Recommended: 7 years

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*Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:*

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