

What Human Resource Records to Keep, For How Long

Federal and state guidelines for the retention of personnel-related documents are often confusing, and even in some cases contradicting. The following chart includes the more common personnel records retained by businesses in New York State, and may be used as a handy guide to assist companies trying to decide just how long to keep their personnel records.

RECORD TO BE KEPT	GOVERNING LAW	TIME PERIOD
Affirmative Action Documents	Executive Order 11246	Not specified (at least 3 years recommended)
Application for Employment	Age Discrimination in Employment Act (ADEA), Civil Rights Act, Americans with Disabilities Act	1 year
Benefit plan records	ERISA	6 years
Employer's Report of Injury (C-2)	NYS Workers' Compensation Board	18 years
FMLA leave information	FMLA	3 years
I-9 Forms	Immigration Reform and Control Act (IRCA)	3 years after worker is hired or 1 year after termination, whichever is longer
Job Advertisements	ADEA	1 year
Job Orders to Employment Agencies	ADEA	1 year
On-the-job Injury Records	Occupational Safety & Health Act (OSHA)	5 years
Payroll Records	NYS Labor Law	6 years
Physical exams	ADEA	1 year
Records of Employee Exposure to Toxic Substances	OSHA	30 years
Records of Employees who Handle Toxic Substances	New York Right-to-Know Law	40 years
Resumes and Job Inquiries	ADEA	1 year
Terminated Employee Files	Fair Labor Standards Act (FLSA)	3 years
Tests, employment & aptitude	ADEA	1 year
Time Cards/Time Sheets	FLSA	3 years