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Employment Record-Keeping and Retention Requirements

STATUTE	RECORDS TO BE RETAINED	PERIOD OF RETENTION
Title VII, Civil Rights Act of 1964 ("Title VII"); Americans with Disabilities Act ("ADA")	Any personnel or employment records made or kept, including but not limited to: <ul style="list-style-type: none"> • application forms • job advertisements • memoranda or other documentation re: hiring, firing, promotion, demotion, transfer, or layoff decisions • payroll records • job descriptions • employment handbooks • documentation re: training programs • employee evaluations • requests for reasonable accommodations 	One year from date record was made or personnel action was taken, whichever is later
	Records relating to any bias or discrimination charge, including but not limited to: <ul style="list-style-type: none"> • appraisals, job descriptions, payrolls and other records relating to charging party and all similarly-situated employees, and application forms or test papers from unsuccessful applicants and all other candidates for the same position 	Until final disposition of charge or action
	EEO-1 Forms (for employers with 100 or more employees)	A copy of the most recently filed report must be maintained
	Records on the impact of hiring procedures on women and minorities (for apprenticeship programs and employers with federal contracts)	Two years or period of apprenticeship (whichever is longer)
Age Discrimination in Employment Act ("ADEA")	Records on each employee containing name, address, date of birth, occupation, rate of pay and compensation earned each week	Three years
	Personnel or employment records related to job applications, resumes or other replies to job advertisements, promotion, demotion, transfer, layoff, recall or discharge, job orders submitted to employment agencies or labor organizations for recruitment of personnel, test papers of employer-administered aptitude tests, physical examination test results and advertisements	One year or, if relevant, until final disposition of enforcement action against employer
	Employee benefit plans, written seniority, or merit rating systems	One year after termination of plan
Fair Labor Standards Act ("FLSA") (including the Equal Pay Act of 1963)	Basic records relating to employee compensation, including but not limited to: <ul style="list-style-type: none"> • payroll records; including start and end of shift-daily • individual employment contracts or collective bargaining agreements • certificates and notices of Wage & Hour administrator • sales and purchase records 	Three years
	Supplementary basic records, including but not limited to: <ul style="list-style-type: none"> • basic employment and earnings records • wage rate tables • work time schedules • records of additions or deductions from wages paid • order, shipping and billing records • records of changes in compensation rates • documentation of basis for payment of any wage difference to employees of opposite sex 	Two years
	Certificates of Age	Until termination of employment

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Family & Medical Leave Act of 1993 ("FMLA")	Same records as FLSA. In addition, documentation related to FLMA leave, including, but not limited to: <ul style="list-style-type: none"> • dates and hours of FLMA leave taken • copies of leave policies • records of disputes with employees over FMLA benefits • copies of notices of leave submitted to the employer and of all FMLA notices distributed by the employer 	Three years
Immigration Reform and Control Act	USCIS Form I-9, Employment Eligibility Verification Form	Three years after date of hiring or one year after date of employee's termination, whichever is later
Occupational Safety and Health Act ("OSHA")	Log and summary of occupational injuries and illnesses (OSHA Form 300)	Five years
	Employee medical records	Duration of employment plus thirty years
	Employee exposure records	Thirty years
	Analyses using exposure or medical records	Thirty years
Employee Retirement Income Security Act ("ERISA")	Records regarding employees' health and/or welfare benefit plans, including, but not limited to: <ul style="list-style-type: none"> • benefit plans • summary plan descriptions 	Six years
Department of Labor	Records reflecting the benefits that are or may become due to any employee and name and address of each such employee	As long as any possibility exists that they may be relevant to a determination of benefits entitlement
Vietnam-Era Veterans' Readjustment Assistance Act (for employers with federal contracts or subcontracts exceeding \$100,000)	All personnel and employment records, including number of individuals hired; number of Vietnam-era veterans hired; and number of disabled veterans hired; and related documentation	Two years from the making of the record or the personnel action involved, whichever date is later or until the final disposition of a complaint or a compliance evaluation
	Records of complaints and actions taken under the Act	One year
Rehabilitation Act (for employers with federal contracts or subcontracts exceeding \$10,000)	Personnel records for employees with disabilities, including requests for reasonable accommodation; results of any physical examination; job advertisements and postings; applications and resumes; tests and test results; and interview notes	Two years from the making of the record or the personnel action involved, whichever date is later
	When discrimination complaints have been filed or compliance reviews have been initiated, personnel records relating to the aggrieved person and all other employees holding similar positions	Until final disposition
Executive Order 11246	Written affirmative action programs and supporting documents (for federal contractors and subcontractors required to adopt such plans)	Minimum of one year
	All personnel and employment records (for federal contractors and subcontractors)	Two years from the making of the record or the personnel action involved, whichever is later, or until the final disposition of a complaint or compliance evaluation

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PENNSYLVANIA		
Pennsylvania Unemployment Compensation Statute	All employment and payroll records, as well as other business records (e.g., cash books, journals, ledgers and corporate minutes) Daily attendance records	Four years Two years
Pennsylvania Human Relations Act	Any record, document and data pertaining to the employment, transfer, promotion and dismissal of employees and any application employment forms filled out by unsuccessful applicants Employment records relating to a complainant and other employees holding a position similar to a discrimination complainant; application forms filed by a complainant and other candidates for the same position	120 days following termination of employment; 120 days following the filing of any application forms. Until the final disposition of the complaint
Pennsylvania Child Labor Law	Records for each minor including name of school district issuing a permit, minor's date of birth, permit number, date of issue of permit, and minor's occupation	No specified period in statute. We recommend a three-year period
Prevailing Wage Act	Record showing the name, address, social security number, craft, number of hours worked each day in each craft, time cards, and hourly rate paid (for public works projects)	Two years
Pennsylvania Wage Payment & Collection Law	Employers who deduct money from wages should obtain written consent of the employee	The authorization should be retained for the full period of employment plus three years
Equal Pay Laws	Name, address, and wage rate of each employee	One year
Apprenticeship Programs	Records on each applicant, including gender; minority or nonminority; qualifications; evaluation; interviews; rates of pay; job assignment; promotion; demotion; termination Affirmative action plan	Five years Five years
Pennsylvania Industrial Homework Law	Records of the names, places of work, articles furnished, goods manufactured, wages paid, social security numbers, and certificate numbers of home workers	No specified period in statute, we recommend a three-year period
DELAWARE		
Wage Payment and Collection Act	Wage and hour records	Three years
Minimum Wage Act	Employee records, including name; address; occupation; wages; earnings for each pay period; and hours worked each day and each week Certificates granted by the Department of Labor for disabled workers who are employed at wages lower than the minimum wage pursuant to 19 Del. C. § 905	Three years Three years
Workers' Compensation	Record of all injuries, including name, location, and nature of business; name, age, sex, and occupation of injured employee; and time, nature, and cause of injury	Indefinitely
Child Labor Law	Employment certificate for each minor	During period of minor's employment
Unemployment Insurance	Payroll records, including beginning and ending dates of each pay period; and total remuneration paid during each pay period Employee records, including name; social security number; wages; hour records; and dates of hire, rehire, return, and separation	Four years Four years

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NEW JERSEY		
Child Labor Law	Records for each employee under the age of 18, including name; address; date of birth; hours worked each day; hours of beginning and ending such work; hours of beginning and ending meal periods; and wages	One year
	Employment certificate or special permit for each employee under the age of 18	No period specified
Wage Payment Law	Employee and payroll records for each employee, including name; address; hours worked each day and each week; wages; and earnings	Six years
Unemployment Compensation	Employee and payroll records, including beginning and ending dates for each pay period; name, address, and social security number of each employee; days worked by each employee; earnings for each pay period of each employee; and total remuneration paid to all employees	Five years
	Employment records, including date hired, rehired, and returned to work after temporary layoff; and date separated from employment and the reason for such separation	Five years
Workers' Compensation (for self-insured employers and statutory non-insured employers)	Final report of accident	Ten years

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A Limited Liability Partnership Formed in Pennsylvania

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