

**Quick Guide to Employment Record Retention Laws**

Record	Retention	Authority
I-9 forms	3 years from date of hire or one year after termination, whichever is later.	Immigration Control and Reform Act of 1986
ADA employment records	1 year from the date the record is made or the action described is taken, whichever is later.	Americans with Disabilities Act
FMLA records	Including requests, leave taken, and notices given to or received from the employee: at least 3 years.	Family and Medical Leave Act
EEO-1 reports	This form is an annual tally of employees' race, ethnicity, and gender which must be kept by private-sector employers with at least 100 employees and for many government contractors: 1 year; the form should be completed annually on or before September 30.	Title VII of the Civil Rights Act of 1964
Payroll records	Including name, address, date of birth, occupation, and rate of pay: 3 years. (You may need to keep these records for more than three years for tax purposes). ***Washington Administrative Code requires employers to keep and preserve payroll records including time and day and day of week on which the employee's workweek begins, hours worked, total daily or weekly earnings, total overtime, total additions to and deductions from wages each pay period, total wages each pay period, and date of payment and pay period covered by payment.	Fair Labor Standards Act, Age Discrimination in Employment Act, Equal Pay Act ***WAC 296-126-050, 296-128-010, 296-128-020
Employee hiring, firing, promotion and transfer records	1 year from date of event.	Title VII of the Civil Rights Act of 1964; Age Discrimination in Employment Act

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Job applications and resumes submitted to employer in response to job advertisement, including records pertaining to the failure or refusal to hire any person.	1 year from date of event.	Age Discrimination in Employment Act
Time Cards	Along with other schedules and other documents used to determine wages: 2 years.	Fair Labor Standards Act, Equal Pay Act, National Labor Relations Act
Employment contracts	Individual contracts as well as collective bargaining agreements: 3 years after the contract expires.	Fair Labor Standards Act
Seniority or merit system documents	As long as system is in effect plus at least one year.	Age Discrimination in Employment Act
Occupational Safety and Health Administration forms (if over 10 employees)	Log and summary of occupational injuries and illnesses; 5 years.	Occupational Safety and Health Administration Act, WAC 296-27-02107
Employee benefits plans	As long as the plan is in effect plus 1 year.	Age Discrimination in Employment Act
Employee Retirement Income Security Act (ERISA) records	Documents that verify contents of required reports: at least 6 years from date reports are filed. Records relating to benefits payable under plans: indefinitely.	Employee Retirement and Income Security Act
Charges of Discrimination	Until conclusion of matter.	Title VII of Civil Rights Act of 1964, Americans with Disabilities Act, Age Discrimination in Employment Act
Records pertaining to involuntary discharge	One year from date of discharge.	Title VII of Civil Rights Act, Americans with Disabilities Act
Records of complaints of disability discrimination	Until conclusion of matter.	Rehabilitation Act of 1973
Records related to positive test results/refusals to take required drug and/or alcohol tests	Five years.	Controlled Substances and Alcohol use and Testing