

TYPE OF RECORD	RETENTION PERIOD	APPLICABLE FEDERAL LAW(S)
<p>PRE-EMPLOYMENT RECORDS</p> <ul style="list-style-type: none"> • Job advertisements • Job applications/resumes • Responses to advertised job openings • Interview records • Records related to hiring decisions 	<p>1 year from the date of the personnel action or creation of document, including termination, whichever is later.</p>	<p>Age Discrimination in Employment Act (ADEA) Americans with Disabilities Act (ADA) Genetic Information Non-Disclosure Act (GINA) Title VII of the Civil Rights Act of 1964 (Title VII)</p>
<p>PERSONNEL/ EMPLOYMENT RECORDS</p> <ul style="list-style-type: none"> • Records related to failure to hire or to promotion, demotion, transfer • Performance evaluations • Records related to selection for training, layoff, recall or discharge • Job orders submitted to employment agencies or unions • Employer administered tests or physical exams used in making personnel decisions • Terminations/ separations • Reasonable accommodation documentation • Incentive pay documentation • Benefit plan/seniority systems 	<p>*For health centers with at least 150 employees and a federal government contract of at least \$150,000 personnel or employment records made or kept by the health center must be kept for <u>2 years</u> from the date of record entry or personnel action involved, whichever is later. If the health center has fewer than 150 employees or has a federal contract of less than \$150,000, the health center must keep the records for <u>1 year</u> from the date of record entry or personnel action involved, whichever is later.¹</p>	<p>Rehabilitation Act of 1973* Executive Order 11246* Vietnam Era Veterans' Readjustment Assistance Act*</p>

¹ NOTE: Note that federal grants are not government contracts. Accordingly, these requirements apply only to health centers that have a government contract in the threshold amount.

EEO-1 Report		
<p>PAYROLL RECORDS</p> <p>Basic Employee Information:</p> <ul style="list-style-type: none"> Employee information (e.g., basic information about employees including name, home address, date of birth, sex, occupation, Social Security number) <p>Compensation Records:</p> <ul style="list-style-type: none"> Records made in ordinary course of business relating to payment of wages, the basis for those wages and wage rates (e.g., hours worked (both straight and overtime)) Day and time of beginning of employee's workweek Hours worked each workday and workweek Straight-time earnings Overtime earnings Additions and deductions from wages for each pay period (e.g., taxes withheld, bonuses, contributions to benefit plans) Total wages per pay period 	<p>3 years</p> <p>5 years (while there are no specific retention requirements under the Lilly Ledbetter Fair Pay Act, best practices are to keep the records for the extent of the employee's employment plus AT LEAST 5 years)</p> <p>2 years (pursuant to the Equal Pay Act, health centers are required to retain compensation records that explain the difference in payment of wages as between members of the opposite sex)</p>	<p>Age Discrimination in Employment Act (ADEA) Fair Labor Standards Act (FLSA) Family Medical Leave Act (FMLA)</p> <p>Lilly Ledbetter Fair Pay Act</p> <p>Equal Pay Act (EPA)</p>

<ul style="list-style-type: none"> • Payment associated with fringe benefits including health and retirement benefits • Job evaluation, job descriptions, merit systems, seniority systems, collective bargaining agreements, description of practices or other matters that describe or explain the basis for payment of any wage differential to employees of the opposite sex in the same establishment, and which may be pertinent to a determination whether such differential is based on a factor other than sex 		
<p>DISABILITY ACCOMMODATION RECORDS</p> <ul style="list-style-type: none"> • Employee/ applicant requests for reasonable accommodations and documentation of communications between the health center and employee and the accommodations provided to the employee/ applicant (if applicable) 	<p>1 year from the date of making the record or of the personnel action, whichever is later. If the employee’s employment is terminated, the health center should retain the terminated employee’s personnel file for 1 year from the date of termination.</p>	<p>Americans with Disabilities Act as Amended (ADAAA) Rehabilitation Act Executive Order 11246 Vietnam Era Veterans Readjustment Assistance Act (VEVRAA)</p>
<p>AFFIRMATIVE ACTION PLANS</p> <ul style="list-style-type: none"> • Documentation of the following computations pertaining to applicants and hires on an annual basis: (1) number of 	<p>2 years (the current year and the immediately preceding year)</p>	<p>Rehabilitation Act of 1973 Executive Order 11246</p>

applicants who self-identified as individuals with disabilities; (2) total number of job openings and total number of jobs filled; (3) total number of applications for all jobs; (4) number of applicants with disabilities hired; and (5) total number of applicants hired

Copy of EEO-1 survey and self-identification forms (if applicable).

Affirmative Action Plan records including those related to:

- Health center's external dissemination of policy, outreach, and positive recruitment related to its affirmative action programs**
- Audit and reporting systems**
- Data collection analysis**
- Contractor's hiring benchmark for its affirmative action program related to individuals with disabilities and protected veterans**
- Documentation of the following computations pertaining to applicants and hires on an annual basis: (1) number of applicants who self-identified as protected veterans or who are otherwise known as protected veterans; (2) total number of job openings and total number of jobs**

3 years from the date of making the record

Vietnam Era Veterans Readjustment Assistance Act (VEVRAA)

<p>filled; (3) total number of applications for all jobs; (4) number of protected veterans hired; and (5) total number of applicants hired</p>		
<p>FAMILY MEDICAL LEAVE ACT (FMLA) RECORDS</p> <ul style="list-style-type: none"> • Basic payroll and identifying employee data, including name, address, and occupation; rate or basis of pay and terms of compensation; daily and weekly hours worked per pay period; additions to or deductions from wages; and total compensation paid. • Dates FMLA leave is taken by FMLA eligible employees (e.g., available from time records, requests for leave, etc., if so designated). Leave must be designated in records as FMLA leave; leave so designated may not include leave required under State law or an employer plan which is not also covered by FMLA. • If FMLA leave is taken by eligible employees in increments of less than one full day, the hours of the leave. • Copies of employee notices of leave furnished to the employer under FMLA, if in writing, and copies of all written notices given to employees as required under FMLA and these regulations (Copies may 	<p>3 years</p>	<p>Family Medical Leave Act</p>

<p>be maintained in employee personnel files).</p> <ul style="list-style-type: none"> • Any documents (including written and electronic records) describing employee benefits or employer policies and practices regarding the taking of paid and unpaid leaves. • Premium payments of employee benefits. • Records of any dispute between the employer and an eligible employee regarding designation of leave as FMLA leave, including any written statement from the employer or employee of the reasons for the designation and for the disagreement. 		
<p>FORM I-9 (EMPLOYMENT ELIGIBILITY VERIFICATION)</p> <ul style="list-style-type: none"> • Form I-9 • Documentation (if applicable) 	<p>3 years after hire date or 1 year after termination, whichever is later</p>	<p>Immigration Reform and Control Act (IRCA) Immigration and Nationality Act (INA)</p>
<p>SAFETY RECORDS</p> <ul style="list-style-type: none"> • Training records related to health and safety • Records of injuries and illnesses • Records of employee exposure to hazardous materials and blood-borne pathogens • Employee medical records 	<p>5 years following the end of the calendar year that these records cover.</p> <p>Length of employee's job tenure plus thirty (30) years</p>	<p>Occupational Health & Safety Act (OSHA)</p>

	<p>Length of employee's job tenure plus thirty (30) years</p> <p>**If an employee works for less than one year at the health center, the health center does not need to keep the employee's medical records as long as they are provided to the employee upon termination of employment</p>	
<p>TAX RECORDS</p> <ul style="list-style-type: none"> • Employer identification number. • Amounts and dates of all wage, annuity, and pension payments. • The fair market value of in-kind wages paid. • Names, addresses, social security numbers, and occupations of employees. • Any employee copies of Form W-2 that were returned to the health center as undeliverable. • Dates of employment. • Periods for which employees were paid while absent due to sickness or injury and the amount and weekly rate of payments the health center or third-party payers made to them. 	<p>4 years after tax is due or tax is paid, if later</p>	<p>Federal Insurance Contribution Act (FICA) Federal Unemployment Tax Act Internal Revenue Code</p>

<ul style="list-style-type: none"> • Copies of employees' and recipients' income tax withholding certificates (Forms W-4, W-4P, W-4S, and W-4V). • Dates and amounts of tax deposits made. • Copies of returns filed. • Records of fringe benefits provided, including substantiation. 		
<p>EMPLOYEE RETIREMENT RECORDS</p> <p>Employee benefit plan documents Summary plan descriptions Form 5500</p>	<p>6 years (**retain all records used to establish benefits currently due/due in the future for all employees participating in the plan for the entire period of time in which they are relevant)</p>	<p>Employee Retirement Income Security Act (ERISA)</p>
<p>CONTINUATION OF HEALTH BENEFIT RECORDS (COBRA RECORDS)</p>	<p>Although there are no specific statutory requirements, it is recommended that employers retain copies of notices of general applicability (explaining employer obligations and employee rights) indefinitely, and copies of specific notices to employees (those provided to individual employees) and completed employee election</p>	<p>Consolidated Omnibus Budget Reconciliation Act (COBRA)</p>

forms for a 6 year period to mirror the minimum retention period associated with ERISA.