

Document Retention Requirements for NY Employers



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DOCUMENT RETENTION REQUIREMENTS

In accordance with federal and New York State law, employers must keep and not discard various employment documents for a specified period of time. The person charged with the administration of personnel files and applications is responsible for ensuring that the required information is retained in conformity with the following guidelines:

Type of Records	Retention Period	Coverage
Payroll records and any information regarding an employee's pay	6 years from the date that a New York employee terminated employment. For employees in other states, at least 3 years post-termination.	All employers with at least 1 employee for purposes of the Fair Labor Standards Act and the New York Labor Law
Workers' Compensation Records, including records of all injuries sustained by an employee, including the workers' name, occupation, time and place of injury, and description of injury	18 years	Subject to certain exceptions, almost all employers in New York are covered by the Workers' Compensation Law
Immigration (I-9)	The later of (i) three years after the date of hire or (ii) one year after employment is terminated	All employers of employees
Employee benefit plans covered by ERISA (e.g., health and dental insurance, 401(k)s, long-term disability) and forms related thereto (e.g., Form 5500)	Plan level records must be maintained at least 6 years. Participant level records must be retained indefinitely	All employers covered by ERISA

Individual employment contracts	Six years from the date the contract is scheduled to terminate	All employers
Collective bargaining agreements	In perpetuity	All employers
Personnel files	Six years from the date the employment ended	All employers
Background checks and related records	Five years	All employers covered by the Fair Credit Reporting Act
EEO-1 Reports	At least five years	Employers with 100 or more employees
FMLA forms and related information	Three years	Employers with at least 50 employees
Wage Theft Prevention Act Form	Six years from date of form	All private employers in New York
Unemployment Insurance Records	Minimum of three years	All employers
Workers' Compensation and Disability Benefits Records	Records for the current calendar year and for the preceding three calendar years	All employers with 1 or more employees
New York Paid Sick Leave	Six years	Employers with at least 1 employee in New York
Records related to federal and state discrimination claims, including investigation files	Three years from the date the employee at issue terminated employment	Employers with at least 1 employee in New York State

<p>A log and summary of all recordable occupational injuries and illnesses for each establishment (Form 200) and a supplementary record (Form 101).</p>	<p>Five years</p>	<p>Employers under OHSA with 11 or more FT or PT employees</p>
<p>Employee exposure records on toxic substances and harmful physical agents (including environmental and biological monitoring information and material safety data sheets).</p>	<p>30 years</p>	<p>All employers covered by OSHA</p>
<p>OSHA-related employee medical records (including medical histories; examinations and test results; medical opinions and diagnoses; description of treatment and prescriptions; and employee complaints).</p>	<p>Duration of employment plus 30 years</p>	<p>All employers covered by OSHA</p>

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