

Employee Retention Record Requirements

Record Category	Record Type	Retention Period	Legal Basis
	Wage Statements	3 Years	Minn. Stat. § 177.30; § 181.032
	Deductions, garnishments	3 years	FLSA; MN Wage Laws
Prevailing Wages (If applicable)			
	Certified Payroll reports	3 years: after final payment	Minn. Stat. § 177.30 (6)
Benefits and Compensation			
	ERISA Benefit plan documents	6 years	ERISA
	Retirement plan records	Indefinitely	ERISA best practice
	Health Insurance enrollment & claims	6 years	ERISA
	COBRA notices	6 years	COBRA/ERISA
Leave & Medical Records			
	FMLA leave records	3 Years	FMLA
	ADA accommodation records	1 year (longer if litigation)	ADA
	Workers' compensation	6 years (MN best practice)	MN WC Act
	MN Sick & Safe Time	3 Years	MN Rules, Part 5200.1200
Safety & OSHA			
	OSHA 300,300A, 301 logs	5 years	OSHA
	Exposure records (chemicals, toxins)	30 years	OSHA
	Workplace injury reports	5 years	OSHA
	Training	5 years	OSHA
	HIPPA	6 years after the day they were created or from the date when they were last in effect, whichever is longer	OCR, 45 CFR Parts 160 and 164
Performance, Discipline & Training			
	Performance evaluations	3 years after termination	Best practice
Hiring and recruiting			

Record Category	Record Type	Retention Period	Legal Basis
	Job postings, applications, resumes, interview notes	1 year	Title VII, ADA, ADEA
	Background Checks (non-hired)	1 year	FCRA
New Hire and Employment Eligibility			
	1-9 Forms	3 years after hire OR 1 year after termination (whichever is later)	IRCA
	New hire reporting	2 years	Federal
	MN New Hire Notice (Wage Theft Notice)	3 years	Minn. Stat. §177.30; §181.032
	Personnel Records	3 years After DOT Employment	EEOC
Payroll, Wage and Hour Records			
	Name, Address, Occupation, Rate of Pay Hours worked daily/weekly	3 years	Minn. Stat. §177.30; §181.032
	Employees Earnings Statements (W-4)	4 years	Minn. Stat. §177.30; §181.033
	Personnel Policies List	5 years	Minn, Stat § 177.30; §181.034
	Piece-rate details	6 years	Minn. Stat. §177.30; §181.035
	Wage Theft Notice and updates	7 years	Minn. Stat §177.30; §181.036
	Payroll records	3 years	Minn. Stat §177.30; FLSA (2-3 years)
	Timecards/ Time & Attendance	2 Years (federal); MN requires 3 years for hours worked	FLSA; Minn.Stat §177.30
	Pay rate history	3 years	MN +FLSA
	Disciplinary Actions	3 years after termination	Best Practice
	Training Records (non-safetly)	3 years	Best Practice
Employee Relations & Complaints			
	Harassment/EEO complaints	3 years after resolution	Titli VII
	Investigation files	3 years after resolution	EEOC guidance
	Grievances	3 years after resolution	Best Practice
Separation & Termination			
	Termination records	1 year	Title VII, ADA
	Final Payroll Documentation	3 years	Minn. Stat § 177.30
	Exit Interviews	3 years	Best Practice
	Non-compete/ confidentiality agreements	Indefinitely	Best Practice