

## **Record-Keeping Policy - Record Maintenance, Retention and Destruction**

### **Purpose**

The human resources (HR) department retains and destroys personnel records in accordance with [Company Name's] corporate policies on business records retention, as well as federal and state laws governing record retention. Below is an outline of the HR department's operating procedures for personnel record retention and destruction of documents when such retention periods have passed. If [Company Name's] retention procedure is not of sufficient duration for any state in which the company does business, this procedure will be superseded by state requirements.

The HR department maintains both employee record information and government compliance reports. Both are subject to the following retention requirements and destruction procedures.

### **Maintenance of Employee Records**

The following employee information records are maintained in segregated personnel files:

- 1) Pre-employment testing results and background check information.
- 2) I-9 forms.
- 3) Benefits plan and employee medical records.
- 4) Health and safety records.
- 5) General employee personnel records.

Government compliance reports are maintained in reverse chronological sequence and filed separately from the above employee information records.

### **Destruction of Employee and Applicant Records**

All paper personnel records and confidential employee data maintained by the HR department will be destroyed by shredding after retention dates have passed; this procedure pertains to all personnel records, not just those governed by the Fair and Accurate Credit Transactions Act (FACTA).

Employment application materials submitted by applicants who were never employed are also to be shredded.

When a confidential record must be discarded or destroyed, it shall be marked as confidential and given to the Administrative Services Department to be destroyed in accordance with the record destruction policies. Alternatively, hardcopy confidential records may be shredded using a locked shredder on the [Company Name] premises. In the case of remote employees, employees are discouraged from printing out or creating hard copies of confidential records where possible. If hard copies must be printed, created or kept, they should be stored in a locked cabinet, drawer or other secure location until they are no longer needed, or until the maximum retention period has ended. Remote employees must then destroy all confidential files by shredding them in a locked shredder on the [Company Name] premises, or otherwise rendering the documents unusable or unreadable.

Personnel records include electronic as well as paper records. The HR department will work with the IT department periodically but no less than twice annually to review and ensure that the

HR department's electronic records relating to employee information and compliance reports are properly purged.

### **Litigation Hold**

When [Company Name] is involved in or anticipates that it may be involved in litigation, the General Counsel's office will issue a litigation hold. This means that all documents relating to the litigation matter must be kept in order to preserve any potential evidence. If we fail to do so, [Company Name] can be sanctioned by the court for destroying evidence. A court has broad authority to impose these sanctions, which may include anything from unfavorable procedural rulings during a trial to payment of monetary damages.

In the event that the [Company Name] General Counsel announces a litigation hold on any or all [Company Name] records as a result of pending or anticipated litigation, all records covered by such litigation hold MUST NOT be discarded, deleted or destroyed. Further, the IT department will suspend the automatic deletion of emails for all individuals covered by the litigation hold. Any questions about the litigation should be directed to the General Counsel.

### **Retention of Terminated Employees' Records**

#### ***Record Types and Retention Periods***

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#### **Health & Benefits Records**

Health & Benefits Beneficiary Forms	Termination + 3 yrs.
Medical, Dental/Vision Plan Elections	Termination + 3 yrs.
Drug Test Results	Termination + 3 yrs.
Education Assistance Program Records	Termination + 3 yrs.
FMLA Leave Reports	Termination + 3 yrs.
USERRA Leave Records	Permanent
Toxic & Bloodborne Pathogens Records	Termination + 30 yrs.
Job Related Injuries & Illnesses Records	Termination + 5 yrs.

Reasonable Accommodation Records

Termination + 3 yrs.

**Pre-Employment/Employment Documents\***

Job Description

Termination + 3 yrs.

Position Requisition

Termination + 3 yrs.

Recruitment Notice/Job Ads

Termination + 3 yrs.

Employment Application/Resume

Termination + 3 yrs.

Interview Evaluation

Termination + 3 yrs.

Assessment Results

Termination + 3 yrs.

Background Check Information

Termination + 3 yrs.

References/Verifications

Termination + 3 yrs.

New-Hire Action Form

Termination + 3 yrs.

Offer Letter

Termination + 3 yrs.

Form I-9

Termination + 3 yrs.

EEO Data Form

Termination + 3 yrs.

Employee Policy Acknowledgements

Termination + 3 yrs.

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Conflict of Interest Statement	Termination + 3 yrs.
Intellectual Property Ownership/Nondisclosure	Termination + 5 yrs.
Employee Change Action Documents	Termination + 3 yrs.
Disciplinary Records	Termination + 3 yrs.
Employee Development Records	Termination + 3 yrs.
Position/Pay History Records	Termination + 3 yrs.
Employee Performance Reviews	Termination + 3 yrs.
International Assignment Documents	Termination + 3 yrs.
Relocation Agreement	Termination + 3 yrs.
Resignation Letter	Termination + 3 yrs.
Termination Action Form	Termination + 3 yrs.
COBRA Election Notice	Termination + 3 yrs.
Separation Agreement	Termination + 5 yrs.
Exit Interview Form	Termination + 3 yrs.
Unemployment Claim Records	Termination + 4 yrs.

\* *Note:* If an applicant is ultimately not hired, the above records should be retained for three (3) years after the no-hire decision is made.

## **Retirement**

401(k) Allocation Records	Termination + 4 yrs.
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401(k) Loan Payment Forms	Termination + 3 yrs.
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Pension Eligibility Records	Termination + 50 yrs.
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Request for Calculation	Termination + 4 yrs.
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Retirement Beneficiary Form	Termination + 50 yrs.
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## **Payroll/Tax**

Paychecks/stubs, W-2s, W-4s	4 yrs.
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Earnings Register	4 yrs.
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Employee Withholding	4 yrs.
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Expense Reports	3 yrs.
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Federal & State Payroll Tax Forms	4 yrs.
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Federal Forms 1099	4 yrs.
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Time Sheets/Cards	4 yrs.
Other Payroll Records	
Computer Loan Agreement	Termination + 5 yrs.
Direct Deposit Records	Termination + 4 yrs.
Garnishment Records	Termination + 4 yrs.
Final Payroll Deduction Checklist	Termination + 4 yrs.
<b>HR Policies &amp; Reports</b>	
EEO-1 Reports	Permanent
HR Policies	While current + 3 yrs.
State New-Hire Reports	3 yrs.
Affirmative Action Plans/Records	5 yrs.
Form 5500	6 yrs.
OSHA 300/300A	Posting date + 5 yrs.
VETS-4212 Reports	5 yrs.
[Company Name] Ethics Hotline Reports*	3 yrs.

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\* **Note:** If a [Company Name] ethics hotline report is related to an employee disciplinary matter or other type of record listed herein, then staff should follow the retention period for that particular type of record.