

RECORD RETENTION REQUIREMENTS (MINIMUM REQUIREMENTS)

This is the second part of 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: OSHA

(Occupational Safety & Health Act)

Records OSHA Form 200; OSHA Form 101; OSHA Forms 300, 300A, 301

Retention Period 5 years following the end of the calendar year that the records cover

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Records Legally required medical exam records

Retention Period Duration of employment plus 30 years

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Records Records used to monitor exposure to hazardous materials

Retention Period 30 years

Law: Rehabilitation Act

Records Personnel records of handicapped applicants and employees

Retention Period 1 year minimum

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Records Records relevant to legal actions

Retention Period 1 year or upon resolution of action

- ADMIRALTY & MARITIME
- ANTITRUST & TRADE REGULATION
- AVIATION
- APPELLATE LITIGATION
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- COMMERCIAL LENDING & FINANCE
- CONSTRUCTION
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- ENERGY
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- LITIGATION
- GAMING
- GOVERNMENT RELATIONS
- HEALTH CARE LITIGATION, TRANSACTIONS & REGULATION
- INTELLECTUAL PROPERTY & E-COMMERCE
- INTERNATIONAL
- LABOR RELATIONS & EMPLOYMENT
- MEDICAL PROFESSIONAL & HOSPITAL LIABILITY
- MERGERS & ACQUISITIONS
- PRODUCTS LIABILITY
- PROFESSIONAL LIABILITY
- PROJECT DEVELOPMENT & FINANCE
- PUBLIC FINANCE
- REAL ESTATE: LAND USE, DEVELOPMENT & FINANCE
- TAX (INTERNATIONAL, FEDERAL AND STATE)
- TELECOMMUNICATIONS & UTILITIES
- TRUSTS, ESATES & PERSONAL PLANNING
- VENTURE CAPITAL & EMERGING COMPANIES
- WHITE COLLAR CRIME

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Law: Vietnam Era Veterans

Records	Documents and reports on disabled/nondisabled veterans hired, job openings, recruitment
Retention Period	1 year after completion of government contract

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Records	Records relevant to complaints or legal actions
Retention Period	1 year

Law: IRCA

(Immigration Reform and Control Act)

Records	I-9 forms
Retention Period	3 years from date of hire or 1 year after termination, whichever is later

Law: ADA

(Americans with Disabilities Act)

Records	Same as Title VII personnel record and discrimination charge requirements
Retention Period	(See Title VII in previous <i>Tip Sheet</i>)

Law: Davis Bacon Act

Records	Payroll records
Retention Period	3 years after completion of contract

Law: Walsh-Healey Public Contracts Act

Records	Basic employment and wage/hour records
Retention Period	2 years from last entry

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Records Employee information and wage/hour records of employees under 19 years of age

Retention Period 3 years from last entry

Law: ERISA
(Employee Retirement Income Security Act)

Records Supporting documents of plan or reports

Retention Period 6 years after filing date of documents

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Records Employee/beneficiary records relevant to benefits

Retention Period Duration of plan participation

Law: Toxic Substances Control Act

Records Manufacturers, processors, or distributors of any chemical substance must retain records of significant adverse reactions to employees' health or the environment

Retention Period 30 years from date such adverse reaction first reported to or known by person maintaining records

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Records Any other records of such adverse reactions

Retention period 5 years from date first reported or known by person maintaining records

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Records Records must include consumer allegations of personal injury or harm to health; reports of occupational disease or injury; reports or complaints of injury to the environment submitted to the manufacturer, processor, or distributor from any source

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WHITE COLLAR CRIME

Retention period 5 years from date first reported or known by person maintaining records

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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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Best wishes from all of us at Jones Walker for a safe and happy holiday season and a prosperous new year.

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