

**CHART OF WORKPLACE DATA AND
RELATED LEGAL REQUIREMENTS**

Note: The information contained in the following chart attempts to connect a particular category of workplace information with the applicable federal retention requirements. Since many federal retention schemes do not address a particular category of workplace information, the following should not be accepted as an exhaustive analysis, but simply a guide for deeper inquiry including particular state or local retention requirements.

Information Type	Information Form	Retention Location	Length of Retention	Source	Comments
1. Race, Ethnic Identity: (optional) post-employment record, if permitted by state law.	Not specified	separate from personnel files	permanent	29 CFR 1602.13	Information necessary for completion of items 5 & 6 of Report EEO-1
2. Gender Identity: gender based pay records			2 yr	29 CFR 1602.12 29 CFR 1620.32	
3. Age Identity			3 yr	29 CFR 1627.3	

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Document Type	Document Form	Retention Location	Length of Retention	Source	Comments
4. Veteran identity: number of special disabled vets, Vietnam-era vets, and other protected vets; new employees hired during reporting period at each location; number of special disabled, Vietnam-era, and other protected vets hired.	VETS-100 Report	Not Specified in either 41 CFR or 38 USC 2012	Not Specified in either 41 CFR or 38 USC 2012	41 CFR 61-250.10 38 USC 2012	Applies to Federal Contractors and Subcontractors. VETS-100 reports must be submitted no later than September 30 of each year beginning September 30, 2001.
5. Applications, resume, responses to job ads, physical examinations and records pertaining to refusal to hire.	The EEOC has the power through the ADEA § 626, and Title VII § 790(c) to require production of any document or record they deem necessary consistent with their authority to investigate alleged violations.		1 yr from date of employment termination and 1 year from the making of the record or a personnel action.	ADEA § 626; 29 CFR 1627.3; Title VII §790(c); 29 CFR 1602.14;	Federal contractors see No. 35 below

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Document Type	Document Form	Retention Location	Length of Retention	Source	Comments
6. Hiring Documents (also rejection documents)	Not specified		1 yr. after date of record creation, or the date of the last personal action. If employee terminated-one year past date of termination. Where a charge of discrimination has been filed or an action taken, records kept until final disposition of the charge or action.	29 CFR 1602.14 29 CFR 1627.3	Federal contractors see No. 35 below
7. Position/Job Description	The EEOC has the power through the ADEA § 626, and Title VII § 790(c) to require production of any document or record they deem necessary consistent with their authority to investigate alleged violations.		1627.3 requires 1 year past the last action taken on the docs.	29 CFR 1627.3 ADEA § 626;	

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9. Benefits: general (i.e. non-plan) records providing basis for all required "plan" descriptions or reports records pertaining to each employee-participant in the plan for determining benefits benefit plans, seniority merit systems	Electronic form permitted as replacement for paper documents		1 yr 6 yrs after filing date of document/ as long as relevant length of plan plus 1 yr	29 CFR 1602.14 29 CFR.2520.107-1 ERISA 29 USC 1027 29 CFR 1627.3	Federal contractors see No. 35 below
10. I-9, Eligibility and Verification documents			1 yr after termination (3 yrs after hiring or recruited or referred for a fee).	IRCA; 8 USC 1324(b)(1)(e)(3)	
11. Investigation: Criminal					
12. Investigation: Financial					Must destroy personal identifying information.
13. Investigation: Education					

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14. Investigation: Employment History					
15. Safety and Health log and summary of occupational illnesses/ injuries (exempt: retail trade, finance, insurance and real estate) (i.e. 2 digit SIC #) plus 3 digit industries with low avg. lost workday injury rate. Records of "significant adverse reactions" to health or environment (detailed information required)	OSHA 300 log- must be updated during retention period if applicable. OSHA Privacy Case List OSHA Annual Summary OSHA 301 Injury and Illness Incident Report May be kept in electronic form (variance petition required)		5yrs following year to which record relates 30 yrs for significant adverse reactions and allegations related to occupational exposure; 5 yrs for other allegations	29 CFR 1904.33(a) Toxic Substances Control Act 15 U.S.C. s/s 2601 et seq. (1976) 15 U.S.C. 2607	Sec. 1904.38 If you wish to keep records in a different manner, you must submit a variance petition to the Assistant Sec. Labor for OSHA, U.S. DOL Washington, DC 20210. Records required shall include consumer allegations of personal injury or harm to health, reports of occupational disease or injury, and reports or complaints of injury to the environment submitted to the manufacturer, processor, or distributor in commerce from any source.

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16. Medical: Medical condition, history, and examinations	Collected and maintained on separate forms	Kept in separate files		29 CFR 825.500 29 CFR 1627.3 29 CFR 1630.14; 41 CFR 60-250.23	

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<p>17. Selection</p> <p><i>Employers <100 employees:</i> Records by sex, race, and national origin of persons hired, promoted, and terminated for each job; number of applicants hired, and employees promoted;</p> <p>Selection procedures.</p>			<p>Collect information for 2 years after a noted adverse impact is eliminated</p> <p>29 CFR 1602.14 explains docs must be kept for 1 year past last personnel action.</p> <p>1 yr, and 1 year (Title VII) from any personnel action to which records relate</p>	<p>29 CFR 1607.15A(a)</p> <p>29 CFR 1602.14</p> <p>29 CFR 1627.3</p>	<p>Generally retention time not specified if no adverse impact noted.</p>
<p>18. Selection</p> <p><i>Employers ≥100 employees:</i> Records for each job showing whether selection process has adverse impact. If adverse impact, records of process component having adverse impact.</p>	EEO-1 reports		<p>Permanently for any period where adverse impact exists plus two years thereafter</p>	<p>29 CFR 1607.15</p>	

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19. Selection for training or apprenticeship (not apprenticeship records)			1 year from making the record, or 1 year from the date of termination or the final disposition of any discrimination or employment action.	29 CFR 1602.14	
20. Leave Records of FMLA compliance, e.g. dates and hours of leave taken, notices, leave policies and benefits, leave disputes	No particular form required but may be kept on microfilm or other basic source document of an automated data processing memory	Place of employment	3 years	29 CFR 825.500	
21. Requests for reasonable accommodation			1 year – less than 150 employees 2 years – 150 employees or more	29 CFR 1602.14; 41 CFR 60-741.80	Federal contractors see No. 35 below
22. Performance			1 year 2 years	29 CFR 1602.14; 41 CFR 60-741.80	Federal contractors see No. 35 below
23. Promotion/Transfer			1 year 2 years	29 CFR 1602.14; 41 CFR 60-741.80	Federal contractors see No. 35 below
24. Discipline/Demotion			1 year 2 years	29 CFR 1602.14; 41 CFR 60-741.80	Federal contractors see No. 35 below

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25. Lay-off			1 year 2 years	29 CFR 1602.14; 41 CFR 60-741.80	Federal contractors see No. 35 below
26. Termination			1 year – less than 150 employees 2 years – 150 employees or more	29 CFR 1602.14; 41 CFR 60-741.80	Federal contractors see No. 35 below
27. Ethics				Sarbanes	
28. Executives (CEO, COO, etc)				Sarbanes	
29. Board of Directors				Sarbanes	
30. Temporary (same as for regular employees plus job orders submitted to agencies or unions)			1 yr	ADEA sec. 401; 29 CFR 1627.3	
31. Claims, charges, lawsuit: <i>Title VII, ADA, ADEA:</i> Personnel records relevant to charge-includes records of aggrieved person and similarly situated persons	EEOC reserves the right to impose specific record-keeping requirements pertaining to each charge		Until final disposition; i.e. expiration of statute of limitations or termination of litigation, whichever is longer.	29 CFR 1602.12 29 CFR 1602.14; 29 CFR 1627.3; 41 CFR 60-741.80	

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Document Type	Document Form	Retention Location	Length of Retention	Source	Comments
32. Required Reports: EEO-1 <i>Employers ≥ 100 employees</i>		At reporting unit or headquarters;	A copy of the most recent report filed should be maintained	29 CFR 1602.07	Employers with 100 or more employees
33. Required Reports: VETS-100 <i>Federal contractors ≥ \$10,000 contract</i>			1 yr	38 USC 20012 (d)	
34. Required Reports: AAP and supporting documents of <i>Federal contractors ≥ \$50,000 contract, federal depository, or issuing and paying agent for US savings bonds and notes) with 50 or more employees</i>			Current and preceding year	41 CFR §60-1.12(b) 41 CFR §60-1.2	
35. <i>Note:</i> <i>Personnel and employment record of federal contractor with ≥150 employees and \$150,000 contract</i>			2 yrs from date of record or personnel action, whichever longer	41 CFR 60-1.12(a)	