

Faulkner HR Solutions

Records Retention Quick Guide

Practical Compliance Tool – Updated for September 2025

Redesigning the Way Organizations Grow



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Record Type	Retention Period	Federal Requirement	Texas Requirement	Notes / Best Practices
Hiring Records (applications, résumés, interview notes)	1 year	Title VII, ADA, ADEA (29 CFR §1602.14)	Aligns with federal	If applicant is hired, move to personnel file
Job Advertisements & Postings	1 year	Title VII (29 CFR §1602.14)	Aligns with federal	Includes internal/external postings
I-9 Forms	3 years after date of hire, or 1 year after termination, whichever is later	IRCA (8 CFR §274a.2)	Aligns with federal	Maintain separately from personnel files
Employee Personnel Files	3 years after termination (recommended)	No federal law sets total personnel file requirement	1 year after termination (Texas Payday Law)	Include performance reviews, promotions, etc.
Payroll Records	3 years	FLSA (29 CFR §516.5)	3 years (Texas Labor Code §62.0025)	Includes wage rates, timecards, schedules
Time Cards / Work Schedules	2 years	FLSA (29 CFR §516.6)	Aligns with federal	Part of payroll documentation
Wage & Hour Records (deductions, piece rates, tip records)	3 years	FLSA (29 CFR §516.5, §516.6)	Aligns with federal	Keep detailed for DOL audits
Benefit Plan Documents (Pension, 401(k), Health)	6 years	ERISA (29 USC §1027)	Aligns with federal	Include SPDs, Form 5500, plan amendments
Leave Records (FMLA, Military Leave)	3 years	FMLA (29 CFR §825.500)	Aligns with federal	Include leave requests, notices, medical certs
Injury & Illness Logs (OSHA 300, 301, 300A)	5 years	OSHA (29 CFR §1904.33)	Aligns with federal	Must be kept on-site
Drug Testing Records (DOT-regulated)	5 years (positive tests, refusals); 1 year (negatives)	DOT (49 CFR §382.401)	Aligns with federal	Applies to safety-sensitive positions
Training Records (safety, harassment, compliance)	3 years (recommended); 5 years for OSHA training	OSHA (varies); EEOC best practice	No Texas-specific requirement	Retain longer if litigation is possible
Equal Employment Opportunity (EEO-1 Reports)	1 year	EEOC (29 CFR §1602.7, §1602.14)	Aligns with federal	Required for employers with 100+ employees
Discipline Records	3 years after termination (recommended)	No federal mandate	1 year after termination	Include warnings, suspensions, PIPs
Separation/Termination Records	1 year (minimum)	ADEA, Title VII (29 CFR §1627.3(b))	1 year after termination (Texas Payday Law)	Includes resignation letters, exit interviews

Workers' Compensation Claims	5 years from closure	Varies by state	5 years (Texas Labor Code §409.006)	Retain longer if litigation is possible
Unemployment Insurance Records	4 years	FUTA (IRS Pub. 15)	4 years (Texas Workforce Commission)	Maintain wage and separation info
Tax Records (W-2, W-4, 941, 940)	4 years	IRS (26 CFR §31.6001-1)	Aligns with federal	Store securely for audits
Garnishments / Wage Attachments	3 years after termination or end of garnishment	CCPA (15 USC §1671)	Aligns with federal	Include court orders, correspondence
EEO / Discrimination Complaints	3 years or until case closed (whichever is longer)	Title VII, ADA, ADEA	Aligns with federal	Include investigations, findings, resolutions
HIPAA-related Records (if applicable)	6 years	HIPAA Privacy Rule (45 CFR §164.530(j))	Aligns with federal	Applies to self-insured health plans

Key Guidelines

- **Litigation Hold:** If litigation is anticipated or ongoing, do not destroy any related records, regardless of retention schedule.
- **Electronic Records:** Must be accessible, retrievable, and backed up securely. Retention rules apply equally to digital formats.
- **Confidential Records:** Ensure proper storage and access controls per HIPAA, ADA, and GINA requirements.